

# Storage Tank Enforcement: Tennessee Department of Environment and Conservation and Memphis Hotel Enter into Settlement Agreement



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The Tennessee Department of Environment & Conservation (“TDEC”) and Hotel Memphis OPCO, L.P. (“Hotel Memphis”) entered into a May 13th Settlement Agreement and Order (“Settlement”) addressing alleged violations of the Tennessee Underground Storage Tank (“UST”) regulations. See Case No. UST22-0035.

The Settlement provides that Host Hotels & Resorts, L.P. is the owner of a UST system in Memphis, Tennessee.

A notification form is stated to have identified the Sheraton Memphis as the UST owner’s authorized representative.

TDEC Division of Underground Storage Tanks (“Division”) personnel are stated to have performed a compliance inspection at the Memphis facility on August 10, 2021. The inspection allegedly identified the following violations:

- Failure to have one or more petroleum UST systems with one or more persons designated as Class A, Class B, and Class C Operators.
- Failure to inspect impressed current corrosion protection systems every 60 days.
- Failure to ensure that cathodic protection system is tested within six months of installation and every three years thereafter.
- Failure to conduct annual line tightness test or do monthly monitoring on pressurized underground piping.
- Failure to test line leak detectors annually.

Division personnel are stated to have sent a Results of Compliance Inspection and Follow-up Letter and Enforcement Action Notice Letter to a representative of the facility. Further, a Notice of Violation was stated to have been sent to the registered agent for Host Hotels & Resorts citing the alleged violations.

Division personnel are stated to have received an email from Host Hotels & Resort stating that it had sold the facility in 2017.

Division personnel sent a certified Notice of Violation to Hotel Memphis on January 24, 2022. The Division subsequently received a Notification for Underground Storage Tanks form naming Hotel Memphis as the owner of the UST on January 25, 2022. Hotel Memphis subsequently completed all the corrective action requirements required by the Division.

The Settlement assesses a civil penalty of \$1,200. Further, if Hotel Memphis incurs an Operator Retraining Violation at the Facility within one year of the execution of this document, Hotel Memphis will pay \$11,040 to TDEC.

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