

# Storage Tank Enforcement: Tennessee Department of Environment & Conservation and Bath Springs Underground Storage Tank Owner Enter into Settlement Agreement



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The Tennessee Department of Environment & Conservation ("TDEC") and TGM Land Development, LLC ("TGM") entered into an April 4th Settlement Agreement and Order ("Settlement Agreement") addressing alleged violations of the Tennessee underground storage tank ("UST") regulations. See TDEC Case No. UST20-0133.

The Settlement Agreement provides that TGM is the registered owner of three USTs located in Bath Springs, Tennessee.

TDEC Division of Underground Storage Tanks ("Division") personnel are stated to have performed a compliance inspection at the TGM Bath Springs facility ("Facility") on November 11, 2019. The inspection is stated to have identified the following violations:

- Failure to provide a method of piping release detection that is installed, calibrated, operated and maintained in accordance with manufacturer's criteria in accordance with Rule 0400-18-01-.04(1)(a)2(i).
- Failure to be monitor piping and tanks for a release at least every thirty days in accordance with Rules 0400-18-01-.04(2)(a)2 and 0400-18-01-.04(2)(b)1(ii).

TGM is stated to have addressed the second violation by printing an alarm history during the inspection.

Because of TGM's alleged failure to provide a response by a specified deadline that a solenoid had been installed or documentation of the elevation by October 4, 2020, an additional violation is 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).

TGM's contractor is stated to have permanently deactivated the diesel pump to Tank 1C on March 30, 2022. Such action is stated to have addressed Violation 1 and returned the Facility to compliance.

The Settlement Agreement assesses \$21,120 in civil penalties. However, \$15,840 of the penalty will only be assessed if:

- The Respondent fails to comply with the required initial payment; or

- The Division determines there is an automatic enforcement referral violation at the Facility within 12 months of the effective date of this Settlement Agreement

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

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