Underground Storage Tank Enforcement Update

Underground Storage Tanks and Solid Waste Disposal Control Board
June 2, 2021

Rhonda Key, Environmental Manager
The Division issued 28 orders between January 21, 2021 and May 13, 2021.

Of those orders, 3 are in Appealed status and 6 are in Final-Probation status.
Appealed Orders
Summary of UST20-0133
Fac. ID No. 8-200092 / Ski Daddy’s LLC

- Director’s Order signed February 1, 2021
- Order appealed on March 11, 2021
- Order for:
  - Failing to install the solenoid required to correct for the slope from piping to tank top of the diesel UST
  - Failing to monitor the tanks and piping for a release at least every 30 days
  - Failing to provide documents, testing and monitoring records
- Civil Penalty – $21,120.00

- The case has been appealed and is in OGC
Appealed Order – In OGC

Summary of UST20-0138
Fac. ID No. 8-490140 / Midway Grocery No. 3

- Director’s Order signed March 24, 2021
- Order appealed on April 23, 2021
- Order for:
  - Failing to have one or more petroleum UST systems to have one or more persons designated as Class A, Class B and Class C Operators
  - Failing to provide documents, testing and monitoring records
- Civil Penalty – $4,560.00

- The case has been appealed and is in OGC
Summary of UST20-0141
Fac. ID No. 2-870012 / Friends Market and Deli

- Director’s Order signed February 5, 2021
- Order appealed on March 22, 2021
- Order for:
  - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
  - Failing to designate Class A, Class B and Class C operators
  - Failing to maintain records of impressed current cathodic protection rectifier inspections
  - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
  - Failing to operate and maintain corrosion protection system to provide continuous protection
  - Failing to provide documents, testing and monitoring records
- Civil Penalty – $32,800.00

The case has been appealed and is in OGC
Final-Probation Orders
Final-Probation Order

Summary of UST20-0089
Fac. ID No. 8-490073/ 866 Highway 51 North By-pass
- Expedited Director’s Order signed February 1, 2021
- Final on March 24, 2021
- Violations Addressed on Director’s Order:
  • Failing to use overfill prevention system
- Penalty:
  • Upfront – Tank School
  • Contingent – $2,000.00

- The request to attend tank school was received February 25, 2021
Final-Probation Order

Summary of UST20-0134
Fac. ID No. 2-070116 / Eagle Market

- Expedited Director’s Order signed February 1, 2021
- Final on March 11, 2021
- Violations Addressed on Director’s Order
  - Failing to perform annual line tightness tests
- Penalty:
  - Upfront – Tank School
  - Contingent – $8,000.00

- The request to attend tank school was received February 17, 2021.
Summary of UST20-0136
Fac. ID No. 5-830344 / Thornton’s, Inc. No. 610

- Expedited Director’s Order signed February 1, 2021
- Final on March 11, 2021
- Violations Addressed on Director’s Order
  - Failure to conduct annual line tightness test or do monthly monitoring on pressurized piping
- Penalty:
  - Upfront – Tank School
  - Contingent – $8,000.00

- The request to attend tank school was received February 17, 2021.
Summary of UST20-0144
Fac. ID No. 8-570386 / A and A One Stop

- Expedited Director’s Order signed March 2, 2021
- Final on April 18, 2021
- Violations Addressed on Director’s Order
  - Failure to monitor tanks at least monthly
- Penalty:
  - Upfront – Tank School
  - Contingent – $6,400.00

- The request to attend tank school was received March 24, 2021.
Summary of UST21-0018
Fac. ID No. 3-331146 / Mr. Zip Store No. 524

- Expedited Director’s Order signed March 30, 2021
- Final on May 7, 2021
- Violations Addressed on Director’s Order
  - Failure to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
  - Upfront – $400.00
  - Contingent – $1,600.00

- The upfront penalty was received and owner is on probation for one year.
Final-Probation Order

Summary of UST21-0027
Fac. ID No. 6-510025 / Nick and Bubba’s Market

- Expedited Director’s Order signed April 15, 2021
- Final on May 30, 2021
- Violations Addressed on Director’s Order
  - Failure to provide spill prevention equipment that will prevent a release of petroleum to the environment
- Penalty:
  - Upfront – Tank School
  - Contingent – $2,000.00

- The request to attend tank school was received April 30, 2021.
Questions?