



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

Storage Tank Enforcement: Tennessee Department of Environment and Conservation and Harrogate, Tennessee Storage Tank Owner Enter into Settlement Agreement

05/13/2020

The Tennessee Department of Environment and Conservation (“TDEC”) and Lee Oil Company, Inc. (“Lee”) entered into an April 30th Settlement Agreement and Order (“Agreement”) addressing alleged violations of the Tennessee Underground Storage Tank rules. See Case No. UST 18-0079.

The Agreement provides that Lee is the registered owner of five underground storage tanks (“UST”) systems in Harrogate, Tennessee.

The UST Division (“Division”) of TDEC is stated to have conducted a compliance inspection of Lee’s USTs on November 15, 2017. A Division inspector is alleged to have discovered the following violations:

Violation #1: Failure to provide release detection method capable of detecting a release from tank that routinely contains product in accordance with Rule 0400-18-01-.04(1)(a)1. Specifically, at the time of the inspection, statistical inventory reconciliation (“SIR”) was being performed improperly.

Violation #2: Failure to conduct annual line tightness test or do monthly monitoring on pressurized underground piping in accordance with 0400-18-01-.04(2)(b) 1(ii). Specifically, at the time of the inspection, SIR was being performed improperly at the facility.

Violation #3: Failure to do monthly monitoring or conduct a line tightness test every three years on suction piping, if appropriate, in accordance with Rule 0400-18-01-.04(2)(b)2. Specifically, at the time of the inspection, verification that the piping associated with Tank 4 (4,000 gallon Diesel) and Tank 5 (2,000 gallon Kerosene) was European Suction was unavailable for review.

Division personnel are stated to have sent a Results of Compliance Inspection to Lee on December 22, 2017. Further correspondence was stated to have been sent to Lee.

Lee’s alleged failure to meet a deadline resulted in the Division adding an additional violation:

Violation #4; Failure to cooperate with the Division by failing to provide documents, testing, or monitoring records in accordance with Rule 0400-18-01-.03(2).

Lee is stated to have subsequently submitted document sufficiently demonstrating compliance and/or that the violation had been addressed.

The Agreement provides that the referenced USTs may be inspected by the Division at any time within a one-year period commencing on March 1, 2020 and terminating on February 28, 2021. During the one-year period, Lee shall not have a Notice of Violation addressing an automatic enforcement violation. These are referenced in the Agreement.

A civil penalty of \$31,200 is assessed. The Settlement can be reduced if it meets certain compliance requirements.

Lee also agrees that at least one of its representatives will attend the TDEC "tank school" within 120 days of its execution of the Agreement.

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