



Department of
**Environment &
Conservation**

Overview of 2018 Comptroller Sunset Audit Finding UST Complaint Tracking System

February 2, 2022

Melinda Weir, CFE
Division of Underground Storage Tanks

INTRODUCTION

- Melinda Weir, CFE
- Environmental Investigator, Division of Underground Storage Tanks

OVERVIEW

- Review of Finding from 2018 State Comptroller Sunset Audit
- TDEC Management Comments
- Corrective Actions Developed and Implemented

2018 COMPTROLLER SUNSET AUDIT

- Audit Period: July 1, 2015 through June 30, 2018
- Audit Report: Issued December 11, 2018
- TDEC Management's Comments / Corrective Action Plan Letter: Submitted January 10, 2019
- Six-month Follow-up: Submitted June 11, 2019

AUDIT FINDING

- “Divisions in the department’s Bureau of Environment do not have sufficient procedures on investigating, logging, and monitoring complaints; and,
- The divisions do not track environmental complaints for data trends and additional information that could impact public health.”

RECOMMENDATION

- Bureau management should implement policies and procedures to track environmental complaint data across all divisions to assess risks related to public health and safety and to provide accountability for environmental concerns to citizens.
- Management in Divisions (including UST) should develop complaint procedures
- Divisions that did have some form of tracking should update their current policies to include specific procedures for timeliness, as well as for investigating, logging, and monitoring all environmental complaints

TDEC MANAGEMENT'S COMMENT

- The department conducts regular inspections of
 - regulated entities,
 - reviews monitoring reports submitted by regulated entities,
 - and conducts its own regular environmental monitoring to ensure human health and the environment are protected.
- The department concurred with the recommendation that developing or updating written policies relative to complaint management in each division will enhance department effectiveness

SIX-MONTH FOLLOW-UP

- TDEC management reported that each environmental division in the Bureau of Environment has engaged in the development or updating of policies and/or procedures related to complaint management.
- These procedures will be followed by environmental division staff statewide and will focus on
 - the acknowledgement of receipt of environmental complaints,
 - the establishment of timeframes and/or deadlines for response to environmental complaints,
 - the tracking of the timeliness of environmental complaint investigations, and
 - reporting back to complainants the results of investigations.

STATUS OF CORRECTIVE ACTIONS

- Division of Underground Storage Tanks – policy updated and implemented 06/28/2019;
- UST process have been verified and on file with TDEC Internal Audit and have been submitted to the Comptroller of the Treasury

NEXT UP ...

- Mark Braswell, Deputy Director for Field Operations, Division of Underground Storage Tanks, will provide information related to the UST Complaints Tracking System



DIVISION OF UNDERGROUND STORAGE TANKS

Citizen Environmental Complaints

Mark Braswell
Deputy Director of Field Office Operations

2/2/2022

What is a Citizen Environmental Complaint?

- “Complaint” is not Defined under UST Act/Rules
- UST Act Provides Authority to the Commissioner to Investigate
- UST Act Provides Jurisdiction
- Can be Anonymous



What is NOT Citizen Environmental Complaint?

- Exempted Tanks
- Regulated Situations under other Regulatory Divisions/Agencies
 - Other TDEC Divisions
 - Other State or Federal Agencies
 - Local Government
 - Unsubstantiated Allegations



UST Complaint Policy

- Complaints Managed Since Program Inception
- Policy Formalized in 2019
- Data Tracking Module
- Training
- Reporting

Complaint Policy

Division of Underground Storage Tanks
12-17-2018 (Amended 6/18/2021)

DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide division staff guidance on how to apply decisions, procedures and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts. Mention of trade names or commercial products does not constitute an endorsement or recommendation for use.

1. Purpose

a. Authority to Investigate

The Tennessee Petroleum Underground Storage Tank Act (UST Act) provides authority to the Commissioner in § 68-215-107(a) through (e) to investigate complaints and the enforce rules of the Underground Storage Tanks and Solid Waste Disposal Control Board adopted pursuant to § 68-215-107(f)(1) through (11) in Chapter 0400-18-01. This document establishes a policy for receiving and responding to complaints, responding to complainants, tracking results, and periodically analyzing the data collected by the Division of Underground Storage Tanks (UST Division).

b. Definition of Complaint for this Policy

Since the UST Act or rules do not contain a definition for the term complaint, for the purposes of this Policy, valid complaints for the UST Division only include petroleum USTs regulated by the UST Act and rules adopted by the Board.

UST Database Complaint Module

- Setup to Track Regulatory Information
- Address Audit Findings

Underground Storage Tanks
BG18008 | Home | LCS | RDA Zip | CPM | DocalIR
Service Inventory | My Reports | UST Reports | Print | Change Passwor

Sites, Facs, Contacts, Docs
Inspections
Remedi

mbursement
Enforcement
Web Reports
Complaint

Parent Site Name
Site Location
County
EFO

Family Food Mart and Deli
5147 Highway 11 West
Hawkins
Johnson City 36

COMPLAINT
Location based on SITE_ID
Investigation

Cancel
Apply Changes
Printable Version

Concerning Environmental Complaint
Complaint Number 118095

Division UST

Date Received JAN-04-2022

Received by MLB, Mitzie Berry, (423) 854-5444

How Received Phone

Assigned By KRI, Kevin Rice, (423) 854-5441

Assigned Date JAN-04-2022

Assigned To HLM, Heather Mott, (423) 854-5486

UST Facility ID 1370143, 76308, Family Food Mart and

TDEC Site ID 76308, Family Food Mart and Deli, 5147 Highw

Site ID 76308

Site Family Food Mart and Deli

Location 5147 Highway 11 West

City Rogersville

Description

County Hawkins

EFO Name Johnson City

Site Owner

Contact ID

Anonymous Yes No

First Name Rebecca and Trevor

Middle Name

Last Name Smith

Company

Address

City ROGERSVILLE

State TN

Zip Code

Phone 423-293-5060

Email shamanz123@gmail.com

Followed Up On JAN-04-2022

Followed Up by Phone (referral-use only)

Complaint Description and Writeup

Complaint Description and Writeup

On January 1, 2022 the complainant, Rebecca Smith, fueled her vehicle at the facility (premium unleaded gasoline). Her vehicle became inoperable less than 1/4 mile from the facility. Mrs. Smith's husband, Trevor, returned to the station that evening and pumped a gallon of premium into a separate container- video provided shows a water/fuel mixture. The Smiths have followed up with other customers and have found a total of 6 vehicles affected before the operators stopped selling premium fuel. Weights and Measures staff were onsite on 1/4/2022, gave the facility a Stop Sale order and sent samples to the lab. 6/5 of 2000

Documents with this Complaint

Add Document

No data found. Documents can be uploaded from the site page.

Check all that apply

Dispenser Island Yes No

West Lines Yes No

Fill Pans Yes No

Info from Property Owner Yes No

Info from Business Owner Yes No

Info from Other Yes No

Info from Complainant Yes No

Info from Neighbors Yes No

City or County Records Yes No

Highway/Road Construction Yes No

Signage/Building Type Yes No

Historical Imagen Yes No

Historical Record Yes No

Other Yes No

Notes

Enforcement at this Site

No data found

Inspections on this Facility

1 - 12

Row Id	Case #	Site name	Inspection Date	Purpose of Visit	Current Status	Violations Found
12		Family Food Mart and Deli	JAN-14-2022	Operational	Scheduled	3
11		American Patriot Bank	JAN-22-2020	Operational	Closed	5
10		The Store at Rogersville	MAR-02-2018	-	Closed	8
9		The Store at Rogersville	DEC-01-2015	-	-	-
8		TOWN AND COUNTY MARKET	DEC-13-2012	-	-	-
7		TOWN AND COUNTY MARKET	NOV-05-2010	-	-	-
6		TOWN AND COUNTY MARKET	APR-14-2009	-	-	-
5		TOWN AND COUNTY MARKET	NOV-13-2007	-	-	-
4		TOWN AND COUNTY MARKET	FEB-22-2006	-	-	-
3		TOWN & COUNTY MARKET	AUG-18-2003	-	-	-
2		Town and County Market	JUN-22-2000	-	-	-
1		Eagle's Country Store #4	DEC-07-1998	-	-	-

1 - 12

UST Action PathWay --> Select those that Apply

NOV Issued Yes No

Inspection Conducted Yes No

Release Investigated Yes No

Notification Application Required Yes No

No Further Action Required Yes No

Apply Changes

Concerning (Other)

Documents with this Complaint

Add Document

No data found. Documents can be uploaded from the site page.

UST Complaint Policy Report

January 1, 2021 to June 30, 2021

Total Complaints Received	22	
Division Jurisdiction	8	36%
Not Division Jurisdiction	14	64%
Petroleum Sites Identified	14	64%
Average Days to Investigate	5.7	
Average Days to Complete	1.8	
Complaints Completed Same Day	6	27%
Maximum Days to Complete	28	
Complaints Investigated > 7 Days	1	5%
Complaints Completed > 7 Days	6	27%
Complaints Open at Time of Report	0	0%
Anonymous Complainant	4	18%

UST Complaint Policy Report

January 1, 2021 to June 30, 2021

Environmental Risk	Complainant Alleged	Staff Confirmed	NOV Issued	Operational Compliance Inspection	Staff Visited Site?	Release Investigated	Contractor Mobilized	Notification Application Required	No Further Action Required
Building Evacuated	0								
Drinking Water	0								
Fire and/or Explosion	0								
Overfill	1	1			1	1			1
Other	0								
Petroleum Discovered Off-Site	2	2			2	2	2		2
Petroleum Discovered On-Site	4	4	1		4	4	4		3
Stained Soil	2	2			2				1
Storm Drain	0								
Stream / Surface Water	2	2			2				2
Stressed Vegetation	0								
Surface Spill	7	5			7	7	5		6
Tank Floating from Tank Pit	0								
Vapors in Building	2	1			2				2
Vapors in Sewer System	1	1			1				1
Vapors Other	1	1			1		1		1
Water in Auto Fuel Tank	0								
Water in UST	1	1	1		1	1	1		
TOTAL	23	20	2	0	23	15	13	0	19

UST Complaint Policy Report

January 1, 2021 to June 30, 2021

Staff Confirmed



- Building Evacuated
- Drinking Water
- Fire and/or Explosion
- Overfill
- Other
- Petroleum Discovered Off-Site
- Storm Drain
- Stream / Surface Water
- Stained Soil
- Stressed Vegetation
- Surface Spill
- Tank Floating from Tank Pit
- Vapors in Building
- Vapors in Sewer System
- Vapors Other
- Water in Auto Fuel Tank
- Water in UST

UST Complaint Policy Report

January 1, 2021 to June 30, 2021

Referrals	Total
TDEC – APC	
TDEC – REM	3
TDEC – SWM	3
TDEC – WRs	2
TDEC – Other	
Multiple Divisions and/or Agencies	
Other Agency – Local Municipality	2
Other Agency - State	
Other Agency - Federal	
TOTAL	10

UST Complaint Policy Report

January 1, 2021 to June 30, 2021

- Narrative
 - Drinking Water
 - Vapors
 - Fire & Explosion
 - Surface Water / Stream
 - Trend Analysis & Program Risk Discussion
- Respectful, Timely Service to the Public while Ensuring Environmental Law are Enforced



QUESTIONS?

Melinda Weir, CFE
Environmental Investigator
Melinda.Weir@tn.gov | 615-946-6256 cell

Mark Braswell
Deputy Director of Field Office Operations
Mark.Braswell@tn.gov | 423-621-0062 cell