



Department of
**Environment &
Conservation**

Underground Storage Tank Enforcement Update

Underground Storage Tanks and
Solid Waste Disposal Control Board
August 2, 2023

Rhonda Key, Environmental Manager

ENFORCEMENT OVERVIEW

The Division 27 issued orders between March 21, 2023, and July 17, 2023.

1 was a cost recovery order, 4 were Fund Deductible Orders, 2 were Fund Denial Orders, and 12 were Director's Orders.

12 are in Signed status, 5 were Appealed, 6 are Final, 1 was Closed, and 3 were Non-Suited.

Signed Orders

Signed Order

Summary of CRF22-0004

Fac. ID No. 2-010140 / Volunteer X-Press Services No. 2 LLC, Rocky Top, Anderson County

- Cost Recovery Order signed June 28, 2023
 - Failing to comply with the order UST14-0189
 - Failing to pay fees, penalties and interest on a tank
- Penalty:
 - Total civil penalty: \$6,000.00

- The Order is currently being worked by a process server to locate the Respondent.

Signed Order

Summary of FDA23-0022

Fac. ID No. 3-330884 / Circle K Store No. 4703, Chattanooga, Hamilton County

- Fund Deductible Amount Order signed June 28, 2023
- Violations on Order:
 - Failing to test line leak detectors annually
- Application for Fund Eligibility is approved with a deductible of \$10,000.00
- The Order will be final August 6, 2023

Signed Order

Summary of FED23-0006

Fac. ID No. 4-710295 / Love's Travel Stop No. 3330, Cookeville, Putnam County

- Fund Denial Order signed May 30, 2023
- Violations on Order:
 - Failing to install appropriate overflow prevention systems
 - Failing to report a suspected release to the Division within 72 hours
- Penalty:
 - Total civil penalty: \$9,200.00
- The Order is currently being worked by a process server to locate the Respondent.

Signed Order

Summary of UST22-0019

Fac. ID No. 4-930097 / Derossett Market, Cookeville, White County

- Director's Order signed June 28, 2023
- Violations on Order:
 - Failing to designate properly trained Class A and Class B Operators
 - Failing to provide documents, testing and monitoring records
- Penalty:
 - Total civil penalty: \$4,560.00
- The Order will be final August 7, 2023

Signed Order

Summary of UST22-0050

Fac. ID No. 6-280170 / Parul, Inc. d/b/a All Stop, Columbia, Giles County

- Director's Order signed April 6, 2023
- Violations on Order:
 - Failing to test spill buckets every three years
 - Failing to conduct line tightness tests annually
 - Failing to test overfill devices every three years
 - Failing to conduct ATG operability tests annually
 - Failing to test line leak detectors annually
 - Failing to designate properly trained Class A and Class B Operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$28,560.00
- The Order is currently being worked by a process server to locate the Respondent.

Signed Order

Summary of UST22-0098

Fac. ID No. 6-600038 / Gas-N-Go, Columbia, Maury County

- Director's Order signed April 6, 2023
- Violations on Order:
 - Failing to inspect overfill prevention equipment at least once every three years
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$4,800.00
- The Order is currently being worked by a process server to locate the Respondent.

Signed Order

Summary of UST22-0123

Fac. ID No. 8-570368 / Denmark Truckstop, Inc., Jackson, Madison County

- Director's Order signed June 28, 2023
- Violations on Order:
 - Failing to have one or more persons designated as Class A, Class B and Class C Operator
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$4,560.00
- The Order is currently being worked by a process server to locate the Respondent.

Signed Order

Summary of UST22-0182

Fac. ID No. 7-090134 / A and H Quick Stop No. 3, Jackson, Carroll County

- Director's Order signed April 6, 2023
- Violations on Order:
 - Failing to install any overflow prevention system
 - Failing to report a change of status for a UST system within 30 days
 - Failing to successfully complete retraining to the appropriate level of operator Class within a time frame determined by the Division when a significant operational compliance violation is discovered
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$13,920.00
- The Order is currently being worked by a process server to locate the Respondent.

Signed Order

Summary of UST23-0012

Fac. ID No. 8-360055 / 65 Quick Stop, Jackson, Hardin County

- Director's Order signed June 28, 2023
- Violations on Order:
 - Failing to conduct release detection monitoring at least monthly
 - Failing to do monthly monitoring on pressurized underground piping
 - Failing to perform periodic and annual walkthrough inspections
 - Failing to successfully complete retraining to the appropriate level of operator Class within a time frame determined by the Division when a significant operational compliance violation is discovered
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$42,240.00
- The Order is currently being worked by a process server to locate the Respondent.

Signed Order

Summary of UST23-0015

Fac. ID No. 4-800043 / Martin's Grocery, Cookeville, Hardin County

- Director's Order signed June 8, 2023
- Violations on Order:
 - Failing to monitor spill prevention system 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 inspect overfill equipment at least once every three years
 - 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 ancillary equipment and containment systems in accordance with manufacturer's instructions

Signed Order UST23-0015 cont.

Summary of UST23-0015

- Violations on Order:
 - Failing to successfully complete retraining to the appropriate level of operator Class within a timeframe determined by the Division when a significant operational compliance violation is discovered
 - Failing to ensure that electronic and mechanical components of release detection are tested annually for proper operation
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$45,360.00
- The Order will become final July 20, 2023.

Signed Order

Summary of UST23-0062

Fac. ID No. 9-791437 Oil City, Memphis, Shelby County

- Director's Order signed June 8, 2023
- Violations on Order:
 - Failing to maintain a functioning spill prevention device
 - Failing to provide documents, testing or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$2,400.00
- The Order is currently being worked by a process server to locate the Respondent.

Final Orders

Final Order

Summary of FDA23-0012

Fac. ID No. 7-030033 / North Forty Truckstop, Inc., Jackson, Benton County

- Fund Deductible Amount Order signed February 2, 2023
- Violations on Order:
 - Failing to install any spill prevention system
- Application for Fund Eligibility is approved with a deductible of \$10,000.00
- The Order was final on May 15, 2023. The Order included remediation requirements that are being monitored.

Final Order – In AG's Office

Summary of FDA23-0017

Fac. ID No. 1-30037 Creekside Markets, Inc., Johnson City, Greene County

- Fund Deductible Amount Order signed April 6, 2023
- Violations on Order:
 - Failing to perform overfill prevention system inspections every three years
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to have a spill prevention system that will prevent a release of petroleum to the environment
 - Failing to report a suspected release within seventy-two hours to the Division
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- The Order was final on May 22, 2023. The Order is currently in the AG's office to work out a compromise and settlement.

Final Order

Summary of FED23-0005

Fac. ID No. 5-630031/Q Pump, Nashville, Montgomery County

- Fund Eligibility Denial Order signed April 6, 2023
- Violations on Order:
 - Failing to report a suspected release within seventy-two hours to the Division
- The Application for Fund Eligibility is denied.
- The Order was final on June 16, 2023. The Order included remediation requirements that are being monitored.

Final Order

Summary of UST22-0115R

Fac. ID No. 0-792501 / UTHSC Hamilton Eye Clinic, Memphis, Shelby County

- Director's Order signed May 31, 2023
- Final on June 15, 2023
- Violations on Order:
 - Failing to provide a release detection method capable of detecting a release from the tank or piping that routinely contains product
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$3,840.00
- The Respondent paid the civil penalty in full. Case is pending installation of release detection method and monthly TTT receipt.

Final Order – In OGC

Summary of UST22-0161

Fac. ID No. 2-470970 / Humphammer's Market, Knoxville, Knox County

- Director's Order signed April 6, 2023
- Final on May 21, 2023
- Violations on Order:
 - Failing to pay fees, penalties, and interest on a tank
- Penalty:
 - Total fees, penalties and interest: \$36,688.08
- The Order became final on May 21, 2023. The case is currently in OGC.

Final Order – In OGC

Summary of UST23-0005

Fac. ID No. 2-620135 / Vic's Texaco Service, Knoxville, Monroe County

- Director's Order signed May 9, 2023
- Final on June 19, 2023
- Violations on Order:
 - Failing to comply with final Order UST21-0043
- The Respondents were required to submit a permanent closure application.
- The case is final and being handled in OGC.

Appealed Orders

Appealed Order – In OGC

Summary of UST22-0101

Fac. ID No. 2-470947 / Stop N Go Market, Knoxville, Knox County

- Director's Order signed May 9, 2023
- Violations on Order:
 - Failing to inspect overfill prevention equipment at least once every three years
 - Failing to test spill prevention equipment at least once every three years
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$14,400.00
- The Order was appealed June 6, 2023, and is currently in OGC.

Appealed Order – In OGC

Summary of UST22-0105

Fac. ID No. 4-180065/ Sunrise Shell, Cookeville, Cumberland County

- Director's Order signed May 9, 2023
- Violations on Order:
 - Failing to ensure that a cathodic protection system is tested every three years
 - 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: \$6,000.00
- The Order was appealed June 22, 2023, and is currently in OGC.

Appealed Order – In OGC

Summary of UST22-0138

Fac. ID No. 9-792253/ Express Stop, Memphis, Shelby County

- Director's Order signed May 8, 2023
- Violations on Order:
 - Failing to have one or more persons designated as Class A, Class B, and Class C Operators at a facility with one or more petroleum UST systems
 - Failing to install, calibrate, operate or maintain release detection method for tank in accordance with manufacturer's instructions
 - Failing to have overfill prevention equipment that will automatically shut off the flow into the tank when the tank is no more than ninety-five percent full
 - Failing to keep spill catchment basins free of water, dirt, debris and/or other substances that could interfere with the ability of the catchment basin to prevent spills
 - Failing to monitor tanks at least monthly
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$17,280.00
- The Order was appealed June 21, 2023, and is currently in OGC.

Appealed Order – In OGC

Summary of UST22-0177

Fac. ID No. 1-820461/ Hickory Tree Store, Johnson City, Sullivan County

- Director's Order signed May 9, 2023
- Violations on Order:
 - Failing to monitor spill prevention equipment, for UST system no less frequently than walkthrough inspections are conducted, or to test spill prevention equipment at least once every three years
 - Failing to inspect overfill prevention equipment at least once every three years
 - Failing to ensure that cathodic protection system is tested within six months of installation and every three years thereafter
 - Failing to conduct release detection monitoring at least monthly
 - Failing to remove dispenser cover and visually inspect for releases, seeps or drips at least quarterly
 - Failing to have one or more persons designated as Class A, Class B, and Class C Operators
 - Failing to have met Class C requirements by posting appropriate signate conspicuously
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$15,240.00
- The Order was appealed June 6, 2023, and is currently in OGC.

Appealed Order – In OGC

Summary of UST22-0179

Fac. ID No. 9-791582/ 1781 Getwell Road, Memphis, Sullivan County

- Director's Order signed May 9, 2023
- Violations on Order:
 - Failing to install any overflow prevention system
 - Failing to have one or more persons designated as Class A, Class B, and Class C Operators
 - Failing to have met Class C Operators requirements by posting appropriate signage conspicuously
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$9,480.00
- The Order was appealed June 30, 2023, and is currently in OGC.

Appealed Order – In OGC

Summary of UST23-0078

Fac. ID No. 3-260173 / D and H Country Store, Columbia, Franklin County

- Director's Order signed June 28, 2023
- Violations on Order:
 - Failing to pay fees, penalties and interest on a tank
- Penalty:
 - Total civil penalty: \$12,000.00
- The Order was appealed on July 19, 2023, and is currently in OGC.

Closed Orders

Closed Order

Summary of FDA23-0019

Fac. ID No. 1-300159 Quick Stop No.4, Johnson City, Greene County

- Fund Deductible Amount Order signed May 9, 2023
- Violations on Order:
 - Failing to perform overfill prevention system inspections every three years
- Application for Fund Eligibility is approved with a deductible of \$10,000.00
- The Respondent completed the retraining. The Order does not assess a civil penalty. The case was closed July 17, 2023.

Non-Suit Orders

Non-Suit Order

Summary of UST22-0082

Fac. ID No. 7-270193/ A & H Quick Stop, Inc., Jackson, Gibson County

- Director's Order signed April 6, 2023
- Violations on Order:
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
 - Failing to ensure that within thirty days following repair, the spill or overfill prevention equipment is tested or inspected
 - Failing to report a change of status for a UST system within thirty days
 - Failing to cooperate with the Division
- Penalty: \$7,440.00
- It was determined that the tank ownership had changed in 2020 the Division wasn't notified. The letters and order went to the wrong tank owner. The violations have been corrected and the only remaining violation was that the ownership be corrected, which it now has been. The order was nonsuited and closed June 9, 2023.

Non-Suit Order

Summary of UST22-0152

Fac. ID No. 9-790782/ Unocal Service Station, Memphis, Shelby County

- Director's Order signed April 6, 2023
- Violations on Order:
 - Failing to have overfill prevention equipment that will automatically shut off the flow into the tank when the tank is no more than ninety-five percent full
 - Failing to cooperate with the Division
- Penalty: \$7,200.00
- The only requirement that had not been met was operator retraining. The Respondent was not notified of the operator retraining requirements. This order was non-suited.

Non-Suit Order

Summary of UST23-0003

Fac. ID No. 6-6680057/ Kathy's Kitchen, Columbia, Perry County

- Director's Order signed May 9, 2023
- Violations on Order:
 - Failing to ensure that within thirty days following repair, the spill or overflow prevention equipment is tested or inspected
 - Failing to successfully complete retraining to the appropriate level of operator Class within a timeframe determined by the Division when a significant operational compliance violation is discovered
 - Failing to provide documents, testing or monitoring records to the Division
- Penalty: \$7,440.00
- The violations were addressed prior to the Order being issued so this Order was non-suited.

Signed Orders From April 2023 Board Report

Signed Order

Summary of CRF21-0003

Fac. ID No. 9-790809 / Perkins BP, Memphis, Shelby County

- Cost Recovery Order signed November 22, 2022
- Violations on Order:
 - Failing to pay fees, penalties and interest on a tank
 - 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 conduct a site check properly when there is environmental contamination present
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to test line leak detectors annually in accordance with guidance provided by the Division and the manufacturer's instructions
 - Failing to inspect impressed current corrosion protection systems every 60 days
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to ensure that a cathodic protection system is tested every three years
 - Failing to conduct release detection monitoring at least monthly for releases

Signed Order CRF21-0003 cont'd.

- Failing to install, calibrate, operate or maintain a release detection method for tanks
- Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser covers
- Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$72,480.00
- The Order has been served to one Respondent. It has gone final and been referred to OGC. The other Respondent has not been served. **Facility missed deadline for the Permanent Closure Application. Case to be referred to AG.**

Signed Order

Summary of CRF22-0001

Fac. ID No. 4-890158 / TNT Country Store, McMinnville, Warren County

- Cost Recovery Order signed February 27, 2023
 - 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 ensure that a cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to keep spill catchment basins free of water, dirt, debris, etc.
 - Failing to keep a log of monthly inspection of spill catchment basins for 12 months
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$14,490.46
- Order became Final on May 5, 2023. The respondents were combative when served. Facility referred to OGC. Red tag will be conducted after arrangements are made to have the sheriff's department go with two staff members to red-tag.

Signed Order

Summary of FDA23-0004

Fac. ID No. 3-330590 / Citgo Express Mart., Chattanooga, Hamilton County

- Fund Deductible Amount Order signed February 2, 2023
- Violations on Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to perform overfill prevention system inspections every 3 years
 - Failing to test spill prevention equipment at least once every 3 years
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to perform periodic walkthrough inspections
 - Failing to monitor tanks at least monthly
 - Failing to report a change of status for a UST system within 30 days
- Application for Fund Eligibility is approved with a deductible of \$10,000.00
- This order became Final on March 11, 2023, and has been referred to OGC for resolution.

Signed Order

Summary of FDA23-0008

Fac. ID No. 3-720138 / 27 Market, Spring City, Bledsoe County

- Fund Deductible Amount Order signed December 13, 2022
- Violations on Order:
 - Failing to test spill prevention equipment at least once every 3 years
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to test line leak detectors annually
 - Failing to perform overfill prevention system inspections every 3 years
 - Failing to install, calibrate, operate or maintain release detection method for tanks and piping in accordance with manufacturer's instructions
 - Failing to install appropriate overfill prevention system
 - Failing to report a suspected release within 72 hours to the Division
 - Failing to repair or replace any tank which has had a structural failure
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- **Compromise and Settlement in AG's Office for approval.**

Signed Order

Summary of FDA23-0018

Fac. ID No. 4-930009 / Highway 70 Market, Sparta, White County

- Fund Deductible Amount Order signed March 17, 2023
- Violations on Order:
 - Failing to operate and maintain corrosion protection system to provide continuous protection
- Application for Fund Eligibility is approved with a deductible of \$10,000.00
- The Order became Final on April 28, 2023, and is in OGC for resolution.

Signed Order

Summary of FED23-0004

Fac. ID No. 1-820440 /Cedar Creek Handy Market, Bristol, Sullivan County

- Fund Denial Order signed March 17, 2023
- Violations on Order:
 - Failing to get Division approval prior to permanent closure
 - Failing to conduct required assessment at closure
 - Failing to have release detection on pressurized piping
 - Failing to report a suspected release within 72 hours
 - Failing to test automatic line leak detectors annually
 - Failing to have annual operability test for the automatic tank gauge
 - Failing to test spill buckets every three years
 - Failing to test overfill every three years
 - Failure to have a trained and designated A and B operator.
 - Failure to report a change in tank status within 30 days
- Total civil penalty assessed is \$20,000.
- **This order is closed. Respondent paid full civil penalty and operator retrained.**

Signed Order

Summary of UST22-0048

Fac. ID No. 3-060086 / Mr. Zip #547, Cleveland, Bradley County

- Director's Order signed March 1, 2023
- Violations on 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 keep spill catchment basins free of water, dirt, debris, etc.
 - Failing to test spill prevention equipment at least once every 3 years
 - Failing to install, calibrate, operate or maintain a release detection method for tanks in accordance with manufacturer's instructions

Signed Order UST22-0048 cont.

Summary of UST22-0048

- Violations on Order:
 - Failing to test overfill prevention equipment at least once every 3 years
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$39,600.00
- The order became Final on April 27, 2023, and is in OGC for resolution.

Signed Order

Summary of UST22-0059

Fac. ID No. 4-890141 / Frances Ferry Market, McMinnville, Warren County

- Director's Order signed December 13, 2022
- Violations on Order:
 - Failing to designate Class A and Class B operators
 - Failing to test the cathodic protection system every 3 years
 - Failing to maintain the voltmeter on the impressed current rectifier
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$8,400.00
- Compromise and Settlement was fully executed May 8, 2023. Respondent to pay \$2,925 and be on probation for one year. Waiting on payment of the upfront penalty.

Signed Order

Summary of UST22-0066

Fac. ID No. 9-791576 / NASR Investment, LLC, Memphis, Shelby County

- Director's Order signed March 16, 2023
- Violations on Order:
 - Failing to ensure that within 30 days following repair, the spill or overflow prevention equipment is tested or inspected
 - Failing to monitor piping installed after July 25, 2007, for a release at least every 30 days
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$6,720.00
- The Order was served July 13, 2023, and the Division is waiting on a revised affidavit from the process server.

Signed Order

Summary of UST22-0076

Fac. ID No. 5-830325 / Old Swifty Station, Portland, Sumner County

- Director's Order signed March 16, 2023
- Violations on Order:
 - Failing to ensure that within 30 days following repair, the spill or overflow prevention equipment is tested or inspected
 - Failing to monitor piping installed after July 25, 2007, for a release at least every 30 days
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$10,320.00
- The Order became Final on May 1, 2023, and was referred to OGC. Demand letter issued May 23, 2023.

Signed Order

Summary of UST22-0099

Fac. ID No. 9-791526 / Cleveland Marathon, Memphis, Shelby County

- Director's Order signed January 11, 2023
- Violations on Order:
 - Failing to report a change of status for a UST system within 30 days
 - Failing to operate and maintain overfill equipment to be in good working condition in accordance with the manufacturer's specifications
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$5,520.00
- The Order became Final on February 15, 2023, and order is in OGC. Demand letter sent June 2, 2023.

Signed Order

Summary of UST22-0109

Fac. ID No. 2-620020 / C and R Market, Madisonville, Monroe County

- Director's Order signed December 13, 2022
- Violations on Order:
 - Failing to report a suspected release to the Division within 72 hours after 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 ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - 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 3 years
 - Failing to inspect overfill prevention equipment at least once every three years

Signed Order UST22-0109 cont.

- Failing to collect necessary data in accordance with inventory control requirements
 - 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 breach exists in either wall of secondary containment
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$68,160.00
 - The Order became Final on January 21, 2022. The respondent paid the upfront penalty and is on probation for one year.

Signed Order

Summary of UST22-0112

Fac. ID No. 3-580035 / Former Clarks Auto Clinic, Jasper, Marion County

- Director's Order signed November 22, 2022
- Violations on Order:
 - Failing to pay fees, penalties, and interest on a tank
- Penalty:
 - Total civil penalty: \$15,500.00
- The Order is still being worked by a process server to locate the Respondent.

Signed Order

Summary of UST22-0113

Fac. ID No. 8-550029 / Former Southside Grocery, Selmer, McNairy County

- Director's Order signed November 22, 2022
- Violations on Order:
 - Failing to pay fees, penalties, and interest on a tank
- Penalty:
 - Total civil penalty: \$23,250.00
- The Order is still being worked by a process server to locate the Respondent.

Signed Order

Summary of UST22-0115

Fac. ID No. 0-792501 / UTHSC Hamilton Eye Clinic, Memphis, Shelby County

- Director's Order signed January 11, 2023
- Violations on Order:
 - Failing to meet the requirements for UST System Release Detection
 - Failing to provide a release detection method capable of detection a release from the tank or piping that routinely contains product
 - Failing to meet the requirements for UST System Installation and Operation
 - Failing to inspect containment sumps as part of the required annual walkthrough inspection
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$11,040.00
- The Order was Non-Suited and order UST22-0015R was signed on May 30, 2023. Civil penalty has been paid and alternate release detection method in use while ATG is ordered and installed on the emergency generator.

Signed Order

Summary of UST22-0119

Fac. ID No. 3-330905 / John's Food Mart, Chattanooga, Hamilton County

- Director's Order signed January 11, 2023
- Violations on Order:
 - Failing to perform release detection monitoring of tanks at least monthly
 - Failing to install, calibrate, operate, or maintain release detection method for piping in accordance with manufacturer's instructions
 - Failing to have one or more trained persons designated as Class A and Class B Operators
 - Failing to place a sign or instruction manual where the Class C operator would be expected to see it during the normal course of their work
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$23,400.00
- The Order was non-served. The Order is still being worked to locate a viable address for the Respondent but with no results so far.

Signed Order

Summary of UST22-0127

Fac. ID No. 8-550014 / Suncoco f/k/a Flash Market # 34, Selmer, McNairy County

- Director's Order signed February 27, 2023
- Violations on Order:
 - Failing to have one or more persons designated as Class A, Class B and Class C Operators
 - Failing to inspect an impressed current corrosion protection system every 60 days
 - Failing to ensure that a cathodic protection system is tested every 3 years
 - Failing to ensure that a cathodic protection is functioning as designed and is effectively preventing corrosion
 - Failing to continue operation and maintenance of release detection in a temporarily closed tank system that contains greater than 1 inch of liquid and/or residue
 - Failing to permanently close a substandard UST system
- Penalty:
 - Total civil penalty: \$33,800.00
- The Order was appealed on April 12, 2023, and is in OGC for resolution.

Signed Order

Summary of UST22-0128

Fac. ID No. 3-330415 / Avion Food and Fuel No. 106, Chattanooga, Hamilton County

- Director's Order signed December 13, 2022
- Violations on Order:
 - Failing to have one or more persons designated as Class A, Class B and Class C Operators
 - Failing to perform periodic walkthrough inspections
 - Failing to report a change of status for a UST system within 30 days
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to test spill prevention equipment at least once every 3 years to ensure the equipment is liquid tight by using vacuum, pressure or liquid
 - 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 conduct an annual line tightness test or do monthly monitoring on pressurized underground piping

Signed Order UST22-0128 cont.

- 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 conduct release detection monitoring at least monthly for releases
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$69,120.00
 - Agreed Order has been signed. Upfront penalty has been paid and facility on probation for a year.

Signed Order

Summary of UST22-0163

Fac. ID No. 9-791529 / Best Corner Grocery, Memphis, Shelby County

- Director's Order signed January 11, 2023
- Violations on Order:
 - Failing to provide overfill prevention for the three UST systems
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$7,200.00
- The Order was served on June 28, 2023.

Signed Order

Summary of UST22-0178

Fac. ID No. 9-791879 / Elvis Presley BP, LLC, Memphis, Shelby County

- Director's Order signed March 16, 2023
- Violations on Order:
 - Failing to install any spill prevention system
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$2,400.00
- The Order became Final on April 28, 2023, and has been referred to OGC for resolution. The facility is red tagged.

Signed Order

Summary of UST23-0018

Fac. ID No. 9-791289 / Hop In No. 334, Memphis, Shelby County

- Director's Order signed February 27, 2023
- Violations on Order:
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - 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
 - Failing to install, calibrate, operate, or maintain release detection method for tank in accordance with manufacturer's instructions
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$33,600.00
- The Order was Appealed on March 23,2023, and in OGC for resolution.

Final Orders From the April 2023 Board Report

Final Order

Summary of FDA23-0002

Fac. ID No. 1-300166 / Roadrunner No. 6019, Greenville, Greene County

- Fund Deductible Amount Order signed November 22, 2022
- Final on December 30, 2022
- Violations on Order:
 - Failing to install any overfill prevention system
 - Failing to operate and maintain corrosion protection system to provide continuous protection
- Application for Fund Eligibility is approved with a deductible of \$10,000.00
- The order was closed after compliance was reached and operator retraining was completed.

Final Order

Summary of FDA23-0011

Fac. ID No. 5-750161 / 96 Market, Murfreesboro, Rutherford County

- Fund Deductible Amount Order signed January 12, 2023
- Final on March 16, 2023
- Violations on Order:
 - Failing to install any spill prevention system
 - Failing to perform overfill prevention system inspections every 3 years
- Application for Fund Eligibility is approved with a deductible of \$20,000.00
- Order became Final on March 16, 2023, without appeal. The Respondent is currently complying with clean-up requirements. Operator retraining has been completed.

Final Order

Summary of FDA23-0013

Fac. ID No. 1-820019 / Appco #2., Bristol, Sullivan County

- Fund Deductible Amount Order signed February 7, 2023
- Final on March 18, 2023
- Violations on Order:
 - Failing to operate and maintain corrosion protection system to provide continuous protection
- This order was closed. Investigation of the suspected release showed there was no release, compliance was met, and operator retraining was completed.

Final Order

Summary of FED23-0002

Fac. ID No. 4-710026 / Express Mart (Bread Box No. 30), Cookeville, Putnam County

- Fund Denial Order signed February 2, 2023
- Final on March 18, 2023
- Violations on Order:
 - Failing to operate a petroleum UST system in compliance with the Act
- The order became Final on March 18, 2023, and work being tracked under remediation.

Final Order – In OGC

Summary of FED23-0003

Fac. ID No. 8-380070 / Quick Stop No. 1, Brownsville, Haywood County

- Fund Denial Order signed February 7, 2023
- Final on March 25, 2023
- Violations on Order:
 - Failing to maintain results of annual testing of electronic and mechanical components for 3 years
 - Failing to report a suspected release to the Division within 72 hours
 - Failing to report a change of status of UST system within 30 days
- The Order became Final on March 25, 2023. Upfront Civil penalty was paid. Waiting on verification of operator retraining.

Final Order – In OGC

Summary of UST22-0125

Fac. ID No. 9-792406 / Transport Service Co., Memphis, Shelby County

- Director's Order signed December 13, 2022
- Final on January 27, 2023
- Violations on Order:
 - 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 ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to perform periodic walkthrough inspections
 - Failing to inspect overfill prevention equipment at least once every 3 years
 - Failing to test spill prevention equipment at least once every 3 years to ensure the equipment is liquid tight by using vacuum, pressure or liquid
 - Failing to conduct release detection monitoring at least monthly

Final Order UST22-0125 cont.

- Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - 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: \$25,200.00
 - The Order became final on January 27, 2023. Facility has returned to return to compliance. The draft Compromise and Settlement is out for review.

Final Order

Summary of UST22-0136

Fac. ID No. 2-760014 / The Big Orange Country Store, Knoxville, Scott County

- Director's Order signed January 11, 2023
- Final on March 18, 2023
- Violations on Order:
 - Failing to have one or more persons designated as Class A, Class B, and Class C Operators
 - Failing to meet Class C Operator requirements by posting appropriate signage conspicuously
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$11,880.00
- **Compromise and Settlement has been fully executed.**

Appealed Orders From April 2023 Board Report

Appealed Order – In OGC

Summary of FDA23-0015

Fac. ID No. 5-830084 / Hendersonville Medical Center, Hendersonville, Sumner County

- Fund Deductible Amount Order signed February 2, 2023
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to perform overflow prevention system inspections every 3 years
 - Failing to perform periodic walkthrough inspections
 - Failing to test spill prevention equipment at least once every 3 years
 - Failing to keep spill catchment basins free of water, dirt, debris, etc.
 - Failure to have one or more persons designated as Class A, Class B and Class C operators
- Application for Fund Eligibility is approved with a deductible of \$20,000.00
- Penalty:
 - Total civil penalty: \$14,400.00
- The Order was appealed March 6, 2023, and is currently in OGC. Waiting on return to compliance to settle the case.

Appealed Order – In OGC

Summary of UST22-0014

Fac. ID No. 8-570037 / Lane College, Jackson, Madison County

- Director's Order signed January 11, 2023
- Violations on Order:
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
 - Failing to ensure that the 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 operate and maintain corrosion protection system to provide continuous protection
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$16,800.00
- The Order was appealed March 2, 2023 and is currently in OGC. Case docketed with APD. Judge gave respondent 90 days to come into compliance.

Appealed Order – In OGC

Summary of UST22-0073

Fac. ID No. 3-330434 / Save A Ton # 5, Chattanooga, Hamilton County

- Director's Order signed January 11, 2023
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to ensure that cathodic protection system is tested every 3 years
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$24,840.00
- The Order was appealed March 1, 2023, and is currently in OGC. **Settlement Agreement awaiting signatures by all parties.**

Appealed Order – In OGC

Summary of UST22-0077

Fac. ID No. 2-150116 / Parrots Place, Parrotsville, Cocke County

- Director's Order signed January 11, 2023
- Violations on Order:
 - Failing to inspect overfill prevention equipment at least once every 3 years
 - Failing to provide release detection methods capable of detecting a release from tank that routinely contains product
 - Failing to inspect overfill prevention equipment at least once every 3 years
 - Failing to provide cathodic protection methods capable of providing effective corrosion prevention,
- Penalty:
 - Total civil penalty: \$22,080.00
- The Order was appealed February 6, 2023, and is currently in OGC. **No change to date.**

Appealed Order – In OGC

Summary of UST22-0093

Fac. ID No. 2-450050 / Easy-In Market, White Pine, Jefferson County

- Director's Order signed February 7, 2023
- Violations on Order:
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to test spill prevention equipment at least once every 3 years to ensure the equipment is liquid tight by using vacuum pressure or liquid
 - Failing to inspect overfill prevention equipment at least once every 3 years
 - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$15,840.00
- The Order was appealed February 21, 2023, and is currently in OGC. **No change to date.**

Appealed Order

Summary of UST22-0154

Fac. ID No. 2-530122 / 72 Mart, Loudon, Loudon County

- Director's Order signed January 11, 2023
- Violations on Order:
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to test spill prevention equipment at least once every 3 years to ensure the equipment is liquid tight by using vacuum, pressure or liquid
 - Failing to inspect overfill prevention equipment at least once every 3 years
 - Failing to inspect impressed current corrosion protection systems every 60 days
 - Failing to ensure that cathodic protection is functioning as designed
 - Failing to test line leak detectors annually
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to have piping installed after July 25, 2007, meet interstitial monitoring requirements
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$52,560.00
- The Order was appealed January 17, 2023 and is currently in OGC. **Agreed Order issued. Upfront penalty to be paid in payment plan with a one-year probationary period**

Appealed Order

Summary of UST22-0180

Fac. ID No. 3-330994 / Joseph and Sons, Inc., Chattanooga, Hamilton County

- Director's Order signed January 14, 2023
- Violations on Order:
 - Failing to report a change of status for a UST system within 30 days
 - Failing to perform periodic and annual walkthrough inspections
 - Failing to meet Class C Operator requirements by posting appropriate signate conspicuously
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to test spill prevention equipment at least once every 3 years to ensure the equipment is liquid tight by using vacuum, pressure or liquid
 - Failing to inspect overfill prevention equipment at least once every 3 years
 - Failing to conduct release detection monitoring at least monthly
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$42,840.00
- The Order was appealed March 1, 2023 and is currently in OGC. **Agreed Order issued. Upfront penalty to be paid in payment plan with a one-year probationary period.**

Appealed Orders from December 2022 Board Meeting

Appealed Order – In OGC

Summary of FED22-0006

Fac. ID No. 9-793646 / Macon Express, Memphis, Shelby County

- Fund Denial Order signed November 18, 2022
- Final on December 29, 2022
- Violations on Order:
 - 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 installation and/or construction was planned
 - Failing to begin release detection if a tank contains more than 2.5 centimeters of product
 - Failing to perform a line tightness test and a tank tightness test upon completion of the installation and prior to the dispensing of fuel from the UST system
 - Failing to certify installation of a new UST within 15 days
 - Failing to monitor tank 1A and tank 1B for a release at least every 30 days
 - Failing to monitor piping for a release at least every 30 days
 - Failing to test spill prevention equipment by no later than October 13, 2021

Appealed Order FED22-0006 cont'd.

- Failing to perform overfill prevention system inspections every 3 years
- Failing to properly conduct monthly monitoring and annual operation and maintenance walk-through inspections
- Failing to submit notification of a UST system installation to the Division within 15 days of installation completion
- Failing to test electronic components of release detection equipment installed on a UST system on an annual basis
- Failing to equip pressurized underground piping with an automatic line leak detector
- Failing to register USTs with the Division prior to delivery of a petroleum product
- Failing to maintain operating requirements for spill prevention
- Failing to perform quarterly dispenser inspections
- Failing to conduct a system test after discovering a suspected release

- Penalty:
 - Total civil penalty: \$134,000

- The Application for Fund Eligibility is denied. The Order was appealed on December 27, 2022, and is still in OGC. OGC working with Division to get Respondent into compliance with the clean-up.

Appealed
Orders From August 2022
Board Report

Appealed Order – In OGC

Summary of UST21-0184

Fac. ID No. 3-330437 / J. J. Food Mart, East Ridge, Hamilton County

- 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. **OGC is still working with opposing counsel to get case resolved.**

Final Orders From May 2022 Board Report

Final Order – In OGC

Summary of UST21-0125

Fac. ID No. 4-210011 / Shiney Rock Market, Smithville, Warren County

- 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. **Compromise and settlement still under review by the AG .**

Final Order – In OGC

Summary of UST21-0136

Fac. ID No. 2-470546 / Human's BP Service Station, Knoxville, Knox County

- 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. Demand Letter sent on February 15, 2023. No response. AG referral pending.

Final Order – In OGC

Summary of UST21-0172

Fac. ID No. 9-792205 / Grab N Go, Atoka, Shelby County

- 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. **Compromise and Settlement drafted and awaiting signatures.**

Final Order – In AG’s Office

Summary of UST21-0181

Fac. ID No. 5-830070 / Royal Market, Cottontown, Sumner County

- 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 the dispenser 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. **Civil Penalty has not been paid and this case is in the AG’s office with another case with the same owner for resolution. Facility is red-tagged.**

Appealed Order from December 2021 Board Report

Appealed Order – In OGC

Summary of UST21-0057

Fac. ID No. 2-470141 / JSN LLC dba EZ Food Mart, Knoxville, Knox County

- 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. **Facility has returned to compliance and the Agreed Order is still pending.**

Final Orders from December 2021 Board Report

Final Order-In OGC

Summary of UST21-0074

Fac. ID No. 9-791102 / Big D Perkins LLC, Memphis, Shelby County

- 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 final.**
Respondent to pay \$6,612 in 30 days, attend operator retraining in 60 days, and be on probation for one year.

Final Order-In OGC

Summary of UST21-0080/UST22-0044

Fac. ID No. 2-130002 / Marvin and Son Market, Speedwell, Claiborne County

- 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. **Respondent has claimed inability to pay and the Inability to Pay application sent to respondent. No update on this case since April 2023 board meeting.**

Questions?

