

Storage Tank Enforcement: Department of Environment and Conservation Proposed Order Related to LaFollette, Tennessee, Owner



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The Tennessee Department of Environment and Conservation (“TDEC”) issued a proposed September 24th Order and Assessment (“Order”) to Big Creek Market, LLC, (“BCM”) regarding alleged violations of the Tennessee Underground Storage Tank rules. See Case No. UST20-0109.

The Order provides that BCM is the registered owner of four underground storage tank (“UST”) systems in LaFollette, Tennessee.

The Underground Storage Tank Division (“Division”) of TDEC is stated to have contacted BCM on or about June 23, 2020, to schedule a compliance inspection. A compliance inspection is stated to have been conducted on or about July 21 and identified the following alleged violations:

- Failure to conduct the annual line tightness test or do monthly monitoring on pressurized underground piping
- Failure to test line leak detectors annually
- Failure of a facility having one or more petroleum UST systems to have one or more portions designated as Class A and Class B operators
- Failure to maintain a log of monthly inspections of spill catchment basins for 12 months
- Failure to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover

The Division is stated to have sent on or about July 27th the results of the inspection to BCM. BCM is stated to have addressed the results of the compliance inspection in documents provided to the Division, noting:

- Precision Line Tightness and Leak Detector Test was reported addressing two violations
- Documentation of designated Class A and Class B Operator addressing another violation
- Monthly Spill Bucket Inspection Log for January 2019 through August 2020 addressing the fourth violation
- Quarterly Dispenser Inspection Log for March 2019 through June 2020 addressing the fifth violation

Such documentation is stated to confirm that the violations discovered during the inspection had been addressed and the facility returned to operational compliance.

The Order proposes to assess a civil penalty of \$6,000 with additional options provided for reducing the penalty.

The Order provides certain appeal rights.

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