



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

Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment to Haywood County Board of Education

09/14/2020

The Tennessee Department of Environment and Conservation (“TDEC”) issued an August 24th Order and Assessment (“Order”) to the Haywood County Board of Education (“Haywood”) alleging certain violations of the Tennessee Petroleum Underground Storage Tank Act and related underground storage tank (“UST”) regulations. See Case No. UST20-0073.

The Order provides that Haywood (a department of the Haywood County government) is the registered owner of two USTs in Brownville, Tennessee.

The Division of Underground Storage Tanks (“Division”) of the TDEC is stated to have received a Notification for Underground Storage Tanks form listing Haywood as the owner of two UST systems. The facility ID number is 8-380092.

Division personnel are stated to have scheduled a compliance inspection which was conducted on or about January 7, 2020 at the facility where the USTs are located. The inspector is stated to have discovered the following violations:

1. Failure to conduct release detection monitoring at least monthly for releases using one of the methods listed in subparagraphs (3)(c) through (f) of Rule 0400-18-01-.04(2)(a).
2. Failure to provide release detection method capable of detecting a release from a tank that routinely contains product in accordance with Rule 0400-18-01-.04(1)(a)1.
3. Failure to keep a log of monthly inspections of spill catchment basins for 12 months in accordance with Rule 0400-18-01-.02((b)4.
4. Failure to remove dispenser cover and visually inspect for releases, seeps, drips at least quarterly in accordance with Rule 0400-18-01-.04(1)(e).

The Division is stated to have sent the results of the inspection to Haywood. The Division subsequently received on April 21, 2020 compliance documentation addressing violations discovered at the time of the inspection. Such documentation is stated to have confirmed that violations No. 1 and 2 had been addressed.

A civil penalty of \$3,200 is proposed to be assessed. However, options for reducing the penalty are provided in the Order.

The Order provides certain appeal rights.

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