



Department of  
**Environment &  
Conservation**

# Underground Storage Tank Enforcement Update

Underground Storage Tanks and  
Solid Waste Disposal Control Board  
December 6, 2023

Rhonda Key, Environmental Manager

# ENFORCEMENT OVERVIEW

The Division issued 19 orders  
between and September 20, 2023, and  
November 16, 2023

2 were Appealed, 4 were Fund Deductible  
Orders, 1 was a Non-suit, and 12 were  
Director's Orders

# Final Orders

# Final Order

## Summary of UST23-0120

Fac. ID No. 2-780269 /Pilot Store No. 315, Knoxville, Sevier County

- Director's Order signed September 28, 2023
  - Failing to have overfill prevention equipment that will automatically shut off the flow into the tanks when the tank is no more than 95% full
  - Failing to provide release detection method of detecting a release from tank that routinely contains product
  - Failing to report a suspected release to the Division within 72 hours
  - Failing to conduct a system test when there is a suspected release to determine whether a leak exists in the tank or delivery piping
  - Failing to successfully complete retraining to the appropriate level of operator Class within a timeframe determined by the Division
  - Failing to cooperate with the Division
  
- Penalty:
  - Total civil penalty: \$29,520.00
  
- The Order became final on November 17, 2023, and has been referred to OGC.

# Non-Suit Orders

# Non-Suit Order

## Summary of UST22-0158

Fac. ID No. 8-840169 / Magic Mart., Memphis, Tipton County

- Director's Order signed August 11, 2023
- Violations on Order:
  - 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
  - Failing to cooperate with the Division
- Penalty:
  - Total civil penalty: \$7,200.00
- Notice of Voluntary Non-Suit was signed on November 9, 2023.

# Closed Orders from October 2023 Board Report

# Closed 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 was non-suited. This case is closed.



Final Orders  
from October 2023  
Board Report

# Final Order - OGC

## 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: \$47,024.40
  
- The Order is Final and has been referred to OGC for resolution.

# Final Order – in OGC

## 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 is Final and in OGC for resolution. Remediation continues. The facility has returned to compliance.

# Final Order – in OGC

## 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 is Final and in OGC for resolution.**

# Final 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 Final and remediation is ongoing.**

# Final Order – in OGC

## 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 overfill 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 Final and is in OGC for resolution.

# Final 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 is Final and has been referred to OGC for resolution.

# Final 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 Final and has been referred to OGC for resolution.

# Final Order – in OGC

## 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 went Final on November 11, 2023, and will be sent to OGC for resolution.

# Final Order – in OGC

## 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 is Final and has been referred to OGC for resolution.

# Final Order – in OGC

## 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

# UST23-0119-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 has gone Final and has been referred to OGC for resolution.

# Final Order – in OGC

## 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. Demand letter has been issued but no response to date.

# Final Order – in OGC

## 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. Remediation continues.

# Final Order – in OGC

## 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 – in OGC

## 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 Final and has been referred to OGC for resolution.

# Final Order – in OGC

## 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. Facility has returned to compliance and a settlement will be drafted.

# Final Order – in OGC

## 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. Respondent has returned to compliance and a settlement will be drafted.

# Final Order – in OGC

## 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. Demand letters have been sent but no response to date.

# Final Order – in OGC

## 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 – in OGC

## 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. Case is being set for hearing.

# Final Order – in OGC

## 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. Respondent is claiming that these fees are not owed.



# Final Order - in OGC

## 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. The Respondent has claimed inability to pay and the Inability to Pay forms have been sent to the Respondent.

Closed Orders  
from  
August 2023  
Board Report

# Closed 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 Respondent paid the full civil penalty and returned to compliance. This case is closed.

# Closed 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 Respondent paid the full civil penalty and returned to compliance. This case is closed.

Final Orders  
from  
August 2023  
Board Report

# Final Order – in OGC

## 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 for one Respondent and has been referred to OGC. Service is being attempted at three different addresses for the second Respondent.

# Final 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.

# Final Order – in OGC

## 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. Compliance documents received October 31, 2023.



# Final Order – in OGC

## 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.

# Final Order – in OGC

## 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.

# Final Order – in OGC

## 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

# Final 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.

# 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 for one Respondent, and remediation is ongoing. Division still working to serve second Respondent.

# 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 continues to submit monthly tank tightness tests 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. OGC working on how best to move forward on this fee only order.



# 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.**

Final Orders  
from the April 2023  
Board Report

# Final Order – in OGC

## 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

# Final 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.

# Final Order – in OGC

## 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 Final and is in OGC for resolution.

# 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 the application is being processed.

# Final Order – in OGC

## 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.

# Final Order – in OGC

## 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



# Final Order UST22-0048 cont.

## Summary of UST22-0048

- Violations on Order:
  - Failing to test overflow 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.

# Final Order – in OGC

## 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. Demand letter has been issued but no response to date.

# Final Order – in AG's Office

## Summary of UST22-0076

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

- Director's Order signed March 16, 2023
- Violations on Order:
  - Failing to ensure that within 30 days following repair, the spill or overflow prevention equipment is tested or inspected
  - Failing to monitor piping installed after July 25, 2007, for a release at least every 30 days
  - Failing to cooperate with the Division
- Penalty:
  - Total civil penalty: \$10,320.00
- The Order is final and has been referred to the AG's Office for resolution.

# Final Order – in OGC

## 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. This case will be going to the AG for resolution.

# Final Order – in OGC

## 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 was finalized. Payment of the fees due 12-22-23.

# Final Order - in AG's Office

## 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 and is in OGC for resolution. Compromise and Settlement drafted but not signed by Respondent. Case has been referred to the AG for resolution.

# Closed Orders from May 2022 Board Report

# Closed Order

## 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
- **Compromise and Settlement was signed. All violations had been corrected prior to order so respondent had to pay the service of process costs of \$115. This case is now closed.**



Final Orders  
from May 2022  
Board Report

# Final Order – In AG's Office

## 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. OGC sent a Demand Letter sent on February 15, 2023. No response. Case referred to AG.

# 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.

# 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 OGC for resolution. Respondent has claimed inability to pay and the Inability to Pay application sent to respondent.

# Questions?

