



Department of
**Environment &
Conservation**

Underground Storage Tank Enforcement Update

Underground Storage Tanks and
Solid Waste Disposal Control Board
December 1, 2021

ENFORCEMENT OVERVIEW

The Division issued **25** orders
Between July 17, 2021 and November 2, 2021.

Of those orders, 1 is in Appealed status
and
5 are in Final status.

Appealed Order

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 June 7, 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 hearing has been set.

Final Orders

Final Order-In OGC

Summary of UST19-0106

Fac. ID No. 2-470917 / Ian's Market No. 40

- Director's Order signed June 11, 2020
- Final on October 24, 2021
- Order for:
 - Failure to monitor tanks at least monthly
- Civil Penalty – \$6,000.00

- 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. No hearing has been set.

Final Order-In OGC

Summary of UST21-0020

Fac. ID No. 2-471199 / Lee's Food Mart No. 122

- Director's Order signed August 26, 2021
- Final on October 7, 2021
- Order for:
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
- Civil Penalty – \$8,000.00

- 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. No hearing has been set.

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. No hearing has been set.

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 has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. No hearing has been set.

Final Order-In OGC

Summary of UST21-0080

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. No hearing has been set.

Final-Probation Orders

Final-Probation Order

Summary of UST21-0032

Fac. ID No. 3-330242 / Maniba-Chattanooga Corporation

- Expedited Director's Order signed August 19, 2021
- Final on September 27, 2021
- Violations Addressed on Director's Order:
 - Failing to monitor tanks at least monthly
- Penalty:
 - Upfront-Tank School
 - Contingent-\$12,800.00

- The request to attend tank school was received on September 10, 2021

Final-Probation Order

Summary of UST21-0054

Fac. ID No. 5-750469 / St. Andrews Market

- Expedited Director's Order signed August 26, 2021
- Final on September 27, 2021
- Violations Addressed on Director's Order:
 - Failing to monitor tanks at least monthly
- Penalty:
 - Upfront-Tank School
 - Contingent-\$12,800.00

- The request to attend tank school was received on September 10, 2021

Final-Probation Order

Summary of UST21-0056

Fac. ID No. 2-010198 / Norwood Marathon

- Expedited Director's Order signed September 15, 2021
- Final on October 15, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct an annual line tightness test
- Penalty:
 - Upfront-Tank School
 - Contingent-\$6,000.00

- Tank school attendance has been waived because the Respondent's representative completed tank school attendance in February 2021. The contingent civil penalty will be due if a violation occurs at the facility during a one-year period to commence on the date of receipt of this Order.

Final-Probation Order

Summary of UST21-0063

Fac. ID No. 5-830007 / Bethpage Store

- Expedited Director's Order signed September 23, 2021
- Final on October 29, 2021
- Violations Addressed on Director's Order:
 - Failing 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 on October 6, 2021

Final-Probation Order

Summary of UST21-0064

Fac. ID No. 2-730190 / VR Mart

- Expedited Director's Order signed August 10, 2021
- Final on September 21, 2021
- Violations Addressed on Director's Order:
 - Failing 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 on August 30, 2021

Final-Probation Order

Summary of UST21-0067

Fac. ID No. 2-050031 / Kush LLC

- Expedited Director's Order signed August 19, 2021
- Final on September 27, 2021
- Violations Addressed on Director's Order:
 - 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
- Penalty:
 - Upfront-Tank School
 - Contingent-\$6,000.00
- Tank school attendance has been waived because the Respondent's representative completed tank school attendance in June 2021. The contingent civil penalty will be due if a violation occurs at the facility during a one-year period to commence on the date of receipt of this Order.

Final-Probation Order

Summary of UST21-0070

Fac. ID No. 2-780125 / My Mart #2

- Expedited Director's Order signed August 26, 2021
- Final on October 17, 2021
- Violations Addressed on Director's Order:
 - Failing to use any overfill prevention system
- Penalty:
 - Upfront-Tank School
 - Contingent-\$4,000.00

- The request to attend tank school was received on October 15, 2021

Final-Probation Order

Summary of UST21-0072

Fac. ID No. 2-870015 / Booker's One Stop No. 1

- Expedited Director's Order signed July 26, 2021
- Final on August 29, 2021
- Violations Addressed on Director's Order:
 - Failing to tightness test the piping annually
- Penalty:
 - Upfront-Tank School
 - Contingent-\$6,000.00

- The request to attend tank school was received on July 29, 2021

Final-Probation Order

Summary of UST21-0075

Fac. ID No. 2-870039 / Booker's One Stop No. 2

- Expedited Director's Order signed July 26, 2021
- Final on August 29, 2021
- Violations Addressed on Director's Order:
 - Failing to tightness test the piping annually
- Penalty:
 - Upfront-Tank School
 - Contingent-\$6,000.00

- The request to attend tank school was received on July 29, 2021

Final-Probation Order

Summary of UST21-0078

Fac. ID No. 7-230219 / Tiger Express

- Expedited Director's Order signed September 13, 2021
- Final on October 23, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to conduct release detection monitoring at least monthly for releases
- Penalty:
 - Upfront-Tank School
 - Contingent-\$12,400.00
- The request to attend tank school was received on September 29, 2021

Final-Probation Order

Summary of UST21-0082

Fac. ID No. 5-190183 / Friends Market

- Expedited Director's Order signed October 7, 2021
- Final on November 16, 2021
- Violations Addressed on Director's Order:
 - Failing to install any overfill prevention system
 - Failing to install, calibrate, operate or maintain release detection method for piping
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
 - Upfront-Tank School
 - Contingent-\$14,400.00

- The request to attend tank school was received on October 15, 2021

Final-Probation Order

Summary of UST21-0091

Fac. ID No. 3-5801455 / Jasper Market

- Expedited Director's Order signed July 20, 2021
- Final on August 26, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
 - Upfront-Tank School
 - Contingent-\$8,000.00

- The request to attend tank school was received on August 6, 2021

Final-Probation Order

Summary of UST21-0092

Fac. ID No. 1-370152 / Stanley Valley Market

- Expedited Director's Order signed October 5, 2021
- Final on November 12, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
 - Upfront-Tank School
 - Contingent-\$4,000.00

- The request to attend tank school was received on October 13, 2021

Final-Probation Order

Summary of UST21-0093

Fac. ID No. 5-750437 / Nell Market

- Expedited Director's Order signed September 15, 2021
- Final on October 22, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
 - Upfront-\$1,600.00
 - Contingent-\$6,400.00

- The upfront civil penalty was paid on October 18, 2021.

Final-Probation Order

Summary of UST21-0108

Fac. ID No. 1-191277 / Avis Rent a Car (Nashville Maint. Facility)

- Expedited Director's Order signed October 5, 2021
- Final on November 13, 2021
- Violations Addressed on Director's Order:
 - Failing to monitor tanks at least monthly
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
- Penalty:
 - Upfront-\$1,920.00
 - Contingent-\$7,680.00

- The upfront civil penalty was paid on October 29, 2021.

Final-Probation Order

Summary of UST21-0109

Fac. ID No. 2-620147 / Circle K No. 4703624

- Expedited Director's Order signed August 27, 2021
- Final on October 4, 2021
- Violations Addressed on Director's Order:
 - Failing to perform monthly release detection monitoring for the diesel tank
- Penalty:
 - Upfront-\$1,280.00
 - Contingent-\$5,120.00

- The upfront civil penalty was paid on October 12, 2021.

Final-Probation Order

Summary of UST21-0113

Fac. ID No. 3-060229 / Tania Foodmart

- Expedited Director's Order signed August 27, 2021
- Final on October 9, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized piping
- Penalty:
 - Upfront-Tank School
 - Contingent-\$6,400.00

- The request to attend tank school was received on September 14, 2021

Final-Probation Order

Summary of UST21-0115

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

- Expedited Director's Order signed September 2, 2021
- Final on October 7, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized piping
- Penalty:
 - Upfront-Tank School
 - Contingent-\$4,000.00

- The request to attend tank school was received on September 27, 2021

Final-Probation Order

Summary of UST21-0116

Fac. ID No. 5-630466 / RaceTrac No. 2550

- Expedited Director's Order signed September 23, 2021
- Final on October 29, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized piping
- Penalty:
 - Upfront-Tank School
 - Contingent-\$10,000.00

- The request to attend tank school was received on October 11, 2021

Update to Appealed and Final Orders From Last Enforcement Update

Appealed Order

Summary of UST21-0024

Fac. ID No. 3-310048 / Palmer Market

- Director's Order signed May 18, 2021
- Order appealed on June 7, 2021
- Order for:
 - Failing to perform monthly release detection monitoring for the diesel tank
 - Failing to operate and maintain corrosion protection systems to continuously provide corrosion protection
 - Failing to install other system parts in accordance with manufacturer's installation instructions
 - Failure to cooperate with the Division
- Civil Penalty – \$15,840.00

- **Settlement has been reached. Respondent is paying \$3,168 in five monthly payments and will attend tank school. The remainder of the civil penalty is contingent will be due if they fail to comply with the settlement terms or if they have another AEV in one year from the settlement date.**

Final Order – In OGC

Summary of UST21-0052

Fac. ID No. 8-840038 / City Service Station No. 2

- Director's Order signed May 18, 2021
 - Final on June 19, 2021
 - Violations Addressed on Director's Order
 - Failure to monitor tanks at least monthly
 - Penalty:
 - Upfront – \$6,400.00
 - Contingent – \$0.00
-
- **No resolution to date**

Final Order – In OGC

Summary of UST21-0037

Fac. ID No. 9-791966 / Quick Mini Mart

- Director's Order signed May 26, 2021
- Final on June 19, 2021
- Violations on Director's Order
 - Failing to install other system parts in accordance with manufacturer's installation instructions
 - Failing to cooperate with the Division
- Penalty:
 - Upfront – \$2,400.00
- **No resolution to date.**

Questions?

