

Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order /Assessment Related to Jackson Owner



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The Tennessee Department of Environment and Conservation (“TDEC”) issued a November 10th proposed Order and Assessment (“Order”) related to 795 Airways (“Airways”) for alleged violation of the Tennessee Underground Storage Tank (“UST”) regulations. See Case No. UST 20-0101.

The Order provides that Zaid Alshaif is the registered owner of four underground storage tanks (“USTs”) in Jackson, Tennessee.

The Underground Storage Tank Division (“Division”) of TDEC is stated to have received on February 24, 2017, a Buyer’s Notification for UST form listing Zaid Alshaif as the owner of the four UST systems. The Division is stated to have sent the previously referenced individual an invoice for four annual tank fees on January 1, 2019. Such fees are stated to have remained unpaid.

The Order also references the USTs being placed on a delivery prohibition and issuance of a previous Administrative Order citing violations discovered during a compliance inspection conducted on May 18, 2017. The USTs are stated to remain out of compliance with the requirement to perform tightness testing and \$4,320 in penalties have not been paid.

Division personnel are stated to have performed a compliance inspection on or about December 20, 2019, which allegedly identified the following violations during the inspection:

- Failure to report a change in status in accordance with Rule 0400-18-01-.03(1)(g).
- Failure to designate Class A and Class B certified operators in accordance with Rule 0400-18-01-.16(2)(a).
- Failure to provide overfill prevention for the USTs in accordance with Rule 0400-18-01-.02(3)(a)1(ii)II.
- Failure to ensure that the galvanic cathodic protection systems are tested at a minimum every three years in accordance with Rule 0400-18-01-.02(4)(c)2(i).

The Order requires that certain closure activities be undertaken within 90 days of receipt of the Order. The failure to undertake such activities could result in the Division undertaking the removal of the USTs and assessment of a penalty equal to 150% of the amount of any costs incurred. All outstanding annual UST fees, late penalties and statutory interest due and owing are also required to be paid.

An additional civil penalty of \$2,400 is assessed.

The Order provides certain appeal rights.

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