

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

**6810 17**

MAGNOLIA MARINE TRANSPORT  
697 HAINING ROAD  
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 Magnolia Marine Transport, Respondent, in the above captioned cause and agree as follows:

1.

On July 5, 2017, MDEQ received a report that approximately 500 barrels (bbls) were released into the Yazoo River, Vicksburg, Warren County, MS from a river barge owned and operated by Respondent that was in the process of offloading. MDEQ representatives reported to the scene and the actual amount of the release estimated to be closer to 5 bbls. Respondent reported the incident to the National Response Center and assumed associated cleanup costs as MDEQ's On Scene Coordinator oversaw cleanup operations. Active cleanup occurred on the water from July 5 – 7, 2017, as oiled debris continued to be collected and disposed while boom remained in place. The spill impacted soil on the levees and in the water of the Yazoo River. By letter dated September 6, 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 crude oil release event that discharged in excess of 5 barrels of crude oil and 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 on July 20, 2017.

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 7<sup>th</sup> day of NOVEMBER, 2017.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 1 day of November, 2017.

Magnolia Marine Transport

BY: James K. Smith

TITLE: Director of Compliance

STATE OF Mississippi

COUNTY OF Warren

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named James K. Smith who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Director of Compliance of Magnolia Marine Transport and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 1 day of Nov., 2017.

Bernadette Miller  
NOTARY PUBLIC

My Commission expires: Nov. 12, 2019

