



Department of  
**Environment &  
Conservation**

# Underground Storage Tank Enforcement Update

Underground Storage Tanks and  
Solid Waste Disposal Control Board  
May 4, 2022

# ENFORCEMENT OVERVIEW

The Division issued **42** Orders between January 4, 2022 and April 27, 2022.

Of those Orders, 10 are Final-In Probation status, 1 was Non-Suited, 4 were Appealed, 1 was closed, 8 went Final, 9 are in Signed status, and 9 are Signed-Pending SOP.

# Update to August Orders

Of the two remaining Final cases from the August Board Report, one is still in-process. The other returned to compliance, the ownership issue was resolved, and the respondent is currently on probation.

# Update to December Appealed Order

The appealed Order has had an issue with the repair of the corrosion protection system, and the results are under technical review by the Division.

# Update to December Final Orders

Of the 5 Final Orders from December, one was money only and was closed as uncollectible, one paid the penalty in full and was closed, two returned to compliance and the compromise and settlements are in process, and one will be getting a Closure Order for being red-tagged for greater than six months.

# Final-Probation Orders

# Final-Probation Order

## Summary of FDA22-0002

Fac. ID No. 3-330479 / Circle K Store No. 4703600

- Fund Eligibility Deductible Amount Order signed March 15, 2022
- Final on April 21, 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 test line leak detectors annually
- Penalty:
  - Upfront Penalty: \$3,200.00 and Tank School
- The penalty has been paid and the request to attend tank school was received on March 25, 2022

# Final-Probation Order

## Summary of UST21-0159

Fac. ID No 4-210121/ Kwik-n-Ezy Food Store

- Expedited Director's Order signed January 11, 2022
- Final on February 26, 2022
- Violations on Order:
  - Failing to do monthly monitoring on pressurized underground piping
- Penalty:
  - Upfront-\$800.00
  - Contingent-\$3,200.00
- The upfront penalty was received, and the Respondent is on probation for one year



# Final-Probation Order

## Summary of UST21-0179

Fac. ID No 2-150058/ Kenjo Market No. 2

- Director's Order signed April 18, 2022
- Violations on Order:
  - Failing to conduct release detection monitoring at least monthly for releases
  - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
  - Failing to test line leak detectors annually
  - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
  - Failing to inspect impressed current corrosion protection systems every 60 days
  - 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 a log monthly inspections of spill catchment basins for 12 months
  - Failing to cooperate with the Division
- Penalty:
  - Total Civil Penalty: \$24,000.00
- The upfront penalty was received, and the Respondent is on probation for one year

# Final-Probation Order

## Summary of UST21-0169

Fac. ID No. 2-870037 / Hickory Star Resort & Marina

- Agreed Order signed April 18, 2022
- Addressed on Director's Order:
  - 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 operate and maintain corrosion protection system to provide continuous protection
  - Failing to conduct release detection monitoring at least monthly for releases
  - Failing to cooperate with the Division
- Penalty:
  - Upfront-\$1,200.00
  - Contingent-\$6,240.00
- The upfront penalty was received on May 19, 2022.

# Final-Probation Order

## Summary of UST21-0129

Fac. ID No. 0-330713 / TVA-Chattanooga Office Complex

- Expedited Director's Order signed January 24, 2022
- Final on February 31, 2022
- Violations Addressed on Director's Order:
  - Failing to conduct an 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 March 10, 2022

# Final-Probation Order

## Summary of UST21-0130

Fac. ID No. 0-330715 / TVA-Data Center

- Expedited Director's Order signed January 24, 2022
- Final on February 31, 2022
- Violations Addressed on Director's Order:
  - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
  - Upfront-Tank School
  - Contingent-\$2,000.00
  
- The request to attend tank school was received on March 10, 2022

# Final-Probation Order

## Summary of UST21-0157

Fac. ID No. 4-210121 / Kwik-n-Ezy Food Store

- Expedited Director's Order signed January 11, 2022
- Final on February 26, 2022
- Violations Addressed on Director's Order:
  - Failing to do monthly monitoring on pressurized underground piping
- Penalty:
  - Upfront-Tank School
  - Contingent-\$4,000.00
  
- The request to attend tank school was received on February 7, 2022

# Final-Probation Order

## Summary of UST21-0165

Fac. ID No. 5-191027 / AM Express No. 5

- Expedited Director's Order signed February 7, 2022
- Final on February 26, 2022
- Violations Addressed on Director's Order:
  - Failing to monitor tanks at least monthly
- Penalty:
  - Upfront-Tank School
  - Contingent-\$3,200.00
  
- The request to attend tank school was received on March 2, 2022

# Final-Probation Order

## Summary of UST21-0171

Fac. ID No. 5-830330 / Circle K No. 4703735

- Expedited Director's Order signed February 7, 2022
- Final on February 26, 2022
- Violations Addressed on Director's Order:
  - Failing to conduct annual line tightness testing
- Penalty:
  - Upfront-\$1,200.00
  - Contingent-\$4,800.00
  
- The upfront penalty was received on March 21, 2022

# Final-Probation Order

## Summary of UST21-0174

Fac. ID No. 5-190972/ Madison BP

- Expedited Director's Order signed January 24, 2022
- Final on February 31, 2022
- Violations Addressed on Director's Order:
  - Failing to conduct annual line tightness testing annually
- Penalty:
  - Upfront-Tank School
  - Contingent-\$6,000.00
  
- The Respondent attended tank school on March 9, 2022



# Non-Suit Order

# Non-Suit Order

## Summary of UST21-0134

Fac. ID No. 9-790657/ RMRM, Inc.

- Expedited Director's Order signed January 11, 2022
- Final on February 31, 2022
- Violations Addressed on Director's Order:
  - Failing to provide a release detection method capable of detecting a release from tanks that routinely contain product
  - Failure to cooperate with the Division
- Penalty:
  - Upfront-\$15,360.00 and Tank School
- The Division closed the case without an Order. TDOT seized the tanks in eminent domain action.

# Appealed Orders

# 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

# 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

# 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

# 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

# Closed Order



# Closed Order

## Summary of UST21-0121

Fac. ID No. 8840164 / Covington Shell

- Expedited Order signed January 25, 2022
- Final March 18, 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: \$20,800.00
- Per OGC, the Order was not properly served, therefore, under advice of OGC, the case was closed

# Final Orders

# 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

# 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

# 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

# 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

# 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

# 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



# 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

# 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

# Signed Orders

# Signed Order

## Summary of FDA22-0005

Fac. ID No. 4-670084 / West End BP

- Fund Deductible Amount Order signed March 15, 2022
- Final on April 29, 2022
- Violations on Order:
  - Failing to install any overfill prevention system
- Penalty:
  - Total civil penalty: Tank School
  
- The Order will become final on April 29, 2022

# Signed Order

## Summary of UST21-0127

Fac. ID No. 2-470530/ Nikinsaa LLC

- Director's Order signed February 28, 2022
- Final on April 21, 2022
- Violations on 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
  - Failing to test line leak detectors annually
  - Failing to operate and maintain corrosion protection system to provide continuous protection
  - Failing to maintain the last three records of cathodic rectifier inspections
- Penalty:
  - Total civil penalty: \$39,480.00
  
- The Order will become final on April 21, 2022

# Signed Order

## Summary of UST21-0146

Fac. ID No 3-060063/ Kishan Properties

- Director's Order signed January 24, 2022
- Final on May 11, 2022
- Violations on Order:
  - Failing to ensure that cathodic protection system is tested every 3 years
  - Failing to maintain the last 3 years of cathodic protection rectifier inspections
  - Failing to follow release investigation and confirmation steps within 30 days when there is a suspected release
  - Failing to report a change of status for a UST system within 30 days
  - Failing to cooperate with the Division
- Penalty:
  - Total Civil Penalty:\$6,000.00
- The Order will be final on May 11, 2022

# Signed Order

## Summary of UST21-0163

Fac. ID No. 4-890057/ Korner Market No. 217

- Director's Order signed March 22, 2022
- Violations on Order:
  - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
  - 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 install, calibrate, operate or maintain release detection method for tank in accordance with manufacturer's instructions
  - 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 a log of monthly inspections of spill catchment basins for 12 months
  - Failing to cooperate with the Division
- Penalty:
  - Total civil penalty: \$29,160.00
- The Order is currently out for delivery by private process server

# Signed Order

## Summary of UST21-0180

Fac. ID No. 5-190187/ XPO Logistics Freight, Inc.

- Director's Order signed February 28, 2022
- Final on April 07, 2022
- Violations on Order:
  - Failing to have designated Class A and Class B operators with completed training
  - Failing to keep spill catchment basins free of water, dirt, debris, etc.
  - Failing to ensure that piping that routinely contains petroleum and is in contact with the ground or standing water or other liquids is properly designed and constructed and/or properly upgraded
  - Failing to monitor tanks at least monthly
  - Failing to cooperate with the Division
- Penalty:
  - Total civil penalty: \$9,840.00



# Signed Order

## Summary of UST21-0192

Fac. ID No. 3-331301/ Island Oasis

- Director's Order signed February 23, 2022
- Final on May 11, 2022
- Violations on Order:
  - 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 test line leak detectors annually
  - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
  - Failing to conduct release detection monitoring at least monthly
  - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
  - Failing to cooperate with the Division
- Penalty:
  - Total civil penalty: \$9,840.00
- The Order will become final on May 11, 2022

# Signed Order

## Summary of UST22-0004

Fac. ID No. 2-471522/ Kroger Store No. 698

- Director's Order signed March 22, 2022
- Final on April 30, 2022
- Violations on Order:
  - Failing to properly maintain leak detection
  - Failing to register the three UST systems at the facility prior to the delivery of petroleum product
  - Failing to notify the Commissioner at least 15 days in advance of the date USTs are installed for storage of petroleum substances
  - Failing to submit a pre-installation notification form for all USTs and/or UST systems for which failing to certify installation of a new UST within 15 days following completion of the installation
  - Failing to submit notification of a UST system installation to the Division within 15 days
- Penalty:
  - Total civil penalty: \$24,150.00
- The Order will be final on April 30, 2022

# Signed Order

## Summary of UST22-0006

Fac. ID No 9-792096/ Big D Collierville

- Director's Order signed February 28, 2022
- Final on April 30, 2022
- Violations on Order:
  - Failing to monitor tanks at least monthly
  - Failing to cooperate with the Division
- Penalty:
  - Total civil penalty: \$3,840.00
  
- The Order will be final on April 30, 2022

# Signed Order

## Summary of UST22-0009

Fac. ID No 2-530006/ Ian's Market No. 82

- Director's Order signed February 28, 2022
- Final on May 7, 2022
- Violations on Order:
  - Failing to test line leak detectors annually
  - Failing to have one or more persons designated as Class A, Class B and Class C operators at a facility having one or more petroleum UST systems
  - 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 a log of monthly inspections of spill catchments basins for 12 months
  - Failing to cooperate with the Division
- Penalty:
  - Total civil penalty: \$19,680.00
- The Order will be final on May 7, 2022

# Signed Orders- Pending Service of Process

# Signed Order-Pending Service of Process

## Summary of FDA22-0003

Fac. ID No 5-940188/ Market Master

- Fund Eligibility Deductible Amount Order signed March 15, 2022
- Violations on Order:
  - Failing to operate and maintain corrosion protection system to provide continuous protection
- Penalty:
  - Total civil penalty: \$2,000.00
- The Order is currently out for delivery by private process server

# Signed Order-Pending Service of Process

## Summary of FED22-0004

Fac. ID No 9-792598/ Hop In No. 304

- Fund Eligibility Denial Order signed April 20, 2022
- Violations on Order:
  - Failing to submit the Application for Fund Eligibility within 90 days for the suspected release
- Penalty:
  - No monetary penalty has been assessed. The application for fund eligibility has been denied.
- The Order is currently out for delivery by private process server

# Signed Order-Pending Service of Process

## Summary of UST21-0173

Fac. ID No 1-300076/ Shanks Farm Supply

- Director's Order signed April 18, 2022
- Violations on Order:
  - Failing to operate tanks at least monthly
  - Failing to cooperate with the Division
- Penalty:
  - Total Civil Penalty: \$7,680.00
  
- The Order is currently out for delivery by private process server



# Signed Order-Pending Service of Process

## Summary of UST21-0175

Fac. ID No 4-210125/ Dekalb Market

- Director's Order signed March 4, 2022
- Violations on Order:
  - Failing to conduct 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 cooperate with the Division
- Penalty:
  - Total Civil Penalty: \$12,240.00
- The Order is currently out for delivery by private process server

# Signed Order-Pending Service of Process

## Summary of UST22-0002

Fac. ID No. 4-080063/ Blue Wing Market, Inc.

- Director's Order signed February 8, 2022
  - Violations on Order:
    - Failing to monitor the tanks at least monthly
    - Failing to conduct annual line tightness testing or monthly monitoring on pressurized piping
    - Failing to test line leak detectors annually
    - Failing to cooperate with the Division
  - Penalty:
    - Total civil penalty: \$17,280.00
- 
- The Order is currently out for delivery by private process server

# Signed Order-Pending Service of Process

## Summary of UST22-0005

Fac. ID No 8-570242/ Neighbor Foodmart

- Director's Order signed March 15, 2022
- Violations on Order:
  - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
  - Failing to ensure that cathodic protection system is tested within six months of installation and every 3 years thereafter
  - 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: \$17,520.00
- The Order is currently out for delivery by private process server

# Signed Order-Pending Service of Process

## Summary of UST22-0027

Fac. ID No 3-540154/ Quick Stop

- Director's Order signed April 18, 2022
- Violations on Order:
  - Failing to conduct release detection monitoring at least monthly for releases
  - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
  - Failing to test line leak detectors annually
  - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
  - Failing to inspect impressed current corrosion protection systems every 60 days
  - 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 a log monthly inspections of spill catchment basins for 12 months
  - Failing to cooperate with the Division
- Penalty:
  - Total Civil Penalty: \$24,000.00
- The Order is currently out for delivery by private process server

# Signed Order-Pending Service of Process

## Summary of UST22-0012

Fac. ID No 6-500181/ 43 Quik Stop

- Director's Order signed March 24, 2022
- Violations on Order:
  - Failing to monitor tanks for a release at least monthly
  - Failing to conduct an annual line tightness annually
  - Failing to keep spill buckets free of liquid
  - Failing to maintain a log of spill bucket inspections at least monthly
  - Failing to keep a log of quarterly dispenser inspections
  - Failing to test line leak detectors annually
  - Failing to conduct a cathodic protection test every 3 years
  - Failing to provide documents, testing or monitoring records to the Division
- Penalty:
  - Total Civil Penalty: \$24,960.00
- The Order is currently out for delivery by private process server

# Signed Order-Pending Service of Process

## Summary of UST22-0042

Fac. ID No 7-270227/ Country Side Market

- Director's Order signed April 20, 2022
- Violations on Order:
  - Failing to provide overfill prevention for UST system
  - Failing to designate a Class A and Class B operator
  - Failing to install other system parts in accordance with manufacturer's instructions
  - Failing to cooperate with the Division
- Penalty:
  - Total Civil Penalty: \$9,360.00
- The Order is currently out for delivery by private process server

# Final Orders from August Board Report

# Final Order

## 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
- The Order was served by private process server on May 5, 2021. The Order will become final on June 4, 2021. **Due to the respondent being seriously ill and unable to return the facility to compliance, the Division requested to use the fund to empty the tanks and place them properly TOS. Division staff will conduct CP test.**



# Final Order

## Summary of UST21-0037

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

- Director's Order signed May 26, 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
- The Order was served by private process server on June 24, 2021.  
Ownership issues were resolved, the facility returned to compliance and the order is now Final-On Probation.

# 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 hearing has been set. **There has been an issue with the repair to the corrosion protection system and the results of the test are under technical review.**

# Final Orders from December Board Report

# Final Order-In OGC

## Summary of UST19-0106

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

- Director's Order signed September 21, 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 determination was made that the expedited Order was uncollectible. So, the case was closed.**

# Final Order-In OGC

## Summary of UST21-0020

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

- Expedited 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, and the upfront penalty was not paid. The order became final. The case is in OGC. No hearing has been set. Demand letter sent by OGC on Dec. 20, 2021. **The full civil penalty was paid, and the case is closed.**

# 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.**

# 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.



# 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. **OGC has issued a demand letter.**

# Questions?

