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# Trust Fund Eligibility/Storage Tank Enforcement: Tennessee Department of Environment and Conservation and Memphis Retail Motor Fuel Facility Owner Enter into Settlement Agreement

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The Tennessee Department of Environment and Conservation (“TDEC”) and Stage Road Properties, Inc. (“Stage Road”) entered into a May 9th Settlement Agreement and Order (“Settlement Agreement”) addressing:

- Alleged underground storage tank (UST) violations
- Trust Fund eligibility

See Case No. FDA24-0028.

The settlement provides that Stage Road is a registered owner of five USTs in Memphis, Tennessee at a facility denominated Food N Fuel.

A compliance inspection is stated to have been undertaken on December 11, 2023 by TDEC Division of Underground Storage Tanks (“Division”) personnel. The inspection allegedly identified certain violations:

- Failure to install or provide adequate overfill prevention system
- Failure to report or suspect a release within 72 hours

Division personnel are stated to have sent a Results of Compliance Inspection on December 18, 2023 along with a Fund Reimbursement Action Required Letter to Stage Road.

The Division received an application for fund eligibility form Stage Road on January 9th regarding a December 2nd 2023 release at the facility.

Division personnel reviewed the application for fund eligibility along with certain documentation and determined that the facility did not meet the requirements for the minimum deductible for the release due to the following:

- Failure to report a suspected release within 72 hours
- Failure to install or provide adequate overfill prevention system

Therefore, the settlement provides that the deductible for the release is \$30,000.00.

The settlement provides a civil penalty of \$1,600.00.

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