

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6827 18

WARING OIL COMPANY, LLC  
431 PORT TERMINAL CIRCLE  
VICKSBURG, MISSISSIPPI 39183

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 Waring Oil Company, LLC, Respondent, in the above captioned cause and agree as follows:

1.

On June 13, 2017, the Mississippi Department of Environmental Quality's (MDEQ) Emergency Response Division (ER) received a request for assistance from the MDEQ's Field Services Division regarding an active discharge of oil from Waring Oil Company located in Biloxi, Harrison County, Mississippi. MDEQ's State On-Scene Coordinator (OSC) immediately enacted mitigation measures which included deployment of polypropylene boom in an effort to contain the petroleum product. Once contained, Respondent was advised that a discharge to waters of the state occurred and to implement the company's Spill Prevention, Control, Countermeasure (SPCC) Plan. Respondent complied by conducting site stabilization, remediation, and removal efforts from June 13, 2017 – June 16, 2017 through an environmental contractor. MDEQ's OSC transferred the project to maintenance phase on June 16, 2017 at 0800. By letter dated August 11, 2017, Respondent was contacted by Complainant and notified of the

following violation:

- A. Mississippi Code § 49-17-29 (2)(a): Except as in compliance with paragraph (b) of this subsection, it is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state. *The responsible party experienced a petroleum release event that discharged approximately 250 gallons of petroleum product that impacted waters of the state as a result of the discharge.*

MDEQ's On Scene Coordinator determined that no further cleanup action was required by Respondent once the maintenance phase ended.

2.

In lieu of a formal enforcement hearing concerning the violation listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$8,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
P.O. Box 2339  
Jackson, MS 39225

3.

Nothing in this Agreed Order shall limit the rights of 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.

4.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not

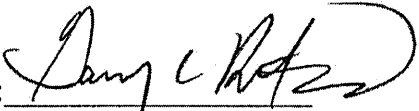
addressed herein and for future violations of environmental laws, rules, and regulations.

5.

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

ORDERED, this the 13<sup>th</sup> day of JANUARY, 2018.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY:   
GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 28<sup>th</sup> day of December, 2017.

WARING OIL COMPANY, LLC

BY: Howard C. Waring

TITLE: Manager

STATE OF Mississippi

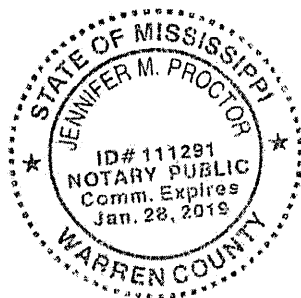
COUNTY OF Warren

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Howard C. Waring who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Manager of Waring Oil Company, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 28<sup>th</sup> day of December, 2017.

Jennifer M. Proctor  
NOTARY PUBLIC

My Commission expires: 1/28/19





STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

January 19, 2018

**CERTIFIED MAIL #7010 1670 0000 1400 0160**

Mr. Howard Waring  
Waring Oil Company  
12202 Shriners Blvd.  
Biloxi, Mississippi 39532

**Re: Waring Oil Company  
Agreed Order No. 6827 18**

Dear Mr. Waring:

Enclosed you will find a copy of Agreed Order No. 6827 18, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Cody Fisher at (601) 961-5065.

Sincerely,

A handwritten signature in black ink, appearing to read "Cody Fisher".

Cody Fisher, P.E., BCEE  
Chief, Emergency Response and Preparedness Division

Agency Interest No. 72266  
ENF20170002