



Department of  
**Environment &  
Conservation**

# Underground Storage Tank Enforcement Update

Underground Storage Tanks and  
Solid Waste Disposal Control Board  
October 2, 2024

Rhonda Key, Environmental Manager

# ENFORCEMENT OVERVIEW

The Division issued 97 orders between April 1, 2024, and June 30, 2024

- 13 were Fund Deductible Orders. 7 were Fund Denial Orders. 77 were Operational Compliance orders.
- 4 have been closed, 17 were Appealed, 14 are in Final status, 4 are in Final-Probation status and 55 are in Signed status.

# Enforcement Overview (cont'd)

In the State's fourth quarter  
(April 1, 2024, through June 30, 2024)

- The Division assessed \$1,796,012 in civil penalties.
- The Division collected \$361,877 in civil penalties.

# Final Order

## Summary of FDA24-0021

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

- Fund Deductible Amount Order signed April 2, 2024.
- Violations on Order:
  - Failing to install, calibrate, operate, or maintain release detection method for piping in accordance with manufacturer's instructions.
  - Failing to install, calibrate, operate, or maintain release detection method for tank in accordance with manufacturer's instructions.
  - 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 \$20,000.00.
- The order became final June 20, 2024. The case is currently in OGC.

# Final Order

## Summary of FDA24-0032

Fac. ID No. 9-790659/ Circle K Store No. 4703679, Memphis, Shelby County

- Fund Deductible Amount Order signed May 23, 2024.
- Violations on Order:
  - Failure to install, calibrate, operate, or maintain release detection method for tank in accordance with manufacturer's instructions.
  - Failure to conduct a system test when there is a suspected release to determine whether a leak exists in the tank or delivery piping.
- Application for Fund Eligibility is approved with a deductible of \$20,000.00.
- The order became final July 3, 2024. The Division still needs passing results for the regular line and prem line.

# Final Order

## Summary of FED24-0009

Fac. ID No. 4-800128/ Murphy USA No. 7449, Cookeville, Smith County

- Fund Eligibility Denial Order signed May 23, 2024.
- Violations on Order:
  - Failure to report a suspected release within 72 hours.
  - Failure to equip pressurized underground piping with automatic line leak detection.
  - Failure to test line leak detectors annually.
  - Failure to do monthly monitoring on pressurized underground piping.
  - Failure to have adequate overfill.
- The Application for Fund Eligibility is denied.
- The order became final July 3, 2024. Working with Respondent to get necessary documents to return to compliance.

# Final Order

## Summary of FED24-0013

Fac. ID No. 2-450114/ Pilot Travel Center No. 412, Knoxville, Jefferson County

- Fund Eligibility Denial Order signed April 25, 2024.
- Violations on Order:
  - Failure to report a suspected release within 72 hours.
  - Failure to inspect overfill prevention equipment at least once every three years.
- The Application for Fund Eligibility is denied.
- The order became final June 1, 2024. The case is currently in OGC.

# Final Order

## Summary FED24-0015

Fac. ID No. 3-060200/ Exit Corner, Chattanooga, Bradley County

- Fund Eligibility Denial Order signed May 24, 2024.
- Violations on Order:
  - Failure to monitor tanks at least monthly.
  - Failure to test spill prevention devices at least once every three years.
  - Failure to install, calibrate, operate, or maintain release detection method for piping in accordance with manufacturer's instructions.
  - Failure to inspect overfill prevention equipment at least once every three years.
  - Failure to comply with requirements concerning design, construction, utilization, and or upgrade of corrosion protection for piping.
  - Failure to test electronic and mechanical components at least annually for proper operation.
  - Failure to install ancillary equipment and containment systems in accordance with manufacturer's installation.



# Final Order-Continued

## Summary FED24-0015

Fac. ID No. 3-060200/ Exit Corner, Chattanooga, Bradley County

- Fund Eligibility Denial Order signed May 24, 2024.
- Violations on Order:
  - Failure to report a suspected release to the Division within 72 hours.
  - Failure 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.
  - Failure to repair, replace or close the UST system if test results indicate that a release exists.
  - Failure upon confirmation of a release to immediately remove as much petroleum from an UST system as is necessary to prevent any further release.
- The Application for Fund Eligibility is denied.
- The order became final June 29, 2024. Working with Respondent to get necessary documents to return to compliance.

# Final Order

## Summary of UST23-0159

Fac. ID No. 8-240104 / Moscow Express, Memphis, Fayette County

- Director's Order signed April 25, 2024.
- Violations on Order:
  - Failing to have overflow prevention equipment that will automatically shut off the flow into the tank when the tanks is no more than ninety-five (95%) full.
  - Failing to equip pressurized underground piping with automatic line leak detection.
  - Failing to conduct annual line tightness test on pressurized underground piping.
  - failing to have spill prevention equipment that will prevent release of petroleum to the environment when the transfer hose is detached.
  - Failing to test spill prevention equipment at least once every three years.
  - Failing to maintain a log of at least the last twelve months of visual inspections for seeps and drips after removing the dispenser cover.

# Final Order-Continued

## Summary of UST23-0159

Fac. ID No. 8-240104 / Moscow Express, Memphis, Fayette County

- Director's Order signed April 25, 2024.
- Violations on Order:
  - Failing to ensure that cathodic protection system is tested every 3 years.
  - Failing to inspect impressed current corrosion protection system every sixty (60) days.
  - Failing to monitor tanks at least monthly.
  - Failing to install, calibrate, operate, or maintain release detection method for tank.
  - Failure of facility having one or more petroleum UST systems to have one or more persons designated as Class A and Class B Operators.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$69,840.00.
- The order became final June 7, 2024, and is currently in OGC.

# Final Order

## Summary of UST23-0173

Fac. ID No. 6-500222 / O'Reilly Automotive Stores, Inc., Columbia, Lawrence County

- Director's Order signed April 1, 2024.
- Violations on Order:
  - Failure to report the results of all sampling done during closure to the Division.
  - Failure to submit a Permanent Closure Report in a format established by the Division and in accordance with instructions provided by the Division.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$7,680.00.
- The order became final May 8, 2024, and is currently in OGC.

# Final Order

## Summary of UST23-0181

Fac. ID No. 9-792718/ SAN Investments, Inc., Memphis, Shelby County

- Director's Order signed April 1, 2024.
- Violations on Order:
  - Failing to have one or more persons designated as Class A, Class B and Class C Operators.
  - Failing to have overfill prevention equipment that will alert the transfer operator when the tank is no more than 90% full by restricting the flow into the tank.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$11,760.00.
- The order became final June 2, 2024, and is currently in OGC.  
The facility is red-tagged.

# Final Order

## Summary of UST23-0230

Fac. ID No. 2-870042/ Diamond W Trading Post, Knoxville, Union County

- Director's Order signed April 25, 2024.
- Violations on Order:
  - Failing to have one or more persons designated as Class A, Class B and Class C Operators.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$4,560.00.
- The order became final June 11, 2024, and is currently in OGC.

# Final Order

## Summary of UST23-0231

Fac. ID No. 5-750315/ Neely's Market, Nashville, Rutherford County

- Director's Order signed April 2, 2024.
- 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 cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$18,720.00.
- The order became final May 16, 2024, and is currently in OGC.

# Final Order

## Summary of UST23-0252

Fac. ID No. 8-240073/ Somerville Quick Stop, Memphis, Fayette County

- Director's Order signed April 2, 2024.
- Violations on Order:
  - Failing to monitor tanks at least monthly.
  - Failure of facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$16,080.00.
- The order became final May 10, 2024, and is currently in the Attorney General's office.



# Final Order

## Summary of UST24-0021

Fac. ID No. 7-270042/ Tony Montana Mini Mart, Jackson, Gibson County

- Director's Order signed April 25, 2024.
- Violations on Order:
  - Failure to perform periodic walkthrough inspections.
  - Failure 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.
  - Failure to inspect overfill prevention equipment at least once every three years.
  - Failure to test electronic and mechanical components at least annually for proper operation.
  - Failure to test line leak detectors annually in accordance with guidance provided by the Division and manufacturer's instructions.

# Final Order-Continued

## Summary of UST24-0021

Fac. ID No. 7-270042/ Tony Montana Mini Mart, Jackson, Gibson County

- Director's Order signed April 25, 2024.
- Violations on Order:
  - Failure to conduct annual line tightness test on pressurized underground piping.
  - Failure to ensure that cathodic protection system is tested every three years.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$75,120.00.
- The order became final June 28, 2024, and is currently in OGC.

# Final Order

## Summary of UST24-0030

Fac. ID No. 8-350151/ Whiteville Tiger Mart, Jackson, Hardeman County

- Director's Order signed April 25, 2024.
- Violations on Order:
  - Failure 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.
  - Failure to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover.
  - Failure to conduct annual line tightness test on pressurized underground piping.
  - Failure to test line leak detectors annually in accordance with guidance provided by the Division and manufacturer's instructions.
  - Failure to inspect overfill prevention equipment at least once every three years.

# Final Order-Continued

## Summary of UST24-0030

Fac. ID No. 8-350151/ Whiteville Tiger Mart, Jackson, Hardeman County

- Director's Order signed April 25, 2024.
- Violations on Order:
  - Failure to test electronic and mechanical components at least annually for proper operation.
  - Failure to perform periodic walkthrough inspections.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$53,520.00
- The order became final May 10, 2024, and is currently in OGC.

# Final Order

## Summary of UST24-0058

Fac. ID No. 5-750333/ 728 Memorial Boulevard, Nashville, Rutherford County

- Director's Order signed April 26, 2024.
- Violations on Order:
  - Failure to use a spill prevention system that will prevent the release of petroleum to the environment when the transfer hose is detached.
  - Failure to install, calibrate, operate, or maintain release detection method for a tank in accordance with manufacturer's instructions.
  - Failure to monitor tanks at least monthly.
  - Failure to conduct annual line tightness test on pressurized underground piping.
  - Failure to ensure that the cathodic protection system is tested every three years.
  - Failure to ensure that cathodic protection is functioning as designed and is effectively preventing corrosion.

# Final Order-Continued

## Summary of UST24-0058

Fac. ID No. 5-750333/ 728 Memorial Boulevard, Nashville, Rutherford County

- Director's Order signed April 26, 2024.
- Violations on Order:
  - Failure to test line leak detectors annually in accordance with guidance provided by the Division.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$18,720.00.
- The order became final June 15, 2024. The facility is red tagged and is currently in OGC.

# Appealed Orders

# Appealed Order

## Summary of FDA24-0022

Fac. ID No. 9-791586 / TN0105, Memphis, Shelby County

- Fund Deductible Amount Order signed April 25, 2024.
- Violations on Order:
  - Failing to report a suspected release within seventy-two (72) hours to the Division.
  - Failure to repair, replace or close the UST system if test results indicate that a release exists.
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- The order was appealed on May 6, 2024, and is currently in OGC.



# Appealed Order

## Summary of FDA24-0027

Fac. ID No. 3-330786 / Stop and Save, Chattanooga, Hamilton County

- Fund Deductible Amount Order signed April 25, 2024.
- Violations on Order:
  - Failing to report a suspected release within seventy-two (72) hours to the Division.
  - Failure to perform periodic walkthrough inspections.
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- The order was appealed on May 9, 2024, and is currently in OGC.

# Appealed Order

## Summary of FDA24-0029

Fac. ID No. 9-791928 / City of Bartlett Public Works, Memphis, Shelby County

- Fund Deductible Amount Order signed April 25, 2024.
- Violations on Order:
  - Failing to report a suspected release within seventy-two (72) hours to the Division.
  - Failure to perform periodic walkthrough inspections.
- Application for Fund Eligibility is approved with a deductible of \$30,000.00
- The order was appealed on June 20, 2024, and is currently in OGC.

# Appealed Order

## Summary of FED24-0014

Fac. ID No. 9-792018/ Winchester Express, Memphis, Shelby County

- Fund Eligibility Denial Order signed May 23, 2024
- Violations on Order:
  - Failure to have spill prevention system that will prevent release of petroleum to the environment.
  - when the transfer hose is detached from the fill pipe.
  - Failure to install, calibrate, operate, or maintain release detection method for tank in accordance.
  - with manufacturer's instructions.
  - Failure to install or provide adequate overfill prevention system.
  - Failure to report a suspected release within 72 hours.
  - Failure 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.
- The Application for Fund Eligibility is denied.
- The order became final June 8, 2024. The case is currently in OGC.

# Appealed Order

## Summary of UST23-0136

Fac. ID No. 6-910007 / G G's Market, Columbia, Wayne County

- Violations on Order:
  - Failure to complete the underground storage tank notification form accurately and in its entirety for each tank, tank compartment, and the piping connected thereto.
  - Failure to ensure that a cathodic protection system is tested within six months of installation and every three years thereafter.
  - Failing to cooperate with the Division.
  
- Penalty:
  - Total civil penalty: \$11,760.00
  
- The Order was appealed on May 5, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST23-0146

Fac. ID No. 5-750458 / Blackman Station, Nashville, Rutherford 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 report a change of status for a UST system within 30 days.
  - Failing to cooperate with the Division.
  
- Penalty:
  - Total civil penalty: \$5,280.00.
  
- The Order was appealed on June 7, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST23-0158

Fac. ID No. 7-090092/ Cornerstone Mart, Jackson, Carroll County

### ■ Violations on Order:

- Failure to continue operation and maintenance of release detection in a temporarily closed tank system that contains product.
- Failure to cap and secure all lines, pumps, manways, and ancillary equipment on a temporarily out-of-service tank.
- Failure to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping.
- Failure to test line leak detectors annually.
- Failure to perform periodic walkthrough inspections.
- Failure to ensure that electronic and mechanical components are tested annually for proper operation.

# Appealed Order-Continued

## Summary of UST23-0158

Fac. ID No. 7-090092/ Cornerstone Mart, Jackson, Carroll County

- Violations on Order:
  - Failure to monitor tanks at least monthly.
  - Failure to monitor spill prevention equipment.
  - Failure to inspect overfill prevention equipment at least once every three years.
  - Failure to cooperate with the Division.
  
- Penalty:
  - Total civil penalty: \$52,320.00.
  
- The Order was appealed on May 14, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST23-0195

Fac. ID No. 5-750458 / Park Shell, Memphis, Shelby County

- Violations on Order:
  - Failing to perform periodic walkthrough inspections.
  - Failing to conduct annual line tightness test on pressurized underground piping.
  - Failing to test line leak detectors annually.
  - 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 maintain a log of at least the last twelve months of visual inspections for seeps and drips after removing the dispenser cover.
  - Failing to inspect overfill prevention equipment at least once every three years.



# Appealed Order-Continued

## Summary of UST23-0195

Fac. ID No. 5-750458 / Park Shell, Memphis, Shelby County

- Violations on Order:
  - Failing to report a change of status for a UST system within 30 days.
  - Failing to ensure that cathodic protection system is tested every three years.
  - Failing to inspect current corrosion protection system every 60 days.
  - 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: \$75,600.00.
  
- The Order was appealed on June 18, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST23-0220

Fac. ID No. 2-470875/ Pilot No. 105, Knoxville, Knox County

- Violations on Order:
  - Failing to inspect overfill prevention equipment at least once every three years.
  - Failing to install adequate overfill prevention system.
  - Failing to cooperate with the Division.
  
- Penalty:
  - Total civil penalty: \$9,600.00
  
- The Order was appealed on May 17, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST23-0244

Fac. ID No. 9-792746/ Express Grill and Market, Memphis, Shelby County

- Violations on Order:
  - Failure to have adequate overfill prevention
  - Failure to have spill prevention equipment that will prevent release of petroleum to the environment when the transfer hose is detached from the fill pipes
  - Failure to monitor tanks at least monthly
  - Failure to conduct monthly monitoring on pressurized underground piping
  - Failure to report a change of status for a UST system within 30 days
  - Failure of a facility having one or more petroleum UST systems to have one or more persons
    - designated as Class A and Class B Operators
    - Failing to cooperate with the Division.
- Penalty:
  - Total civil penalty: \$39,600.00.
- The Order was appealed on April 29, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST24-0026

Fac. ID No. 1-300027/ MaxxMart, Johnson City, Greene County

### ■ Violations on Order:

- Failure of facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C operators.
- Failure to operate and maintain corrosion protection system in accordance with a corrosion expert's design to provide continuous protection.
- Failure to inspect impressed current corrosion protection systems every 60 days
- Failure to perform periodic walkthrough inspections.
- Failure to ensure that electronic and mechanical components are tested annually for proper operation.
- Failure to conduct annual line tightness test on pressurized underground piping.

# Appealed Order-Continued

## Summary of UST24-0026

Fac. ID No. 1-300027/ MaxxMart, Johnson City, Greene County

- Violations on Order:
  - Failure to test line leak detectors annually.
  - Failing to cooperate with the Division.
  
- Penalty:
  - Total civil penalty: \$51,120.00.
  
- The Order was appealed on July 2, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST23-0244

Fac. ID No. 9-792746/ Express Grill and Market, Memphis, Shelby County

- Violations on Order:
  - Failure to have adequate overfill prevention
  - Failure to have spill prevention equipment that will prevent release of petroleum to the environment when the transfer hose is detached from the fill pipes
  - Failure to monitor tanks at least monthly
  - Failure to conduct monthly monitoring on pressurized underground piping
  - Failure to report a change of status for a UST system within 30 days
  - Failure of a facility having one or more petroleum UST systems to have one or more persons designated as Class A and Class B Operators
  - Failing to cooperate with the Division.
- Penalty:
  - Total civil penalty: \$39,600.00.
- The Order was appealed on April 29, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST24-0028

Fac. ID No. 7-660139/ LA Quick Stop 3 Inc., Jackson, Obion County

### ■ Violations on Order:

- Failure to maintain a log of at least the last twelve (12) months of visual inspections for seeps and drips after removing the dispenser cover.
- Failure 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.
- Failure to monitor tanks at least monthly.
- Failure to ensure that cathodic protection system is tested every 3 years.
- Failure to inspect overfill prevention equipment at least once every three years.
- Failure to perform periodic walkthrough inspections.

# Appealed Order-Continued

## Summary of UST24-0028

Fac. ID No. 7-660139/ LA Quick Stop 3 Inc., Jackson, Obion County

- Violations on Order:
  - Failure to conduct annual line tightness test on pressurized underground piping.
  - Failure to test electronic and mechanical components at least annually for proper operation.
  - Failure to test line leak detectors annually.
  - Failing to cooperate with the Division.
  
- Penalty:
  - Total civil penalty: \$80,160.00
  
- The Order was appealed on June 28, 2024, and is currently in OGC.



# Appealed Order

## Summary of UST24-0042

Fac. ID No. 9-790826/ The Market No. 129, Memphis, Shelby County

### ■ Violations on Order:

- Failure to perform periodic and annual walkthrough inspections.
- Failure to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover.
- Failure 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.
- Failure to inspect overfill prevention equipment at least once every three years.
- Failure to maintain results of annual testing of electronic and mechanical components of release for three years.
- Failure to monitor tanks at least monthly.

# Appealed Order-Continued

## Summary of UST24-0042

Fac. ID No. 9-790826/ The Market No. 129, Memphis, Shelby County

- Violations on Order:
  - Failure to ensure that a cathodic protection system is tested every three years.
  - Failure to conduct an annual line tightness test on pressurized underground piping.
  - Failure to test line leak detectors annually in accordance with guidance provided by the Division and manufacturer's instructions.
  - Failure to test electronic and mechanical components of release detection at least annually for proper operation.
  - Failing to cooperate with the Division.
- Penalty:
  - Total civil penalty: \$70,320.00.
- The Order was appealed on April 30, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST24-0051

Fac. ID No. 9-791470/ Express Grill and Market, Memphis, Shelby County

- Violations on Order:
  - Failure 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 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: \$11,760.00.
  
- The Order was appealed on May 30, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST24-0057

Fac. ID No. 9-792107/ Express Mart, Memphis, Shelby County

- Violations on Order:
  - Failure of facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators.
  - Failing to cooperate with the Division.
  
- Penalty:
  - Total civil penalty: \$4,560.00.
  
- The Order was appealed on June 27, 2024, and is currently in OGC.

# Appealed Order

## Summary of UST24-0134

Fac. ID No. 9-791239/ Crump Market, Memphis, Shelby County

- Violations on Order:
  - Failure of facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators.
  - Failure to have spill prevention system that will prevent release of petroleum to the environment when the transfer hose is detached from the fill pipe.
  - Failure 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 or triggering a high-level alarm.
  - Failing to cooperate with the Division.
- Penalty:
  - Total civil penalty: \$15,600.00.
- The Order was appealed on June 26, 2024, and is currently in OGC.

# Closed Orders

# Closed Order

## Summary of FED24-0017

Fac. ID No. 4-800128/ Roadrunner No. 6011, Johnson City, Washington County

- Fund Eligibility Denial Order signed April 5, 2024.
- Violations on Order:
  - Failure to operate and maintain corrosion protection system to provide continuous protection.
  - Failure to report a suspected release within 72 hours.
- The Application for Fund Eligibility was denied.
- The Respondent paid the civil penalty, completed retraining and the suspected release was close. The case was closed July 8, 2024.

# Closed Order

## Summary of UST23-0219

Fac. ID No. 5-630420/ Murphy USA No. 5367, Nashville, Montgomery County

- Director's Order signed April 1, 2024.
- Violations on Order:
  - Failure to perform periodic and annual walkthrough inspections.
  - Failure to provide release detection method capable of detecting a release from tank that routinely contains product
  - Failure to remove dispenser cover and visually inspect for releases, seeps, drips at least quarterly
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$17,280.00.
- The penalties have been paid in full and the facility is back in compliance. The case was closed July 11, 2024.



# Closed Order

## Summary of UST24-0111

Fac. ID No. 3-060140/ ABC Convenience Store, Chattanooga, Bradley County

- Director's Order signed April 25, 2024.
- Violations on Order:
  - Failure to have spill prevention equipment that will prevent a release of petroleum to the environment when the transfer hose is detached from the fill pipe.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$2,400.00.
- The penalties have been paid in full and the facility is back in compliance. The case was closed June 4, 2024.

# Closed Order

## Summary of UST24-0032

Fac. ID No. 4-710006/ Allen's Market, Cookeville, Putnam County

- Director's Order signed April 26, 2024.
- Violations on Order:
  - Failure of facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C operators.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$4,560.00.
- The penalties have been paid in full and the facility is back in compliance. The case was closed July 1, 2024.

# Non-Suit Orders

# Non-Suit Order

## Summary of FDA24-0026

Fac. ID No. 8-570206/ Moize Creek Wastewater Treatment Plant, Jackson, Madison County

- Fund Deductible Amount Order signed April 25, 2024.
- Violations on Order:
  - Failing to ensure that cathodic protection is functioning as designed and is effectively preventing corrosion.
- Application for Fund Eligibility is approved with a deductible of \$20,000.00.
- The CP violation from the inspection should not have impacted the deductible since it was not present at the time of the release. Enforcement case non-suited May 31, 2024.

# UPDATES:

Updates to Final or  
Appealed Orders  
from Previous Quarters

# Final Order

## Summary of UST23-0217

Fac. ID No. 3-260164/ Chally Wally, Columbia, Franklin County

- Director's Order signed February 23, 2024.
- Violations on Order:
  - Failing to ensure that cathodic protection system is tested within six (6) months of installation and every three years thereafter
  - Failing to have adequate overfill prevention system
  - Failing to install other system parts in accordance with manufacturer's installation instructions
  - Failing to test electronic and mechanical components at least annually for proper operation
  - 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 report a change of status for a UST system within 30 days
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$24,000.00
- The order became final April 17, 2024. [Settlement reached and the respondent will pay \\$21,600 in civil penalties and \\$85 is service of process in 10 equal payments. First payment has been received.](#)

# Appealed Order

## Summary of UST22-0181

Fac. ID No. 8-840080 / Lucky Market, Memphis, Tipton County

- Director's Order signed February 8, 2024.
- Violations on Order:
  - Failing to provide release detection method capable of detecting a release from tank that routinely contains product.
  - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping for a temporarily closed tank system that contains greater than 1 inch of liquid and/or residue.
  - Failing to perform periodic walkthrough inspections for a temporarily closed tank system that contains greater than 1 inch of liquid and/or residue.
  - 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 for a temporarily closed tank system that contains greater than 1 inch of liquid and/or residue.
  - Failing to inspect overfill prevention equipment at least once every three years for a temporarily closed tank system that contains greater than 1 inch of liquid and/or residue
  - Failing to test line leak detectors annually for a temporarily closed tank system that contains greater than 1 inch of liquid and/or residue.

# Appealed Order-Continued

## Summary of UST22-0181-Continued

Fac. ID No. 8-840080 / Lucky Market, Memphis, Tipton County

- Director's Order signed February 8, 2024.
- Violations on Order:
  - Failing to report a suspected release to the division within seventy-two (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.
  - Failing to cooperate with the Division.
- Penalty:
  - Total fees and penalties: \$40,800.00.
- The order was appealed on March 6, 2024. Agreed Order reached. Respondent paid \$5,000 in civil penalties and \$72.80 in service of process cost. The remaining civil penalty is contingent on the Respondent properly closing the tanks. PCA has been submitted and approved.



# Appealed Order

## Summary of UST23-0075

Fac. ID No. 8-200008 / Perryville Mini Mart, Jackson, Decatur County

- Director's Order signed February 9, 2024.
- Violations on Order:
  - Failing to test electronic and mechanical components at least 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 years.
  - 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.
- Penalty:
  - Total civil penalty: \$23,040.00.
- The Order was appealed on March 25, 2024. [Agreed Order reached. Respondent to pay \\$11520 in civil penalties and \\$101.50 in service of process costs in one upfront payment of \\$1,061.50 and 11 payments of \\$960. Upfront payment and next two payments made.](#)

# Appealed Order

## Summary of UST23-0134

Fac. ID No. 8-570362 / Bull Market 305, Jackson, Madison County

- Director's Order signed February 23, 2024.
- Violations on Order:
  - Failing to have adequate overfill prevention.
  - Failing to cooperate with the Division.
- Penalty:
  - Total civil penalty: \$7,200.00.
- The Order was appealed on April 10, 2024. [Agreed Order reached. Respondent to pay \\$4391.60 and be on probation for one year.](#)