



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

Storage Tank Enforcement: Tennessee Department of Environment and Conservation and Murfreesboro Auto/Truck Plaza Enter into Settlement Agreement

04/05/2021

The Tennessee Department of Environment and Conservation ("TDEC") and Agee Properties, Limited Partnership ("Agee") entered into a March 16th Settlement Agreement ("Agreement") addressing alleged violations of the Tennessee Underground Storage Tank ("UST") regulations. See Case No. UST18-0005.

The Agreement addresses USTs stated to be located at Uncle Sandy's Auto/Truck Plaza ("Facility") in Murfreesboro, Tennessee.

TDEC Division of Underground Storage Tanks ("Division") personnel on May 10, 2017, are stated to have performed a compliance inspection at the Facility. The inspection allegedly identified the following violations:

1. Failure to report a suspected release within seventy two (72) hours to the Division in accordance with Rule 0400-18-01-.05{.}
2. Failure to maintain records of each repair to an UST system in accordance with Rule 0400-18-01-.02(7)(f).
3. Failure to test line leak detectors annually in accordance with Rule 0400-18-01-.04(4)(a).
4. Failure to use any overfill prevention system in accordance with Rule 0400-18-01-.02(3)(a)1(ii).
5. Failure to use any spill prevention in accordance with Rule 0400-18-01-.2(3)(a)1(i).

Results of the compliance inspection are stated to have been provided to Agee. Agee is stated to have failed to respond to this and other notifications regarding alleged noncompliance.

Division personnel are stated to have conducted a site visit to the Facility on August 24, 2017, to check the status of alleged open violations discovered during the previous inspection. They are stated to have discovered product in the STP pump associated with one of the USTs.

Agee is alleged to have failed to meet a deadline set by Division personnel to address certain violations. Therefore it is alleged Agee failed to cooperate with the Division by failing to provide documents, testing or monitoring records in accordance with Rule 0400-18-01-.03(2). Further, it is alleged that Agee needs to address a damaged spill bucket in order for the Facility to return to compliance.

The Agreement requires that a representative of Agee attend the Division's "Tank School" within 120 days of the effective date of the document. Further, Agee is assessed a penalty of \$10,080.

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