

# Storage Tank Enforcement: Tennessee Department of Environment and Conservation and Memphis Facility Owner Enter into Settlement Agreement



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The Tennessee Department of Environment and Conservation (“TDEC”) and Lauren and Hope Property, Inc. (“LHPI”) entered into a January 4th Settlement Agreement and Order (“Agreement”) addressing alleged violations of Tennessee rules related to underground storage tanks (“USTs”). See TDEC Case No. UST 19-0061.

The Agreement provides that LHPI is the owner of three USTs at a Memphis, Tennessee facility (“Facility”).

The TDEC Division of Underground Storage Tanks (“Division”) is stated to have received a Notification form from LHPI referencing three UST systems at the Facility.

Division personnel are stated to have performed a compliance inspection at the Facility on May 10, 2016. The following UST violations were allegedly identified:

- No designated Class A and Class B operators for the Facility at the time of the inspection
- No cathodic protection system test available at the time of inspection
- Failure to provide a 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.

An additional violation was subsequently identified which was the alleged failure to cooperate with the Division by failing to provide documents, testing, or monitoring records to the Division in accordance with Rule 0400-18-01-.03(2).

The Division is stated to have conducted a compliance evaluation inspection on August 16, 2018. It is alleged that the same violations were present as previously identified during the May 10, 2016, inspection.

The Division is stated to have issued an Order and Assessment on September 3, 2019, to LHPI related to the previously referenced inspections. The Order and Assessment proposed to assess a civil penalty of \$12,720.

LHPI appealed the Order and Assessment.

The Facility is stated to have been sold to Shubh Labh, LLC.

The Agreement provides that LHPI will pay \$3,840 as a civil penalty.

LHPI neither admits nor denies the factual allegations or the alleged violations of law contained in the Agreement.

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