



Department of
**Environment &
Conservation**

Underground Storage Tank Enforcement Update

Underground Storage Tanks and
Solid Waste Disposal Control Board
August 3, 2022

ENFORCEMENT OVERVIEW

The Division issued **20** orders
Between April 28, 2022 and July 8, 2022.

Of those 4 are Fund Eligibility Denial orders and 3
are the new Fund Deductible Orders.

Of the 16 orders, 1 is in Final-In Probation status, 1
was Non-Suited, 3 were Appealed , 2 went Final, 5
are in Signed status, and 4 are Signed-Pending SOP.

Final-Probation Order

Final-Probation Order

Summary of UST22-0003

Fac. ID No. 6-020157 / Circle K Store No. 4703719

- Fund Eligibility Deductible Amount Order signed May 9, 2022
- Final on June 17, 2022
- Violations on Order:
 - Failing to report a suspected release within 72 hours to the Division
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to conduct a system test when there is a suspected release to determine whether a leak exists in the tank or delivery piping or a breach exists in either wall of secondary containment
 - Failing to cooperate by failing to provide documents, testing, or monitoring records to the Division upon initial request
- Penalty:
 - Upfront Penalty: \$11,040.00
- The penalty has been paid and the facility is back in compliance.

Appealed Orders

Appealed Order

Summary of FED21-0004

Fac. ID No. 5-630294 / 41A Market

- Fund Eligibility Denial Order signed April 28, 2022
- Final on June 3, 2022
- Violations on Order:
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
 - Failing to comply with requirements concerning design, construction, utilization and/or upgrade of corrosion protection for tanks
 - Failing to file an application for fund eligibility within 90 days of a suspected release

- The appeal was received on May 23, 2022 and is currently in OGC.

Appealed Order

Summary of UST21-0184

Fac. ID No. 3-330437 / J. J. Food Mart

- Director's Order signed May 18, 2022
- Final on June 23, 2022
- Violations on Order:
 - Failing to conduct a systems test properly when there is a suspected release
 - Failing to conduct release detection monitoring at least monthly for a release
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to install, calibrate, operate or maintain a release detection method for tanks
 - Failing to conduct a site check properly when there is environmental contamination present
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$38,880.00
- The appeal was received on July 5, 2022 and is currently in OGC.

Appealed Order

Summary of UST22-0021

Fac. ID No. 2-450178 / Dandridge Point LLC

- Director's Order signed June 2, 2022
- Final on July 7, 2022
- Violations on Order:
 - Failing to conduct release detection monitoring at least monthly for releases
 - Failing to comply with requirements concerning design, construction, utilization and or upgrade of corrosion protection for piping
 - Failing to equip pressurized underground piping with automatic line leak detection
 - Failing to report a change of status for a UST system within 30 days
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$12,240.00
- The appeal was received on June 24, 2022 and is currently in OGC.

Appealed Order

Summary of UST22-0026

Fac. ID No. 3-610033 / Guru Krupa LLC

- Director's Order signed June 23, 2022
- Final on August 6, 2022
- Violations on Order:
 - Failing to test line leak detectors annually
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to monitor tanks at least monthly
 - Failing to maintain a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
 - Failing to comply with requirements concerning design, construction, utilization and or upgrade of corrosion protection for piping
 - Failing to have one or more persons designated as Class A and Class B operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$57,840.00
- The appeal was received on July 6, 2022 and is currently in OGC.

Final Orders

Final Order

Summary of UST22-0036

Fac. ID No. 3-060201 / Mr. Zip Store No. 529

- Director's Order signed May 2, 2022
- Final on June 9, 2022
- Violations on Order:
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to report a suspected release to the Division within 72 hours after the discovery of released petroleum, the occurrence of unusual operating conditions or the occurrence of monitoring results that indicate a release may have occurred
 - Failing to operate and maintain a corrosion protection system in accordance with a corrosion expert's design to provide continuous protection
 - Failing to keep spill catchments basins free of water, dirt, debris, etc.
 - Failing to monitor spill prevention equipment for UST systems no less frequently than walkthrough inspections are conducted or to test spill prevention equipment at least once every three years
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to inspect overfill prevention equipment at least once every 3 years
 - Failing to inspect containment sumps as part of the required annual walkthrough inspection
 - Failing to conduct a system test when there is a suspected release to determine whether a leak exists in the tank or delivery piping, or a breach exists in either wall of secondary piping
 - Failing to have one or more persons designated as Class A and Class B Operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$76,800.00
- The Order became final and is currently in OGC.

Final Order

Summary of UST22-0007

Fac. ID No. 3-580029 / Hale's Bar Marina

- Director's Order signed April 29, 2022
- Final on June 8, 2022
- Violations on Order:
 - Failing to conduct release detection monitoring at least monthly for releases
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to install, calibrate, operate or maintain release detection method for tank
 - Failing to ensure that cathodic protection system is tested every 3 years
 - Failing to inspect impressed current corrosion protection system every 60 days
 - Failing to comply with requirements concerning, design, construction, utilization, and or upgrade of corrosion protection for piping
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
 - Failing to keep spill catchment basins free of water, dirt, debris, etc.,
 - Failing to report a change of status for a UST system within 30 days
 - Failing to have one or more persons designated as Class A, Class B and meet Class C operator requirements
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$33,720.00
- The Order became final and is currently in OGC.

Final Orders From May 2022 Board Report

Final Order

Summary of UST21-0125

Fac. ID No. 4-210011 / Shiney Rock Market

- Director's Order signed January 11, 2022
- Final on March 2, 2022
- Violations on Order:
 - Failing to conduct release detection monitoring at least monthly
 - Failing to test line leak detectors annually
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for petroleum in sumps at least quarterly
 - Failing to report a change of status for a UST system within 30 days
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$41,760.00
- The Order became final and is currently in OGC. Demand letter issued May 26, 2022. No verification of delivery of mail received.

Final Order

Summary of UST21-0136

Fac. ID No. 2-470546 / Human's BP Service Station

- Director's Order signed February 7, 2022
- Final on March 9, 2022
- Violations on Order:
 - Failing to pay fees, penalties, and interest on a tank
 - Failing to provide a release detection method capable of detecting a release from a tank that routinely contains product
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$7,680.00
- The Order became final and is currently in OGC. **OGC processing Demand Letter.**

Final Order

Summary of UST21-0139

Fac. ID No. 8-570526 / Speedway Fuel Mart

- Director's Order signed January 11, 2022
- Final on February 27, 2022
- Violations on Order:
 - Failing to maintain spill prevention system that will prevent a release of petroleum to the environment when the transfer hose is detached
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to have one or more persons designated as Class A, and Class B Operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$9,360.00
- The Order became final and is currently in OGC. This case was referred to the Attorney General's Office June 20, 2022.

Final Order

Summary of UST21-0155

Fac. ID No. 9-791298 / Hollywood Amoco

- Director's Order signed January 11, 2022
- Final on February 27, 2022
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
 - Failing to have one or more UST systems designated as Class A, Class B and Class C operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$27,120.00
- The Order became final and is currently in OGC. Referral to AG drafted and under review.

Final Order

Summary of UST21-0172

Fac. ID No. 9-792205 / Grab N Go

- Director's Order signed February 7, 2022
- Final on March 9, 2022
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to have designated Class A and Class B operators
 - Failing to report a change of status within 30 days
 - Failing to install, calibrate, operate or maintain release detection
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$10,080.00

- The Order became final and is currently in OGC. **Verification provided disproving the automatic enforcement violation and facility has returned to compliance and must attend tank school.**

Final Order

Summary of UST21-0181

Fac. ID No. 5-830070 / Royal Market

- Director's Order signed February 11, 2022
- Final on March 28, 2022
- Violations on Order:
 - Failing to designate properly trained Class A and Class B Operators
 - Failing to provide Class C Operator Signage
 - Failing to provide a release detection method capable of detecting a release from a tank
 - Failing to inspect the impressed current rectifier every 60 days
 - Failing to conduct a tank system test on a UST system where the corrosion protection system has been turned off
 - Failing to ensure the spill buckets remain free of liquid
 - Failing to operate a release detection method for piping
 - Failing to monitor tanks at least monthly for a release
 - Failing to provide access to the under dispenser cabinet to determine if the shear valves are properly anchored
 - Failing to provide documents, testing, and monitoring records
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$37,680.00
- The Order became final and is currently in OGC. Verification was received that respondent was out of the country. The facility has returned to compliance and attended tank school.

Final Order

Summary of UST21-0183

Fac. ID No. 2-050331 / Altar'd State

- Director's Order signed January 24, 2022
- Final on February 31, 2022
- Violations on Order:
 - Failing to have one or more persons designated as Class A, Class B and Class C Operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$4,560.00
- The Order became final and is currently in OGC. Facility has returned to compliance and paid full civil penalty. Case will be closed.

Final Order

Summary of UST21-0191

Fac. ID No. 5-830092 / BM and Son, Inc.

- Director's Order signed February 11, 2022
- Final on March 23, 2022
- Violations on Order:
 - Failing to install any overfill prevention system
 - Failing to provide any cathodic protection for metal piping
 - Failing to designate Class A and Class B Operators with completed training
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$15,120.00
- The Order became final and is currently in OGC. Facility has returned to compliance and the respondent has attended tank school.

Appealed Order from May 2022 Board Report

Appealed Order

Summary of FED22-0001

Fac. ID No. 9-790812 / Hajjeh Express Center

- Fund Eligibility Denial Order signed March 22, 2022
- Final on April 25, 2022
- Violations on Order:
 - Failing to report a suspected release within 72 hours to the Division
 - Failing to submit a Hazard Notification Report Form to the Division within 72 hours after discovery
 - Failing to have spill prevention equipment that will prevent release of petroleum to the environment when the transfer hose is detached from the spill pipe
 - Failing to have adequate overfill prevention equipment
 - Failing to prevent releases due to spilling an overfilling for as long as the UST is used to store petroleum
- Penalty:
 - Total civil penalty: \$43,000.00
- The appeal was received on April 14, 2022 and is currently in OGC. **Case being set for court. Request for deposition for division staff and still pending.**

Appealed Order

Summary of UST21-0120

Fac. ID No. 5-830030 / Millersville Mart

- Director's Order signed February 23, 2022
- Final on April 3, 2022
- Violations on Order:
 - Failing to conduct line tightness test annually
 - Failing to use spill containment that will prevent a release into the environment
 - Failing to properly anchor emergency shut-off valves
 - Failing to properly train and designate Class A and Class B Operators
 - Failing to meet the Class C Operator requirement
 - Failing to test line leak detectors annually
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$31,680.00
- The appeal was received on March 21, 2022 and is currently in OGC. **Still in OGC-
No update.**

Appealed Order

Summary of UST21-0188

Fac. ID No. 8-570415 / Minor Food Mart No. 7

- Director's Order signed March 4, 2022
- Final on April 24, 2022
- Violations on Order:
 - Failing to provide release detection method capable of detecting a release from tanks that routinely contains product
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
 - Failing to ensure that cathodic protection system is tested every 3 years
 - Failing to keep spill catchment basins free of water, dirt, debris etc.
 - Failing to report a change of status for a UST system within 30 days
 - Failing to maintain the last 3 records of cathodic protection rectifier inspection
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$43,680.00
- The appeal was received on April 25, 2022 and is currently in OGC. **Facility returned to compliance and OGC negotiating Agreed Order.**

Appealed Order

Summary of UST21-0189

Fac. ID No. 5-190120 / Belle Meade Express

- Director's Order signed March 17, 2022
- Final on April 29, 2022
- Violations on Order:
 - Failing to use overfill prevention system that alerts the transfer operator when the tank is no more than 90% full
 - Failing to comply with requirements concerning design, construction, utilization, and or upgrade of corrosion protection for piping
 - Failing to conduct release detection monitoring at least monthly
 - Failing to install piping in accordance with manufacturer's instructions
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$6,000.00
- The appeal was received on April 19, 2022 and is currently in OGC. Facility returned to compliance and Agreed Order drafted. Respondent has not signed the order to date.

Appealed Order from December Board Report

Appealed Order – In OGC

Summary of UST21-0057

Fac. ID No. 2-470141 / JSN LLC dba EZ Food Mart

- Director's Order signed September 15, 2021
- Order appealed on October 22, 2021
- Order for:
 - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to comply with requirements concerning design, construction, utilization and/or upgrade of corrosion protection for tanks
 - Failing to conduct release detection monitoring at least monthly
 - Failure to cooperate with the Division
- Civil Penalty – \$6,000.00

- The case was appealed on 10/22/21 and is in OGC. No equipment availability. Should have issue resolved soon and an agreed order can be completed. hearing has been set. There is a delay in the facility returning to compliance due to supply issues. **Agreed Order still pending.**

Final Orders from December Board Report

Final Order-In OGC

Summary of UST21-0074

Fac. ID No. 9-791102 / Big D Perkins LLC

- Director's Order signed August 10, 2021
- Final on October 15, 2021
- Order for:
 - Failing to have one or more persons designated as Class A, Class B, and Class C operators
 - Failing to use a spill prevention system that will prevent release of petroleum to the environment when the transfer hose is detached
 - Failing to operate and maintain corrosion protection system to provide continuous protection
 - Failing to conduct 60-day rectifier inspections
 - Failing to conduct annual line leak detector tests
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to monitor tanks at least monthly
 - Failing to cooperate with the Division
- Civil Penalty – \$19,440.00

- The Order was not appealed, the facility has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. The facility returned to compliance and OGC will be working out a compromise and settlement agreement.
Compromise and settlement still pending.

Final Order-In OGC

Summary of UST21-0079

Fac. ID No. 8-570451 / Southside Express Inc.

- Director's Order signed July 20, 2021
- Final on August 28, 2021
- Order for:
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
- Civil Penalty – \$6,400.00

- The Order was not appealed, the facility had not provided verification of compliance, and the civil penalty has not been paid. The order became final. The facility has returned to compliance and OGC is working on the compromise and settlement. **Compromise and Settlement still pending.**

Final Order-In OGC

Summary of UST21-0080/UST22-0044

Fac. ID No. 2-130002 / Marvin and Son Market

- Director's Order signed July 20, 2021
- Final on September 12, 2021
- Order for:
 - Failure to have one or more persons designated as Class A, Class B and Class C operators
 - Failing to maintain the last 3 records of cathodic protection rectifier inspections
 - Failing to operate and maintain corrosion protection system to provide continuous protection
- Civil Penalty – \$8,400.00
- The Order was not appealed, the facility has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. OGC has issued a demand letter. **Permanent closure Order issued.**

Questions?

