

Storage Tank Enforcement: Tennessee Department of Environment and Conservation Order and Assessment Addressing Memphis System



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The Tennessee Department of Environment and Conservation (“TDEC”) issued an Order and Assessment (“Order”) to Mac’s Convenience Stores LLC (“Mac’s”) for alleged violation of the Tennessee Underground Storage Tank (“UST”) rules. See Case No. UST 19-0125.

The Order provides that Mac’s operates a UST system in Memphis, Tennessee, known as the Circle K Store No. 4703672.

The TDEC Underground Storage Tank Division (“Division”) is stated to have received a notification for USTs forms listing Mac’s as the owner of three USTs at the Memphis facility. Division personnel are stated to have conducted an inspection of the system on November 27, 2018.

The inspection allegedly identified the following violations:

- Failure to keep spill catchment basins free of water, dirt, debris, and/or other substances in accordance with Rule 0400-18-01-.02(3)(b)(3)
- Failure to use spill prevention equipment that will prevent release of petroleum to the environment in accordance with Rule 0400-18-01-.02(3)(a)(1)(i)
- Failure to install, operate, and maintain release detection in accordance with the manufacturer’s instructions in accordance with Rule 0400-18-01-.04(1)(a)2

Division personnel are stated to have sent to Mac’s results of the compliance inspection and a requirement to submit documentation to the Division to demonstrate compliance. They are stated to have received an extension request from Mac’s personnel for more time to address the violations at the system. An extension was subsequently granted.

The Division is stated to have received documentation showing liquid was removed from the spill buckets and gauges were removed and reinstalled. This is stated to have confirmed that two violations discovered during the inspection had been addressed.

The Division is stated to have subsequently received release detection results for August 2018 through October 2019, which is stated to have confirmed that the third violation had been addressed.

The Order assesses a civil penalty of \$9,600. However, additional alternatives to reduce the penalty are provided.

Certain appeals rights are provided.

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