



Department of
**Environment &
Conservation**

Underground Storage Tank Enforcement Update

Underground Storage Tanks and
Solid Waste Disposal Control Board
February 3, 2021

Rhonda Key, Environmental Manager

ENFORCEMENT OVERVIEW

The Division issued 8 orders between November 18, 2020 and January 20, 2021.

Of those orders, 1 is in Appealed status,
1 is in Final status, and
2 are in Final-Probation status.

Orders Resolved

The Division had 8 orders
resolved between
November 18, 2020
and
January 20, 2021.

Resolved Orders

Closed Order

Summary of CRF17-0001

Fac. ID No. 9-790815 / Lamar

- Director's Order signed April 19, 2018
- Order went final on May 19, 2018
- Settlement Agreement entered January 17, 2019
- Order for:
 - Causing and/or permitting a release from a UST system
 - Altering and/or operating USTs
 - Failing to conduct closure activities in accordance with the approved CAP
 - Failing to empty and clean tanks
 - Failing to excavate and remove tanks
 - Failing to immediately take interim free product removal measures to control free product
 - Failing to immediately remove product from USTs after a release
 - Failing to prevent further migration of petroleum into the surrounding environment
 - Failing to notify the Division one working day in advance of collection of samples
 - Failing to submit a PCR
 - Failure to cooperate
- Civil Penalty – \$75,000
- The probationary period has ended, and full civil penalty paid. The case is now closed.

Closed Order

Summary of UST16-0238

Fac. ID No. 2-471237 / Ian's Market No. 39

- Director's Order signed August 9, 2017
- Order went final on September 9, 2017
- Settlement Agreement entered August 13, 2019
- Order for:
 - Failing to have one or more persons designated as Class A Operator
 - Failing to monitor piping installed after July 25, 2007, for a release at least every 30 days
 - Failure to cooperate
- Civil Penalty – \$3,120.00
- Upfront – \$1,200.00
- Contingent – \$1,920.00

- The full civil penalty paid. The Respondent is no longer the owner of the facility. The case is now closed

Closed Order

Summary of UST17-0016

Fac. ID No. 9-790324 / MHC Truck Leasing, Inc.

- Director's Order signed August 9, 2017
- Order went final on September 6, 2020
- Settlement Agreement entered August 13, 2019
- Order for:
 - Failing to have one or more persons designated as Class A Operator
 - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to monitor tanks at least monthly
 - Failure to cooperate
- Civil Penalty – \$8,400.00

- The suspected release case has been closed and full civil penalty paid. The case is now closed.

Closed Order

Summary of UST18-0025

Fac. ID No. 4-890158 / TNT Country Store

- Director's Order signed July 8, 2019
- Order went final on September 13, 2019
 - Failing to conduct release detection for the kerosene tank
 - Failing to report a change in status within 30 days
 - Failing to conduct a Site Check
 - Failing to cooperate
- Civil Penalty – \$12,240.00
- Upfront – \$3,120.00
- Contingent – \$9,120.00

- The Division's Technical Section and State Contractor are conducting work at the site. The case is now closed.

Closed Order

Summary of UST18-0025

Fac. ID No. 3-060131 / Eagle Express

- Director's Order signed July 8, 2019
- Order went final on September 13, 2019
 - Failing to conduct release detection for the kerosene tank
 - Failing to report a change in status within 30 days
 - Failing to conduct a Site Check
 - Failing to cooperate
- Civil Penalty – \$8,400.00

- The suspected release has been closed and the civil penalty paid. The case is now closed.

Closed Order

Summary of UST18-0079

Fac. ID No. 2-130053 / Lee's Food Mart #2

- Director's Order signed September 18, 2018
- Order went final on December 2, 2018
- Settlement Agreement entered April 20, 2020
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to do monthly monitoring or conduct a line tightness test every 3 years on suction piping
 - Failing to cooperate
- Civil Penalty – \$31,200.00
- Upfront – \$13,200.00
- Contingent – \$18,000.00

- The probationary period has ended, and the civil penalty paid. The case is now closed.

Closed Order

Summary of UST19-0087

Fac. ID No. 3-331247 / Mapco 3692

- Director's Order signed September 20, 2019
- Order went final on October 20, 2019
 - Failing to monitor piping installed after July 25, 2007, for a release every 30 days
- Civil Penalty – \$2,000.00
- Upfront – \$400.00
- Contingent – \$1,600.00

- The probationary period has ended, and the civil penalty paid. The case is now closed.

Closed Order

Summary of UST20-0105

Fac. ID No. 2-470053 / Regal Traders LLC

- Director's Order signed November 4, 2020
- Order went final on December 12, 2020
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Civil Penalty – \$4,000.00
- Upfront – \$800.00
- Contingent – \$3,200.00

- The civil penalty has been paid. The case is now closed.

Appealed Orders

Appealed Order – In OGC

Summary of UST20-0108

Fac. ID No. 2-070127 / Gin-Mark LLC dba Jacksboro Spur

- Director's Order signed November 23, 2020
- Order appealed on January 6, 2021
- Order for:
 - Failing to submit a PCA
 - Failing to obtain Division approval prior to beginning closure of a UST system
 - Failing to notify the Division of a change in status of the USTs
 - Failing to provide documents, testing and monitoring records
- Civil Penalty – \$24,000.00

- The case has been appealed and is in OGC.

Final Orders

Final Order – In OGC

Summary of UST20-0120

Fac. ID No. 7-920154 / Perry's Shell

- Director's Order signed November 23, 2020
- Order went final on January 2, 2021
- Order for:
 - Failing to pay fees, penalties and interest on a tank
- The case is in OGC. The Respondent did not appeal within the deadline.

Final-Probation Orders

Final-Probation Order

Summary of UST20-0137

Fac. ID No. 2-450084/ Lakeview Market and Deli

- Expedited Director's Order signed December 1, 2020
- Final on January 4, 2021
- Violations Addressed on Director's Order:
 - Failing to monitor tanks at least monthly
- Penalty:
 - Upfront – Tank School
 - Contingent – \$6,400.00

- The request to attend tank school was received December 9, 2020.

Final-Probation Order

Summary of UST20-0125

Fac. ID No. 6-500202 / North End Market

- Expedited Director's Order signed November 23, 2020
- Final on December 28, 2020
- Violations Addressed on Director's Order
 - Failure to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
 - Upfront – Tank School
 - Contingent – \$6,000.00

- The request to attend tank school was received November 30, 2020.

Questions?

