



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 06 2012

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kevan Stanley
President
IND-Oil, Inc.
P.O. Box 843
Waynesboro, Mississippi 39367

Re: IND-Oil, Inc. Consent Agreement and Final Order (CA/FO)
Docket Number: CWA-04-2012-5132(b)

Dear Mr. Stanley:

A copy of the executed Consent Agreement and Final Order (CA/FO) filed with the Regional Hearing Clerk (RHC) in the above-referenced matter is enclosed. The CA/FO is effective on the date it is filed with the RHC, and the penalty due date is calculated from the effective date.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts IND-Oil, Inc. on notice of its potential duty to disclose to the Securities Exchange Commission any environmental actions taken by the United States Environmental Protection Agency.

If you have any questions, please feel free to contact me at (404) 562-8530.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Busó".

Roberto X. Busó
Assistant Regional Counsel
Office of Environmental Accountability

Enclosures

cc: James I. Palmer, Jr.
Butler, Snow, O'Mara, Stevens, and Cannada, PLLC
1200 Jefferson Avenue, Suite 205
Oxford, Mississippi 38655

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF)
IND-Oil, Inc.)
713 ½ Court Street)
Waynesboro, Mississippi 39367)
Respondent)
_____)

CWA SECTION 311 CLASS I
CONSENT AGREEMENT AND
FINAL ORDER
UNDER 40 C.F.R. § 22.13(b)

Docket No. CWA-04-2012-5132(b)

HEARING CLERK

2012 SEP - 6 PM 3:45

RECEIVED
EPA REGION IV

I. LEGAL AUTHORITY

1. This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 311(b)(6)(B)(i) of the Clean Water Act (“CWA”), 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and under the authority provided by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2). The Administrator has delegated these authorities to the Regional Administrator of the EPA, Region 4, who has in turn delegated these authorities through the Director, RCRA Division, to the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division (“Complainant”).

II. CONSENT AGREEMENT

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law, and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this Consent Agreement and Final Order (“CAFO”), and Respondent hereby agrees to comply with the terms of this CAFO. For purposes of this CAFO and settlement of this action, Respondent admits to the jurisdictional statements contained herein.

III. STIPULATIONS

3. Respondent, IND-Oil, Inc., is a corporation organized under the laws of the State of Mississippi. Respondent is a person within the meaning of Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7).

4. Respondent is the “owner” and “operator,” within the meaning of Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), of a petroleum product storage facility located at 713 ½ Court Street, Waynesboro, Mississippi (“Facility”). The Facility includes storage tanks with a total capacity of approximately 200,000 gallons of “oil” (lube oils, diesel fuel, and other oil products), as that term is defined in Section 311(a)(1) of the CWA, 42 U.S.C. § 1321(a)(1).

5. The Facility is an “onshore facility” within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10).

6. A drainage ditch is located within the property boundary of the Facility. This drainage ditch flows into an unnamed tributary of Jones Branch, which then flows into Jones Branch. Jones Branch is a tributary of the Chickasawhay River.

7. The drainage ditch mentioned in the preceding Paragraph is a navigable water as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1, and is therefore subject to the jurisdiction of Section 311 of the CWA, 33 U.S.C. § 1321.

8. Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), prohibits the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in such quantities as may be harmful.

9. Pursuant to Section 311(b)(4) of the CWA, 33 U.S.C. § 1321(b)(4), the criteria for determining the quantities of oil that may be harmful and thereby prohibited under Section 311(b)(3), 33 U.S.C. § 1321(b)(3), are codified at 40 C.F.R. § 110.3 to include discharges of oil that cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

IV. ALLEGATIONS

Complainant alleges, and Respondent neither admits nor denies, that:

10. On or about December 25, 2008, Respondent discharged approximately 100 gallons of oil, as defined by Section 311(a)(1) of the CWA, 33 U.S.C. § 1321(a)(1), from its Facility into or upon a navigable water and its adjoining shorelines.

11. The discharge described above caused a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines or caused a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines and, therefore, was in a quantity that has been determined to be harmful under 40 C.F.R. § 110.3.

12. Accordingly, Respondent violated Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3).

V. WAIVER OF RIGHTS

13. Solely for the purpose of this CAFO, Respondent waives the right to contest the allegations contained herein, to a hearing under Section 311(b)(6)(B)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(i), to appeal any Final Order in this matter under Section 311(b)(6)(G)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(G)(i), and consents to the issuance of a Final Order without further adjudication.

VI. PENALTY

14. Respondent consents to the payment of a civil penalty of Seven Hundred Fifty Dollars (\$750).

15. By executing this CAFO, Respondent certifies that all violations alleged herein have been corrected.

VII. PAYMENT TERMS

Based on the foregoing, the parties, in their own capacity or by their attorney or authorized representatives, hereby agree that:

16. No later than thirty (30) days after the effective date of the Final Order, Respondent shall pay the penalty by means of a corporate cashier's or certified check, by electronic funds transfer ("EFT"), or on-line. If paying by check, Respondent shall submit a corporate cashier's or certified check, payable to "Environmental Protection Agency." The check shall bear the notation "OSLTF – 311," along with the title and docket number of this case.

If Respondent sends payment by the U.S. Postal Service, the payment shall be sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
Post Office Box 979077
St. Louis, Missouri 63197-9000

If Respondent sends payment by an overnight commercial delivery service such as DHL, FedEx or UPS, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
314-418-1028

If Respondent sends payment by wire transfer, the wire transfer should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

Respondent may also elect the On Line Payment Option, available through the Department of Treasury. This payment option can be accessed at www.pay.gov. Enter "sfo 1.1" in the search field and then open the form and complete the required fields.

17. Respondent shall submit copies of the check (or, in the case of a wire transfer or on-line payment, a copy of the wire transfer or on-line confirmation) to the following people:

Patricia Bullock
Regional Hearing Clerk
U.S. EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

and to:

Larry Lamberth, Chief
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

18. Penalties paid pursuant to this CAFO are not deductible for federal purposes under 26 U.S.C. § 162(f).

19. Respondent's failure to pay the penalty assessed by the Final Order in full by its due date may subject Respondent to a civil action to collect the assessed penalty, plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to Section 311(b)(6)(H) of the Act, 33 U.S.C. § 1321(b)(6)(H). In any such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

VIII. GENERAL PROVISIONS

20. The Final Order shall be binding upon Respondent and Respondent's officers, directors, agents, and successors or assigns.

21. The Final Order does not constitute a waiver, suspension or modification of the requirements of Section 311 of the CWA, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the Administrator or the United States to pursue any applicable

injunctive or other equitable relief or criminal sanctions for any violation of law. Payment of the penalty pursuant to this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts stipulated to and alleged herein.

22. The undersigned representative of Respondent hereby certifies that he or she is fully authorized to enter into and execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and the attached Final Order.

23. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents the EPA in this matter and who is authorized to receive service for the EPA in this proceeding:

Roberto X. Busó
Assistant Regional Counsel
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
404-562-8530
buso.roberto@epa.gov

24. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is to receive service for Respondent in this proceeding:

James I. Palmer, Jr.
Butler, Snow, O'Mara, Stevens, and Cannada, PLLC
1200 Jefferson Avenue, Suite 205
Oxford, Mississippi 38655
901-680-7350
Jimmy.Palmer@butlersnow.com

[SIGNATURES ON NEXT PAGE]

IX. EFFECTIVE DATE

25. This Consent Agreement and Final Order is effective when the Final Order is filed with the Regional Hearing Clerk.

CONSENTED AND AGREED TO:

By: IND-OIL, INC.

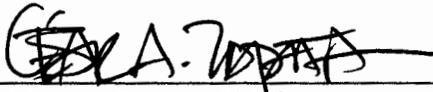
Date: 8-22-12



Kevan Stanley
President

By: U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 9/4/12



César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF)	CWA SECTION 311 CLASS I
)	CONSENT AGREEMENT AND
IND-Oil, Inc.)	FINAL ORDER
713 ½ Court Street)	UNDER 40 C.F.R. § 22.13(b)
Waynesboro, Mississippi 39367)	
)	
Respondent)	Docket No. CWA-04-2012-5132(b)
_____)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 6 day of September, 2012.

BY: Susan B. Schub
Susan Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the Foregoing Consent Agreement and Final Order, in the matter of IND-Oil, Inc., Docket No. CWA-04-2012-5132(b), on the parties listed below in the manner indicated:

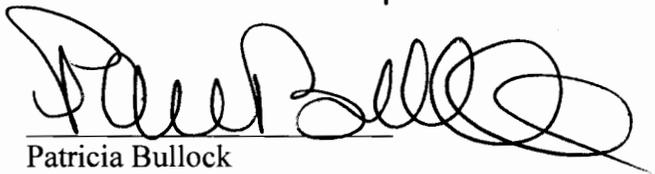
Roberto Busó (Via EPA's internal mail)
Assistant Regional Counsel
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Quantindra Smith (Via EPA's internal mail)
RCRA & OPA Enforcement and Compliance Branch
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

James I. Palmer, Jr. (Via Certified Mail)
Butler, Snow, O'Mara, Stevens, and Cannada, PLLC
1200 Jefferson Avenue, Suite 205
Oxford, Mississippi 38655

Kevan Stanley (Via Certified Mail)
President
IND-Oil, Inc.
P.O. Box 843
Waynesboro, Mississippi 39367

Dated this 6 day of September, 2012.



Patricia Bullock
Regional Hearing Clerk
U.S. EPA – Region 4
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61 Forsyth Street, SW
Atlanta, Georgia 30303-8960