



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

August 11, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Eric Stathes, Director
Hill City Oil Company
Shell Number 9047
PO BOX 4036
Houma, Louisiana 70361

Re: Agreed Order No. 5999 11

Dear Mr. Stathes:

Enclosed you will find a copy of Agreed Order No. 5999 11, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Mike Pigford at (601) 961-5052.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

Chris Sanders, P. E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Mike Pigford

Agency Interest No. 24712
ENF20110001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO: 5999 11

HILL CITY OIL COMPANY
PO BOX 4036
HOUMA, LA 70361

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and Hill City Oil Company, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and/or operates underground storage tanks (USTs) at an establishment known as Shell #9047 (I.D. #3702), 1745 Highway 27 South, Vicksburg, Mississippi, Warren County, and is subject to the provisions of the laws of this state governing the ownership/operation of USTs as specified in Mississippi Code Ann. § 49-17-401 et seq. and the rules and regulations of the Commission.

2.

Respondent was contacted by Complainant by letter dated January 11, 2011, and notified of the following violations:

- a. Failure to provide adequate release detection method/records for a UST system {280.40 - 280.45};
- b. Failure to meet UST system corrosion protection performance standards {280.20, 280.21 & 280.32}.

On May 27, 2011, Complainant imposed fuel delivery prohibition on Respondent's underground storage tanks at Shell #9047 (I.D. #3702).

3.

In lieu of a formal enforcement hearing, Respondent agrees to provide the following within sixty (60) days after this order has been executed by the MDEQ Executive Director or their designee:

- a. Documentation that adequate release detection has been provided for the tanks by the submittal of monthly monitoring well records;
- b. Documentation that the tanks have been retrofitted with an impressed current cathodic protection system;
- c. Documentation that the tank monitoring wells have been reconstructed so that the water level within the wells properly intersects the well casing slots;
- d. Documentation that the tank monitoring wells have been reconstructed so that they extend to a depth of at least one foot below the bottom of the deepest tank;
- e. Documentation that the shear valves have been properly anchored.

4.

Respondent further agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$20,000 for the matters addressed herein. Respondent shall pay this penalty to the Mississippi Department of Environmental Quality within thirty (30) days after this order has been executed by the MDEQ Executive Director or their designee. Until such time as Respondent demonstrates compliance with Paragraphs 3 & 4 of this order, Complainant shall leave in place the fuel delivery prohibition, except for the one time receipt of fuel necessary to complete compliance testing as required by Paragraph 3 above.

5.

Nothing in this Agreed Order shall limit the rights of the MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

6.

Nothing contained in this Agreed Order shall limit the rights of Complainant to take enforcement or other actions against Respondent for violations not addressed herein and for future

violations of environmental laws, rules, and regulations.

7.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Mississippi Code Ann. § 49-17-31 (Rev. 2003), and has made an informed waiver of that right.

ORDERED, this the 8 day of August, 2011.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 26 day of July, 2011.

BY: Eric Stathes

TITLE: Director

STATE OF LOUISIANA

COUNTY OF TERREBONNE

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named ERIC STATHES who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the DIRECTOR of Hill City Oil Company and is authorized to sign and enter this Agreement on its behalf.

SWORN AND SUBSCRIBED BEFORE ME, this, the 26 day of July, 2011.

Anastasia B. DeHart
NOTARY PUBLIC #40586

My Commission expires: AT DEATH

