

Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order and Assessment to Bartlett Facility



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The Tennessee Department of Environment and Conservation (“TDEC”) issued a November 3rd Proposed Order and Assessment (“Order”) to 5984 Stage, LLC (“Stage”) addressing alleged violations of the Tennessee Underground Storage Tank (“UST”) regulations. See Case No. UST 21-0089.

The Order provides that Stage is the registered owner of three USTs in Bartlett, Tennessee (“Facility”).

The Facility is designated in the Order as Kangaroo Express #102.

TDEC Division of UST personnel (“Division”) are stated to have contacted Stage’s contractor on December 21, 2020, to schedule a compliance inspection on January 6th. Such compliance inspection was undertaken on January 26th with a follow-up inspection undertaken on February 4th.

The inspection allegedly discovered the following violations:

- Failure to maintain a log of monthly inspections of spill catchment basins for 12 months
- Failure to maintain a log of the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
- Failure to test line leak detectors annually
- Failure to monitor tanks at least monthly
- Failure to provide a release detection method that meets the performance requirements for tanks

The Order provides that on February 9th Division personnel sent a Results of Compliance Inspection – Action Required letter to Stage regarding the alleged violations with required follow-up correspondence on March 12th. An April 16th Follow-up Letter and Enforcement Action Notice letter was stated to have been sent to Stage.

Division personnel are stated to have received documents on April 19th to address certain violations. Documents received included:

- Annual Electronic Interstitial Monitoring Test Report conducted on February 24, 2021 (addressing Violation #5)
- Precision Line Tightness and Leak Detector Test Report conducted February 24, 2021 (addressing Violation #3)

An enforcement review was stated to have been undertaken which identified an additional violation consisting of failure to conduct annual line tightness test or do monthly monitoring on pressurized

underground piping. Another violation is stated to have been added to the compliance due date of June 24th because of an alleged failure to respond. The violation alleges failure to cooperate with the Division by failing to provide documents, testing, or monitoring records.

Division personnel are stated to have received additional documentation on August 8th to address some of the violations which included:

- Monthly Spill Bucket Inspection Log for September 2020 through August 2021 (addressing Violation #1)
- Quarterly Dispenser Inspection Log dated September 14, 2020 and March 10, 2021 (addressing Violation #2)

Monthly Electronic Interstitial Monitoring Alarm Reports for September 2020 through August 2021 were also received. However, the Order indicates they did not include the required Liquid Status Report (except September and October 2020) or Alarm History Report attachments. The System Status Report dated November 9, 2020, is stated to have indicated a Fuel Alarm from the sensor in the Premium Submersible Turbine Pump sump. It is alleged that no investigation and/or repair records were submitted to address the Fuel Alarm.

Violation #4 and Violation #6 are stated to have not been addressed.

The Order provides that if Stage fails to comply and/or file an appeal within certain timeframes, the Facility will be placed on the Delivery Prohibition List and the fill ports and dispensers will be red tagged until compliance is achieved. Further, various actions are required to be taken to correct the outstanding violations which are documented in the Order.

A civil penalty of \$32,120 is proposed to be assessed.

The Order provides certain appeal rights.

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