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Fund Eligibility/Storage Tank Enforcement: Tennessee Department of Environment and Conservation and Hendersonville Hospital Enter into Settlement Agreement

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The Tennessee Department of Environment and Conservation (“TDEC”) and Henderson Hospital Corporation (“HHC”) entered into an August 23rd Settlement Agreement and Order (“Agreement”) addressing alleged violations of the Tennessee Underground Storage Tank (“UST”) regulations. See Case No. FDA23-0015.

The Agreement provides that HHC is the registered property owner of one UST located in Hendersonville, Tennessee.

The TDEC Division of Underground Storage Tanks (“Division”) is stated to have received an email from SPATCO Energy Solutions on September 14, 2022, stating that the above-ground storage tank feeding the boilers on site had a supply line shut off which pushed product from the 15,000 gallon above ground storage tank to the 5,000 gallon UST, overfilling the UST’s system by approximately 1,000 gallons. This is stated to be considered a release and must be investigated.

The Division is stated to have performed a release investigation on September 19, 2022, at the facility. It received a subsequent email on September 20th from the HHC Director of Facility Management stating that the 15,000 gallon above ground storage tank was installed in 2017 and the piping connected to the UST. An additional email is stated to have been received from the same individual on September 21 stating that per certain invoices that the UST was storing No. 2 Dyed Ultra Low Sulfur Diesel with additive.

Division personnel are stated to have conducted an inspection of the site on September 26th, 2022, and observed the following violations:

- Failure to monitor tanks at least monthly.
- Failure to inspect overflow prevention equipment at least once every three years.
- Failure to perform periodic walkthrough inspections.
- Failure to test spill prevention equipment at least once every three years.
- Failure to keep spill catchment basins free of water, dirt, debris, etc.
- Failure of the facility to have one or more petroleum UST systems to have one or more persons designated as Class A and Class B Operators.

The Division is stated to have sent a Results of Compliance Inspection – Fund Reimbursement – Action Required certified letter to HHC on September 28, 2022. The letter is stated to have cited the alleged violations. It subsequently received on November 10, 2022, an Application for Fund Eligibility for the September 14th release.

The Settlement states that prior to the issuance of an Order and Assessment that HHC had not addressed the compliance violations and remained in operational non-compliance. However, the violations are stated to have since been addressed.

Division personnel determined that the facility did not meet the requirements for the minimum deductible due to the following:

- Failure to monitor tanks at least monthly.
- Failure to inspect overfill prevention equipment at least once every three years.
- Failure to perform periodic walkthrough inspections.
- Failure to test spill prevention equipment.

The Settlement provides that the Application for Fund Eligibility is approved with the deductible of \$20,000.00.

A civil penalty of \$14,400.00 is assessed. However, such penalties are forgiven and waived if HHC timely completes the remaining closure activities as contemplated by the Settlement.

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