



Department of
**Environment &
Conservation**

Underground Storage Tank Enforcement Update

Underground Storage Tanks and
Solid Waste Disposal Control Board
February 2, 2022

ENFORCEMENT OVERVIEW

The Division issued **7** orders
Between November 3, 2021 and January 3,
2022.

Of those orders, all are in Final-Probation
status.

Update to August Orders

The two remaining final cases from the August Board Report are still in process, one due to inability of owner to return facility to compliance and one due to ownership dispute.

Update to December Appealed Order

The appealed order has had a delay in returning to compliance due to lack of availability of equipment but should be resolved soon.

Update to December Final Orders

Of the 5 final orders from December, one has a delay in returning to compliance due to equipment availability but should be resolved shortly, one had the OGC demand letter issued December 20, 2021, and the others are still pending resolution.

Final-Probation Orders

Final-Probation Order

Summary of UST21-0119

Fac. ID No. 1-820526 / Carl's Beverage Shop

- Expedited Director's Order signed November 22, 2021
- Final on December 29, 2021
- Violations Addressed on Director's Order:
 - Failing to monitor tanks at least monthly
- Penalty:
 - Upfront-Tank School
 - Contingent-\$12,800.00

- The request to attend tank school was received on December 7, 2021

Final-Probation Order

Summary of UST21-0124

Fac. ID No. 3-060281 / Mr. Zip Store No. 548

- Expedited Director's Order signed November 22, 2021
- Final on December 26, 2021
- Violations Addressed on Director's Order:
 - Failing to install any overfill prevention system
- Penalty:
 - Upfront-\$1,040.00
 - Contingent-\$4,160.00

- The upfront penalty was received, and the Respondent is on probation for one year

Final-Probation Order

Summary of UST21-0132

Fac. ID No. 5-191140 / Kwik Sak No. 601

- Expedited Director's Order signed November 3, 2021
- Final on October 15, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct release detection monitoring at least monthly
- Penalty:
 - Upfront-Tank School
 - Contingent-\$3,200.00

- The request to attend tank school was received on December 1, 2021

Final-Probation Order

Summary of UST21-0144

Fac. ID No. 3-720145 / Eagle Exxon

- Expedited Director's Order signed November 3, 2021
- Final on December 12, 2021
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness testing
- Penalty:
 - Upfront-Tank School
 - Contingent-\$8,000.00

- The request to attend tank school was received on November 16, 2021

Final-Probation Order

Summary of UST21-0150

Fac. ID No. 8-550070 / White Oak Shell

- Expedited Director's Order signed December 15, 2021
- Final on January 18, 2022
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness test annually
- Penalty:
 - Upfront-Tank School
 - Contingent-\$6,000.00

- The request to attend tank school was received on December 22, 2021

Final-Probation Order

Summary of UST21-00153

Fac. ID No. 4-180082 / Westel BP

- Expedited Director's Order signed December 15, 2021
- Final on January 18, 2022
- Violations Addressed on Director's Order:
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
 - Upfront-Tank School
 - Contingent-\$8,000.00

- The request to attend tank school was received on December 29, 2021

Final Orders from August Board Report

Final Order

Summary of UST21-0052

Fac. ID No. 8-840038 / City Service Station No. 2

- Director's Order signed May 18, 2021
- Final on June 19, 2021
- Violations Addressed on Director's Order
 - Failure to monitor tanks at least monthly
- Penalty:
 - Upfront – \$6,400.00
 - Contingent – \$0.00

- The Order was served by private process server on May 5, 2021. The Order will become final on June 4, 2021. No resolution to date.

Final Order

Summary of UST21-0037

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

- Director's Order signed May 26, 2021
- Violations on Director's Order
 - Failing to install other system parts in accordance with manufacturer's installation instructions
 - Failing to cooperate with the Division
- Penalty:
 - Upfront – \$2,400.00

- The Order was served by private process server on June 24, 2021. The Order will become final on July 25, 2021. No resolution to date due to ownership issues.

Appealed Order from December Board Report

Appealed Order – In OGC

Summary of UST21-0057

Fac. ID No. 2-470141 / JSN LLC dba EZ Food Mart

- Director's Order signed September 15, 2021
- Order appealed on October 22, 2021
- Order for:
 - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to comply with requirements concerning design, construction, utilization and/or upgrade of corrosion protection for tanks
 - Failing to conduct release detection monitoring at least monthly
 - Failure to cooperate with the Division
- Civil Penalty – \$6,000.00

- The case was appealed on 10/22/21 and is in OGC. No hearing has been set. There is a delay in the facility returning to compliance due to equipment availability. Should have issue resolved soon and an agreed order can be completed.

Final Orders from December Board Report

Final Order-In OGC

Summary of UST19-0106

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

- Director's Order signed September 21, 2021
- Final on October 24, 2021
- Order for:
 - Failure to monitor tanks at least monthly
- Civil Penalty – \$6,000.00

- The Order was not appealed, the facility has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. No hearing has been set.

Final Order-In OGC

Summary of UST21-0020

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

- Director's Order signed August 26, 2021
- Final on October 7, 2021
- Order for:
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
- Civil Penalty – \$8,000.00

- The Order was not appealed, the facility has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. No hearing has been set. Demand letter sent by OGC on Dec. 20, 2021.

Final Order-In OGC

Summary of UST21-0074

Fac. ID No. 9-791102 / Big D Perkins LLC

- Director's Order signed August 10, 2021
- Final on October 15, 2021
- Order for:
 - Failing to have one or more persons designated as Class A, Class B, and Class C operators
 - Failing to use a spill prevention system that will prevent release of petroleum to the environment when the transfer hose is detached
 - Failing to operate and maintain corrosion protection system to provide continuous protection
 - Failing to conduct 60-day rectifier inspections
 - Failing to conduct annual line leak detector tests
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to monitor tanks at least monthly
 - Failing to cooperate with the Division
- Civil Penalty – \$19,440.00

- The Order was not appealed, the facility has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. No hearing has been set. There is a delay in the facility returning to compliance due to equipment delays that should be resolved by January 31, 2022.

Final Order-In OGC

Summary of UST21-0079

Fac. ID No. 8-570451 / Southside Express Inc.

- Director's Order signed July 20, 2021
- Final on August 28, 2021
- Order for:
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
- Civil Penalty – \$6,400.00

- The Order was not appealed, the facility has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. No hearing has been set.

Final Order-In OGC

Summary of UST21-0080

Fac. ID No. 2-130002 / Marvin and Son Market

- Director's Order signed July 20, 2021
- Final on September 12, 2021
- Order for:
 - Failure to have one or more persons designated as Class A, Class B and Class C operators
 - Failing to maintain the last 3 records of cathodic protection rectifier inspections
 - Failing to operate and maintain corrosion protection system to provide continuous protection
- Civil Penalty – \$8,400.00
- The Order was not appealed, the facility has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. No hearing has been set.

Questions?

