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Storage Tank Enforcement: Tennessee Department of Environment and Conservation and Murfreesboro Underground Storage Tank Owner Enter into Agreed Order

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The Tennessee Department of Environment and Conservation (“TDEC”) and RUMI Stores, Inc. (“RSI”) entered into a May 25th Agreement and Order (“Agreement”) addressed alleged violations of the Tennessee underground storage tank (“UST”) regulations. See Case No. UST20-0068.

The Agreement provides that the facility is denominated “Kangaroo Express” (“Facility”) and is stated to be the registered owner of four USTs in Murfreesboro, Tennessee.

TDEC Division of Underground Storage Tanks (“Division”) personnel are stated to have contacted certain individuals and a compliance vendor and scheduled an inspection to be conducted at the Facility on October 23, 2019. The compliance inspection is stated to have identified the following violations:

1. Failure to monitor tanks at least monthly in accordance with Rule 0400-18-01-.04(2)(a).
2. Failure to conduct annual line tightness or do monthly monitoring on pressurized underground piping in accordance with Rule 0400-18-01-.04(2)(b)1 (ii).
3. Failure to test line leak detectors annually in accordance with Rule 0400-18-01-.04(4)(a).

The results of the compliance inspection were sent to RSI on or about November 12, 2019. A compliance date for addressing the alleged violations was subsequently extended.

Division personnel are stated to have received compliance documentation on or about December 26, 2019, from RSI. The following documentation was received:

- Annual Electronic Interstitial Monitoring Test Report
- Liquid Status Report
- Alarm History Report
- Tank Tightness Test History Report for Tank 3A with passing November 2019 and December 2019

As to remaining compliance issues, the following documentation was requested by Division personnel:

- Line Leak Detector test results for Tank 3A
- Hydrostatic Test results for all secondary containment sumps
- Monthly release detection test results for Tank 3A for January 2020

Mr. Bruce Hill (compliance vendor) indicated that the Submersible Turbine Pump for the relevant tank did not have power and the line leak detector could not be tested. However, he also stated that the tank would be emptied to less than an inch and the relevant Notification Form submitted. Secondary containment sumps are stated to have been removed.

Division personnel also subsequently contacted Mr. Bruce Hill regarding release detection test results for Tank 3A.

On March 26, 2020, additional violations were cited:

- Failure of a facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators in accordance with Rule 0400-18-01-.16(1)(a).
- 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).

The Agreement states that RSI has performed all actions necessary to correct the outstanding violations and bring the Facility into full compliance with regulatory requirements. Further, RSI is stated to have provided the Division with documentation of the corrective action performed to establish a return to full compliance.

A civil penalty of \$18,000 is assessed. However, RSI is only required to pay a civil penalty in the amount of \$3360 unless one of the events specifically identified in the Agreement occurs. Further, RSI is also required to attend TDEC's Tank School and reimburse the Division \$210 for expenses incurred.

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