



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Tennessee Department of Environment and Conservation and Memphis, Tennessee Underground Storage Tank Owner Enter into Settlement Agreement

12/10/2019

The Tennessee Department of Environment and Conservation (“TDEC”) and MHC Truck Leasing, Inc., (“MHC”) entered into a November 26th Settlement Agreement and Order (“Settlement”) addressing alleged violations of certain sections of the Tennessee Code addressing the regulation of underground storage tanks (“USTs”).

The Settlement provides that MHC is the owner of one UST located in Memphis, Tennessee.

On April 18, 2016, the Division of Underground Storage Tanks (“Division”) personnel from TDEC contacted MHC to schedule a compliance inspection. The compliance inspection allegedly identified the following violations:

1. Failure of having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators in accordance with Rule 0400-18-1-.06(1)(a).
2. Failure to ensure that cathodic protection system is tested within six (6) months of installation and every three (3) years thereafter in accordance with Rule 0400-18-01-.02(4)(c)2(i).
3. Failure to test line leak detectors annually in accordance with Rule 0400-18-01.049(4)(a).
4. Failure to conduct annual line tightness test or do monthly monitoring on pressurized underground piping in accordance with Rule 0400-18-01-.04(2)9(b)1(i).
5. Failure to use any overfill prevention system in accordance with Rule 0400-19-01-.02(3)(a)1(ii).
6. Failure to monitor tanks at least monthly in accordance with Rule 0400-18-01-.04(2)(a).
7. Failure to maintain a log of monthly inspections of spill catchment basins for twelve (12) months in accordance with Rule 0400-18-01.02(3)(b)4.
8. Failure to maintain a log of at least the last 12 months of visual inspections for deeps and drips after removing the dispenser cover in accordance with Rule 0400-18-01-.04(1)(f).

Results of the compliance inspection were stated to have been sent to MHC. The Division subsequently received compliance documentation from MHC personnel addressing the alleged violations discovered at

the time of the inspection. Additional compliance documentation was provided on October 14, 2016. Further, after the issuance of a Notice of Violation, additional compliance documentation was provided by MHC on April 17, 2017.

An additional violation was alleged by the Division which is stated to constitute:

Failure to cooperate by failing to provide documents, testing or monitoring records to the Division prior to the issuance of the order in accordance with Rule 0400-18-01-.03(2).

The Division had set up compliance deadline for which it had requested certain information from MHC.

The Settlement assesses a total civil penalty of \$12,240. It is structured as a contingent civil penalty and provides circumstances in which it can be reduced to \$9,120.

MHC is stated to neither admit nor deny the factual allegations of the alleged violations of law contained in the Settlement.

A copy of the Settlement can be downloaded [here](#).