

# Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Related to Memphis Facility



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The Tennessee Department of Environment and Conservation (“TDEC”) issued a May 26th proposed Order and Assessment (“Order”) to H and A Enterprise, Inc. (“H and A”). See Case No. UST21-0037.

The Order provides that H and A is the registered owner of three underground storage tank (“UST”) systems in Memphis, Tennessee.

The TDEC Division of Underground Storage Tanks (“Division”) is stated to have received a Notification for Underground Storage Tanks form listing H and A as the owner of three UST systems in Memphis.

Division personnel are stated to have contacted Compliance Testing & Technology and scheduled a compliance inspection to be conducted on October 12, 2020. Division personnel are stated to have sent a letter on or about September 21, 2020, confirming the inspection date.

Division personnel are stated to have conducted a compliance inspection at the Memphis facility on October 12, 2020. The inspector is stated to have discovered the following violation:

- Failure to install other system parts in accordance with the manufacturer’s installation instructions in accordance with Rule 0400-18-01-.02(1)(b). Specifically, at the time of the inspection, the shear valve under dispenser 1/2 was damaged and needed to be replaced.

Division personnel are stated to have sent the results of such inspection to the H and A facility.

An additional violation is cited in the Order as:

- Failure to pay fees, penalties, and interest on a tank in accordance with Tenn. Code Ann. § 68-215-104 and -109. Specifically, the facility had not paid the tank fees for 2021.

Finally, the Order alleges that a violation occurred because of H and A’s failure to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division.

The tank fees were stated to have been paid on May 24, 2021. However, the Order alleges that to date the additional violations have not been addressed.

The Order requires that H and A address the alleged violations. In addition, it assesses a civil penalty of \$2,400.

The Order provides H and A certain appeal rights.

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