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Storage Tank Enforcement: Tennessee Department of Environment & Conservation Proposed Order and Assessment Addressing Chattanooga Facility

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The Tennessee Department of Environment & Conservation Division of Underground Storage Tanks (“Division”) issued a Proposed Order and Assessment (“Order”) to South Broad Fueling Systems, LLC (“South Broad”) addressing an alleged violation of the Tennessee Underground Storage Tank (“UST”) rules. See Case No. UST21-0133.

The Order provides that South Broad is the registered owner of five USTs in Chattanooga, Tennessee.

The USTs are stated to be located at Jat Oil Terminal (“Terminal”).

Division personnel are stated to have conducted a compliance inspection at the Terminal on May 5, 2021. The Order alleges that three violations were identified during the inspection which included:

- Failure to have an annual line tightness test or properly perform monthly interstitial monitoring as prescribed by the relevant rules
- Failure to test the integrity of the containment sumps monitored by the interstitial sensors every three years in accordance with the relevant rules
- Failure to use spill prevention system that will prevent release of petroleum to the environment when the transfer hose is detached in accordance with the relevant rules

Division personnel are stated to have sent a Results of Compliance Inspection on May 13, 2021, to a Mr. Kaiser. Mr. Kaiser is stated to have provided an email on or about June 2, 2021, which addressed the violations and included:

- A work invoice from the service provider company First Choice Services, Inc. for the work performed at the facility.
- An annual electronic interstitial monitoring test report conducted by Chuck Dickerson with First Choice Services on May 14, 2021 verifying that the positive shutdown of the STPs will occur when the sensors are activated. However, sensor L18 wasn’t included in the testing.
- A copy of the May 2021 monthly electronic interstitial monitoring alarm report with the sensor statuses and the sensor alarm history.

The Division is also stated to have received an email on July 19, 2021, from Mr. Kaiser providing an annual electronic interstitial monitoring test report. Further, an email was received from Mr. Kaiser on August 9, 2021, containing compliance documentation regarding spill bucket replacement and a spill bucket integrity testing hydrostatic test form. Finally, the Division is stated to have received an email from a Ms. Hillian on or about September 7, 2021, regarding a three-year containment sump integrity test report.

The letter accompanying the proposed Order therefore lists as a violation a failure to have an annual line tightness test or properly perform monthly interstitial monitoring in accordance with

Rule 0400-18-01-.04(2)(b)1.(ii).

A civil penalty of \$4,000 is proposed to be assessed. Further, certain training options are provided that could result in a reduction of the penalty amount.

The Order provides certain appeal rights.

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