



Department of
**Environment &
Conservation**

Underground Storage Tank Enforcement Update

Underground Storage Tanks and
Solid Waste Disposal Control Board

October 4, 2023

Rhonda Key, Environmental Manager

ENFORCEMENT OVERVIEW

The Division 52 issued orders between July 18, 2023, and September 19, 2023

7 were Appealed, 2 were cost recovery orders, 9 were Fund Deductible orders, 1 was a Fund Denial order and 33 were Director's Orders.

Signed Orders

Signed Order

Summary of CRF22-0003

Fac. ID No. 1-300207 / West Main Exxon, Johnson City, Greene County

- Cost Recovery Order signed June 28, 2023
 - Failing to comply with the order UST16-0265
 - Failing to pay fees, penalties and interest on a tank

- Penalty:
 - Total fees and penalties: \$39,024.40

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

Signed Order

Summary of FDA23-0024

Fac. ID No. 9-791861/ Walnut Grove Market, Memphis, Shelby County

- Fund Deductible Amount Order signed August 14, 2023
- Violations on Order:
 - Failing to conduct line tightness testing using a method that is capable of detecting a release of at least 1.10 gph
 - 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
- Application for Fund Eligibility is approved with a deductible of \$10,000.00
- The Order is signed and pending service of process.

Signed Order

Summary of FDA23-0025 and FDA23-0031

Fac. ID No. 9-791072 / GSO Midtown, Memphis, Shelby County

- Fund Deductible Amount Order signed August 3, 2023
- Violations on Order:
 - Failing to install, calibrate, operate or maintain release detection method for piping in accordance with manufacturer's instructions
 - Failing to conduct line tightness testing using a method that is capable of detecting a release of at least 0.10 gph
 - Failing to conduct a system test when there is suspected release to determine whether a leak exists in the tank or piping or a breach exists in either wall of secondary containment
- Application for Fund Eligibility is approved for each release with a deductible of \$10,000.00
- The Order is currently being worked by a process server to locate the Respondent.

Signed Order

Summary of FDA23-0027

Fac. ID No. 3-330069 / BFI Waste Services, LLC and Browning-Ferris Industries of Tennessee, Inc., Chattanooga, Hamilton County

- Fund Deductible Amount Order signed September 6, 2023
- Violations on Order:
 - Failing to report a suspected release within seventy-two (72) hours to the Division
 - Failing to install, calibrate, operate or maintain release detection method for tank in accordance to manufacturer's instructions
 - Failing to install any spill prevention system
 - Failing to install appropriate overflow prevention systems
 - Failing to perform periodic walkthrough inspections
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- The Order will be final October 6, 2023

Signed Order

Summary of FDA23-0029

Fac. ID No. 9-792698 / Chelsea, Memphis, Shelby County

- Fund Deductible Amount Order signed September 6, 2023
- Violations on Order:
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to report a change of status for a UST system within 30 days
 - Failing to have one or more UST systems to have one or more persons designated as Class A and Class B
 - Failing to report a suspected release within 72 hours to the Division
 - Failing to have spill prevention equipment that will prevent release of petroleum to the environment
 - Failing to install appropriate overfill prevention systems
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- The Order will be final October 6, 2023

Signed Order

Summary of FDA24-0001

Fac. ID No. 5-940072 / Mapco Express No. 3409, Brentwood, Williamson County

- Fund Deductible Amount Order signed September 6, 2023
- Violations on Order:
 - Failing to report a suspected release within seventy-two (72) hours to the Division
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- The Order will be final October 6, 2023

Signed Order

Summary of FDA24-0002

Fac. ID No. 8-350022 / Bull Market, Inc., Jackson, Hardeman County

- Fund Deductible Amount Order signed September 6, 2023
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to install ancillary equipment in accordance with manufacturer's installation instructions
 - Failing to keep spill catchment basins free of water, dirt, debris, etc.,
 - Failing to install, calibrate, operate or maintain release detection method for tank in accordance with manufacturer's instructions
 - Failing to comply with requirements concerning design, construction, utilization and or upgrade of corrosion protection for piping
 - Failing to repair or replace UST systems which have had a structural failure
 - 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 report a suspected release within seventy-two (72) hours to the Division
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- The Order will be final October 6, 2023

Signed Order

Summary of FDA24-0003

Fac. ID No. 8-350109 / Jay Nand LLC dba Yopp's Food Mart, Jackson, Hardeman County

- Fund Deductible Amount Order signed September 6, 2023
- Violations on Order:
 - Failing to test spill prevention equipment at least once every three years
 - Failing to perform overfill prevention system inspections every three years
 - Failing to install appropriate overfill prevention systems
- Application for Fund Eligibility is approved with a deductible of \$10,000.00
- The Order will be final October 6, 2023

Signed Order

Summary of UST22-0106

Fac. ID No. 3-330910 / Lela's Quik Shop, Chattanooga, Hamilton County

- Director's Order signed September 6, 2023
- Violations on Order:
 - Failing to inspect containment sumps as part of the required annual walkthrough inspection
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to test spill prevention equipment at least once every three years
 - Failing to ensure that cathodic protection system is tested every three years
 - Failing to conduct release detection method monitoring at least monthly
 - Failing to report a change of status for a UST system within 30 days
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$54,240.00
- The Order will be final September 25, 2023

Signed Order

Summary of UST22-0116

Fac. ID No. 3-540063/ Heil Trailer International Co, Chattanooga, McMinn County

- Director's Order signed September 6, 2023
- Violations on Order:
 - Failing to conduct a containment sump integrity test every three years
 - Failing to conduct an annual console operability test
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
 - Failing to test spill prevention equipment at least once every three years
 - Failing to test overfill prevention equipment at least once every three years,
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$8,640.00
- The Order will be final October 18, 2023

Signed Order

Summary of UST22-0134

Fac. ID No. 8-570499/ Mega Mart No. 1, Jackson, Madison County

- Director's Order signed August 3, 2023`
- Violations on Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized piping
 - Failing to have overflow prevention equipment that will automatically shut off the flow into the tank when the tank is no more than ninety-five (95%) full
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$21,600.00
- The Order will be final October 5, 2023

Signed Order

Summary of UST22-0135

Fac. ID No. 2-010179/ Johns Food Market, Jackson, Madison County

- Director's Order signed September 6, 2023`
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - 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
- Penalty:
 - Total civil penalty: \$13,400.00
- The Order will be final October 18, 2023

Signed Order

Summary of UST22-0142

Fac. ID No. 8-570347/ 736 Airways LLC, Jackson, Madison County

- Director's Order signed September 6, 2023`
- 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
- Penalty:
 - Total civil penalty: \$3,800.00
- The Order will be final October 18, 2023

Signed Order

Summary of UST22-0148

Fac. ID No. 9-791823/ MEX Store No. 027, Memphis, Shelby County

- Director's Order signed September 6, 2023`
- Violations on Order:
 - Failing to have one or more persons designated as a Class A and Class B Operator at a facility having one or more petroleum USTs
 - Failing to perform periodic and annual walkthrough inspections
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to monitor spill prevention equipment, for UST systems no less frequently than walkthrough inspections are conducted, or to test spill prevention equipment at least once every three years
 - Failing to inspect overfill prevention equipment at least once every three year
 - Failing to test line leak detectors annually
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping

UST22-0148-Continued

Fac. ID No. 9-791823/ MEX Store No. 027, Memphis, Shelby County

- Violations on Order:
 - Failing to ensure that cathodic protection system is tested within six months of installation and every three years thereafter
 - Failing to monitor tanks at least monthly
 - Failing to cooperate with the Division

- Penalty:
 - Total civil penalty: \$72,240.00

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

Signed Order

Summary of UST22-0164

Fac. ID No. 2-471214/ Clinton Highway Shell, Knoxville, Knox County

- Director's Order signed September 6, 2023`
- Violations on Order:
 - Failing to have overfill prevention equipment that will alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$9,600.00
- The Order will be final November 6, 2023

Signed Order

Summary of UST22-0171

Fac. ID No. 6-280096/ Richland Trace Market, Columbia, Giles County

- Director's Order signed September 6, 2023
- Violations on Order:
 - Failing to have overflow prevention equipment that will alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$12,000.00
- The Order is currently being worked by a process server to serve the Respondent.

Signed Order

Summary of UST22-0172

Fac. ID No. 8-390122/ Reliance Team 22320 LLC, Jackson, Henderson County

- Director's Order signed August 3, 2023
- Violations on Order:
 - Failing to install or provide adequate overfill prevention system
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$7,200.00
- The Order is currently being worked by a process server to serve the Respondent.

Signed Order

Summary of UST22-0173

Fac. ID No. 9-793621/ Sohail Hemani, Memphis, Shelby County

- Director's Order signed August 3, 2023
- Violations on Order:
 - Failing to operate and maintain overfill equipment according to manufacturer's specifications
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$2,400.00

The Order is currently being worked by a process server to serve the Respondent

Signed Order

Summary of UST23-0014

Fac. ID No. 7-170004/ Bells Quick Stop, Jackson, Crockett County

- Director's Order signed September 6, 2023
- Violations on Order:
 - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - 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 have spill prevention equipment that will prevent release of petroleum to the environment when the transfer hose is detached from the fill pipe

UST23-0014-Continued

Fac. ID No. 7-170004/ Bells Quick Stop, Jackson, Crockett County

- 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 cooperate with the Division
 - Failing to report a change of status for a UST system to the Division within 30 days

- Penalty:
 - Total civil penalty: \$20,880.00

- The Order will be final November 6, 2023

Signed Order

Summary of UST23-0030

Fac. ID No. 9-791315/ Flash Market No. 151, Memphis, Shelby County

- Director's Order signed September 6, 2023
- Violations on Order:
 - Failing to designate properly trained Class A and Class B Operator(s)
 - Failing to use overflow prevention
 - Failing to keep spill buckets free of water, dirt, debris, etc.
 - Failing to monitor tanks at least monthly
 - Failing to install shear valve anchoring in accordance with manufacturer instructions
 - Failing to meet corrosion protection requirements
 - Failing to provide documentation to the Division
- Penalty:
 - Total civil penalty: \$21,360.00
- The Order will be final October 18, 2023

Signed Order

Summary of UST23-0048

Fac. ID No. 2-620041/ BP Mart, Knoxville, Monroe County

- Director's Order signed September 7, 2023
- Violations on Order:
 - Failing to have overfill prevention equipment
 - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to meet Class C Operator requirements by posting appropriate signage conspicuously
 - 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 cooperate with the Division
- Penalty:
 - Total civil penalty: \$25,320.00
- The Order will be final November 7, 2023

Signed Order

Summary of UST23-0081

Fac. ID No. 3-050091/ One Stop Shop, Chattanooga, Bradley County

- Director's Order signed August 3, 2023
- Violations on Order:
 - Failing to provide an adequate overfill prevention system
 - Failing to install, calibrate, operate, or maintain release detection method for tank in accordance with manufacturer's instructions
 - Failing to operate and maintain corrosion protection system to provide continuous protection
 - Failing to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division
 - 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
- Penalty:
 - Total civil penalty: \$19,440.00
- The Order is currently being worked by a process server to serve the Respondent.

Signed Order

Summary of UST23-0084

Fac. ID No. 3-330565/ Pit Stop Market, Chattanooga, Hamilton County

- Director's Order signed September 7, 2023
- Violations on Order:
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to test the spill prevention equipment every three (3) years to ensure that they are liquid tight
 - Failing to inspect the overfill prevention equipment every three (3) years to determine the operability and activation level of this equipment
 - Failing to perform monthly walkthrough inspections
 - Failing to ensure that the cathodic protection system is tested every three (3) years
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$34,560.00
- The Order will be final November 7, 2023

Signed Order

Summary of UST23-0093

Fac. ID No. 8-570521/ Ansh Properties Inc., Jackson, Madison County

- Director's Order signed July 18, 2023
- Violations on Order:
 - Failing to test replace or repair the failed spill bucket
 - Failing to replace the failed ball float overflow equipment
 - failing to test the electronic and mechanical components of the ATG annually
 - failing to designate trained Class A and Class B operator(s) in the Division's online Tank Helper system
 - Failing to provide documents, testing, or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$21,360.00
- The Order is currently being worked by a process server to serve the Respondent.

Signed Order

Summary of UST23-0112

Fac. ID No. 6-590042/ Super Drive In Market, Columbia, Marshall County

- Director's Order signed September 7, 2023
- Violations on Order:
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to inspect overfill prevention equipment at least once every three years, the Respondent violated Rule 0400-18-01-.02(3)(c)(2), which states:
 - Failing to conduct release detection monitoring at least monthly
 - Failing to ensure that cathodic protection system is tested within six months of installation and every three years thereafter
 - Failing to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$14,880.00
- The Order will be final October 9, 2023

Signed Order

Summary of UST23-0117

Fac. ID No. 8-570511/ Bowling Convenience Inc., Jackson, Madison County

- Director's Order signed September 7, 2023
- 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 monitor spill prevention equipment at least once every three years
 - Failing to inspect overfill prevention equipment at least once every three years
 - Failing to test electronic and mechanical components at least annually for proper operation

UST23-0117-Continued

Fac. ID No. 8-570511/ Bowling Convenience Inc., Jackson, Madison County

- Violations on Order:
 - Failing to perform periodic walkthrough inspections
 - Failing to conduct a system test when there is a suspected release to determine whether a leak exists in the tank or delivery piping, or a breach exists in either wall of secondary containment
 - Failing to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division

- Penalty:
 - Total civil penalty: \$34,080.00

- The Order will be final November 7, 2023

Signed Order

Summary of UST23-0119

Fac. ID No. 5-191810/ Murphy USA No. 6986, Nashville, Davidson County

- Director's Order signed September 7, 2023
- Violations on Order:
 - Failing to perform periodic walkthrough inspections
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - 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 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

UST23-00119-Continued

Fac. ID No. 5-191810/ Murphy USA No. 6986, Nashville, Davidson County

- 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 cooperate with the Division

- Penalty:
 - Total civil penalty: \$24,720.00

- The Order will be final November 7, 2023

Signed Order

Summary of UST23-0129

Fac. ID No. 2-070116/ Eagle Market, Knoxville, Campbell County

- Director's Order signed September 7, 2023
- Violations on Order:
 - Failing to have an adequate spill prevention system
 - Failing to inspect overfill prevention equipment at least once every three years
 - Failing to cooperate with the Division by failing to provide documents, testing, or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$19,200.00
- The Order will be final October 9, 2023

Signed Order

Summary of UST23-0150

Fac. ID No. 9-79137/ Oil City, Memphis, Shelby County

- Director's Order signed September 7, 2023
- Violations on Order:
 - Failing to pay fees, penalties and interest on a tank
- Penalty:
 - Total fees and penalties: \$4,000.00
- The Order will be final November 7, 2023

Final Orders

Final Order

Summary of CRF22-0002

Fac. ID No. 1-900436/ Neal Story and Son, Inc., Johnson City, Washington County

- Cost Recovery Order signed July 18, 2023`
- Violations on Order:
 - Failing to comply with order UST18-0047
 - Failing to pay fees, penalties, and interest on a tank
- Penalty:
 - Total fees and penalties: \$10,113.83
- The Order became final on September 15, 2023, and has been referred to OGC.

Final Order

Summary of FDA23-0026

Fac. ID No. 2-450179 / Pilot Travel Centers, LLC dba Pilot #4596, Knoxville, Jefferson County

- Fund Deductible Amount Order signed August 11, 2023
- Violations on Order:
 - Failing to report a suspected release within seventy-two (72) hours to the Division
 - Failing to test spill prevention equipment at least once every three years
 - Failing to perform overfill prevention system inspections every three years
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- The Order was final September 16, 2023, and has been referred to OGC.

Final Order

Summary of UST23-0020

Fac. ID No. 2-010195/ Norris Health and Rehabilitation, Knoxville, Anderson County

- Director's Order signed July 18, 2023`
- Violations on Order:
 - Failing to perform periodic walkthrough inspections
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to report a suspected release within 72 hours to the Division
 - Failing to follow release investigation and confirmation steps within 30 days when there is a suspected release
 - 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: \$52,320.00
- The Order became final on August 24, 2023, and has been referred to OGC.

Final Order

Summary of UST23-0021

Fac. ID No. 2-470880/ Ian's Market No. 41, Knoxville, Knox County

- Director's Order signed July 18, 2023`
- Violations on Order:
 - Failing to comply with order UST18-0047
 - Failing to pay fees, penalties, and interest on a tank
- Penalty:
 - Total fees and penalties: \$10,113.83
- The Order became final on September 15, 2023, and has been referred to OGC.

Final Order

Summary of UST22-0089

Fac. ID No. 2-471523 / Ian's Market No. 73, Knoxville, Knox County

- Director's Order signed August 3, 2023
 - Failing to have one or more persons designated as Class A, Class B, and Class C Operators
 - Failing to have tanks installed after July 25, 2007, monitored for a release at least every thirty (30) days
 - Failing to have piping installed after July 25, 2007, monitored for a release at least every thirty (30) days
 - Failing to notify the Division at least 15 days prior to the installation of any tank and/or new UST system construction activities at the site
 - Failing to register tanks with the Division prior to 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, specifying the age, size, type, location, and uses of such tanks

UST22-0089-Continued

Fac. ID No. 2-471523 / Ian's Market No. 73, Knoxville, Knox County

- Director's Order signed August 3, 2023
 - Failing to certify installation of USTs in accordance with Rule 0400-18-01-.03(1)(d)1. within 15 days following completion of the installation
 - Failing to submit notification of a UST system installation to the Division within 15 days
 - Failing to cooperate with the Division by failing to provide documents, testing, or monitoring records to the Division

- Penalty:
 - Total civil penalty: \$44,856.00

- The Order became final on September 15, 2023, and has been referred to OGC.

Final Order

Summary of UST22-0133

Fac. ID No. 8-570499/ Mega Mart No. 1, Jackson, Madison County

- Director's Order signed August 3, 2023`
- Violations on Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to have overflow prevention equipment that will automatically shut off the flow into the tank when the tank is no more than ninety-five (95%) full;
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$21,600.00
- The Order is currently being worked by a process server to serve the Respondent.

Final Order

Summary of UST22-0134

Fac. ID No. 4-880030/ Vajr, Inc. d/b/a Quick Mart., Cookeville, Van Buren County

- Director's Order signed August 3, 2023
- Violations on Order:
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - 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 (95%) full;
 - Failure to have one or more persons designated as Class A, Class B, and Class C Operators for facilities having one or more petroleum UST systems
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$18,960.00
- The order has gone final and has been referred to OGC for resolution.

Final Order

Summary of UST22-0167

Fac. ID No. 4-250082/ Murphy USA No. 7316, Cookeville, Fentress County

- Director's Order signed August 11, 2023`
- Violations on Order:
 - Failing to have an adequate overfill prevention system
 - 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 by failing to provide documents, testing, or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$7,200.00
- The Order became final on September 15, 2023, and has been referred to OGC.

Final Order

Summary of UST23-0020

Fac. ID No. 2-010195/ Norris Health and Rehabilitation, Knoxville, Anderson County

- Director's Order signed July 18, 2023`
- Violations on Order:
 - Failing to perform periodic walkthrough inspections
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to report a suspected release within 72 hours to the Division
 - Failing to follow release investigation and confirmation steps within 30 days when there is a suspected release
- Penalty:
 - Total civil penalty: \$7,200.00
- The Order became final on September 15, 2023 and has been referred to OGC.

Final Order

Summary of UST23-0021

Fac. ID No. 2-470880/ Ian's Market No. 41, Knoxville, Knox County

- Director's Order signed July 18, 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 cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - 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 became final on September 10, 2023 and has been referred to OGC.

Final Order

Summary of UST23-0040

Fac. ID No. 2-1580127/ Newport Market & Deli, Knoxville, Cocke County

- Director's Order signed July 18, 2023`
- Violations on Order:
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping,
 - 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: \$6,960.00
- The Order became final on August 28, 2023 and has been referred to OGC.

Final Order

Summary of UST23-0079

Fac. ID No. 1-100176/ Franks Market, Johnson City, Carter County

- Director's Order signed July 18, 2023`
- Violations on Order:
 - Failing to pay fees, penalties and interest on a tank
- Penalty:
 - Total fees and penalties: \$2,000.00
- The Order became final on September 14, 2023 and has been referred to OGC.

Final Order

Summary of UST23-0100

Fac. ID No. 8-360015/ 64 Quick Stop, Jackson, Hardin County

- Director's Order signed August 3, 2023`
- Violations on Order:
 - Failing to have one or more persons designated as Class A, Class B,
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to inspect overfill prevention equipment at least once every three years
 - Failing to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$14,160.00
- The Order became final on September 16, 2023 and has been referred to OGC.

Appealed Orders

Appealed Order

Summary of FED23-0007

Fac. ID No. 2-070042 / Jeff's Gas and Tobacco, Knoxville, Campbell County

- Fund Eligibility Denial Order signed July 18, 2023
- Violations on Order:
 - Failure to submit the application for fund eligibility within ninety days of the confirmed release
 - Total application for fund eligibility was denied.
- The Order was appealed September 8, 2023, and is currently in OGC.

Appealed Order

Summary of UST22-0078

Fac. ID No. 2-450180/ Dandridge Rightway Food Mart, Knoxville, Jefferson County

- Director's Order signed August 3, 2023`
- Violations on Order:
 - Failing to ensure that electronic and mechanical components are tested annually
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
 - Total civil penalty: \$12,000.00
- The Order was appealed September 7, 2023, and is currently in OGC.

Appealed Order

Summary of UST23-0049

Fac. ID No. 2-320356/ Ridgewood Market, Knoxville, Hamblen County

- Director's Order signed July 18, 2023`
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to report a suspected release to the Division within seventy-two (72) hours after discovery
 - 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

UST23-0049-Continued

Fac. ID No. 2-320356/ Ridgewood Market, Knoxville, Hamblen County

- Director's Order signed July 18, 2023`
- 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 cooperate with the Division
- Penalty:
 - Total civil penalty: \$18,960.00
- The Order was appealed July 31, 2023, and is currently in OGC.

Appealed Order

Summary of UST23-0085

Fac. ID No. 2-470122/ Speedy Market & Deli, Knoxville, Knox County

- Director's Order signed August 3, 2023`
- Violations on Order:
 - Failing to pay fees, penalties, and interest on a tank
- Penalty:
 - Total fees and penalties: \$12,000.00
- The Order was appealed September 5, 2023, and is currently in OGC.

Appealed Order

Summary of UST23-0087

Fac. ID No. 2-010076/ Lee's Food Mart No. 125, Knoxville, Anderson County

- Director's Order signed July 18, 2023`
- Violations on Order:
 - Failing to report a change of status for a UST system within 30 days
 - Failing to have one or more persons designated as Class A, Class B, and Class C Operators
 - Failing to install, calibrate, operate, or maintain release detection method for tank in accordance with manufacturer's instructions
 - Failing to operate and maintain corrosion protection system to provide continuous protection
 - Failing to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division,
- Penalty:
 - Total civil penalty: \$25,200.00
- The Order was appealed August 4, 2023, and is currently in OGC.

Appealed Order

Summary of UST23-0099

Fac. ID No. 8-200090/ L&T Country Store, LLC, Jackson, Decatur County

- Director's Order signed July 18, 2023`
- Violations on Order:
 - 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 conduct release detection monitoring at least monthly for releases
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to have one or more persons designated as Class A, Class B, and Class C Operators
 - Failing to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$14,880.00
- The Order was appealed August 17, 2023, and is currently in OGC.

Appealed Order

Summary of UST23-0113

Fac. ID No. 2-471458/ Casey's General Store No. 4204, Knoxville, Knox County

- Director's Order signed August 3, 2023`
- Violations on Order:
 - Failing to ensure that within 30 days following repair, spill or overfill prevention equipment is tested or inspected
 - Failing to provide a release detection method capable of detecting a release from tank(s) that routinely contain product
 - 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 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 cooperate with the Division by failing to provide documents, testing or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$15,120.00
- The Order was appealed August 25, 2023, and is currently in OGC.

Non-Suit Orders

Non-Suit Order

Summary of FDA23-0023

Fac. ID No. 1-900056 / By-Lo Market No. 5., Johnson City, Washington County

- Fund Deductible Amount Order signed August 11, 2023
- Violations on Order:
 - Failing to report a suspected release with seventy-two (72) hours to the Division
 - Failing to repair, replace or close the UST system and begin corrective action if test results indicate that a release exists
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- Notice of Voluntary Non-Suit was signed on September 12, 2023.

Non-Suit Order

Summary of UST23-0050

Fac. ID No. 5-810046/ Dean's Market, Nashville, Stewart County

- Director's Order signed July 19, 2023
- Violations on Order:
 - Failing to operate and maintain corrosion protection system in accordance with a corrosion expert's design to provide continuous protection
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$2,400.00
- Notice of Voluntary Non-Suit was signed on August 16, 2023.

Non-Suit Order

Summary of UST23-0094

Fac. ID No. 3-060112/ ABC Convenience Store No. 12, Chattanooga, Bradley County

- Director's Order signed July 18, 2023
- Violations on Order:
 - Failing to perform three-year integrity tests of the spill buckets
 - Failing to inspect and test the overfill equipment
 - Failing to perform an annual test of the electronic and mechanical components of the automatic tank gauge system
 - Failing to perform an annual test of the line leak detectors
 - Failing to designate a trained B operator for the facility
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$32,640.00
- Notice of Voluntary Non-Suit was signed on August 15, 2023.

Signed Orders From August 2023

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 has gone final and has been referred to OGC.

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 has gone final, and remediation is in process.

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 was appealed August 7, 2023, and is in OGC for resolution.

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 has gone final and is in OGC for resolution.

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 has gone final and is in OGC for resolution.

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 has gone final and is in OGC for resolution.

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
- There has been an issue getting the Order served. It has gone back out to the private process server to attempt service at a different address.

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 has gone final and is in OGC for resolution. There are some issues regarding ownership due to a lease to own agreement.

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
- This Order has been appealed

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 has gone final and is in OGC for resolution.

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 has gone final and is in OGC for resolution.

Final Orders From August 2023

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 has gone final, and remediation is ongoing.

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
- A Compromise and Settlement has been reached for \$9,125 upfront and \$18,000 contingent on a year of probation. The Respondent has paid one payment of \$2,375 and will make three monthly payments of \$2,250.

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 has gone final, and remediation is still ongoing.

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. The Respondent has been submitting the monthly tank tightness test as release detection while waiting to get the automatic tank gauge installed.

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 has gone final and is in OGC for resolution. Referral to the AG is pending.

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 order is final and is currently in the AG's office for resolution.

Appealed Orders From August 2023

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 and is currently being set for hearing.

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. Tanks have been permanently closed and remediation is ongoing.

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 OGC is currently setting case for hearing.

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 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
- A Compromise and Settlement was reached with an upfront penalty of \$2,400 and a contingent penalty of \$7,080. The Respondent is to pay \$1,500 and then six payments of \$150.

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
- An Agreed Order was reached. The Respondent is to pay \$5,143.71 in tank fees and late penalties.

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. OGC is still working to get the other Respondent served prior to the order going to the AG's office.**

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 has gone and in OGC for resolution.

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
- A Compromise and Settlement was reached with an upfront penalty of \$6,000 plus \$65 for process of service fee with a contingent penalty of \$22,600.

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 reached with an upfront penalty of \$11,246.40 plus \$115 for process of service fee and a contingent penalty of \$53,953.60. The Respondent paid \$1874.40 plus the \$115 and will make five monthly payments of \$1874.40.**

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 is final and in OGC for resolution. Remediation is ongoing.

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 UST22-0066

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 is Final and in OGC for resolution.

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 overfill 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 is final and in OGC for resolution.

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 is Final in OGC for resolution.**

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 Final and in OGC for resolution. The Compromise and Settlement is in the AG's office for approval.

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 UST22-0119

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 OGC is setting the case for hearing.

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 appealed and OGC is working on an Agreed Order.

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 has become Final in OGC for resolution. Compromise and Settlement drafted but not signed by Respondent.

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. OGC is setting the case for hearing.

Final Orders From the April 2023 Board Report

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 in Final and Respondent continues to comply with clean-up requirements. Operator retraining has been 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 is Final. Respondent has filed inability to pay and that is being processed.

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 and operator retraining completed.

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
 - **Compromise and Settlement is completed with an upfront penalty of \$4,435 plus \$115 for service of process fee and a contingent penalty of \$20,765.**

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 overfill 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 and is currently in OGC for resolution. Tanks have been permanently closed but Division is still waiting on the Permanent Closure Report is still needed.

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 and is currently in OG for resolution. Case still with APD. Some compliance has been reached, but still has some items to be completed.

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 and is currently in OGC for resolution. Respondent agreed to pay \$10,080 in upfront civil penalties and \$65 for service of process fee. The remaining \$14,400 is contingent on one year probation.

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 and is currently in OGC for resolution. Agreed order reached. Respondent paid \$3,480 upfront civil penalty and paid \$125 for cost of service of process fee and will be on probation for one year. \$18,240 contingent on probation.

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 and is currently in OGC for resolution. Case to be set for General Sessions.

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. Respondent has supplied inability to pay documents and OGC working to make sure they are complete and to have the inability to pay reviewed.

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 Order was appealed and in the AG's Office.

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 reached. Respondent to pay \$14,270 with a year of probation. The penalty is to be paid in a payment plan with one payment of \$1,400 already paid and eleven payments of \$1,170. The remaining \$27,720 is contingent on the probation.

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. Case referred to AG.

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. The 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 and is in OGC for resolution. Facility has returned to compliance. Case being set for General Sessions court as no agreement can be reached.

Final Orders from December 2021 Board Report

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 is final and in OG for resolution. Respondent has claimed inability to pay and the Inability to Pay application sent to respondent.

Questions?

