

## Water Enforcement: Mississippi Department of Environmental Quality and Plano, Texas Well Operator Enter into Agreed Order



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05/12/2017

The Mississippi Department of Environmental Quality (“MDEQ”) and Denbury Onshore, LLC (“Denbury”) entered into an April 28th Agreed Order (“AO”) addressing an alleged violation of Miss. Code Ann. § 49-17-29(2)(a)(unlawful for any person to cause pollution of any waters of the state. . .).

The AO provides that Denbury is a Plano, Texas operator of a well in Heidelberg, Mississippi.

Denbury allegedly violated the previously referenced Mississippi statute in the following manner:

A well control event in the West Heidelberg Oil and Gas Field occurred that released carbon dioxide and potentially petroleum hydrocarbons in the intended formation, through water bearing formations, and onto the surface in violation of Miss. Code Ann. § 49-17-29(2)(a), which makes it unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any waste in a location where they are likely to cause pollution of the waters of the state (the “Incident”).

The AO requires that Denbury conduct groundwater monitoring of the Will Darty Well (“Well”) for at least eight consecutive quarterly sampling events until the well exhibits concentrations of constituents of concern (“CoCs”) below Target Remediation Goals for three consecutive sampling events. If no significant decrease of CoCs is observed in the well MDEQ may require:

- Corrective Action
- The installation of additional groundwater monitoring wells and/or
- Implementation of an institutional control on each impacted property

Denbury is provided the opportunity to petition MDEQ to monitor the groundwater sampling frequency based on certain criteria. A timeline for groundwater sampling and notification is also provided.

The previously described procedures do not apply if Mississippi Commission of Environmental Quality approved Environmental Covenants are negotiated with all impacted property owners.

Denbury is stated to neither admit nor deny MDEQ’s allegations and legal conclusions contained in Paragraph 1 of the AO.

The AO assesses a civil penalty of \$195,000.

[A copy of the AO can be downloaded here.](#)