



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Storage Tank Enforcement: Tennessee Department of Environment and Conservation Order and Assessment Issued to Murfreesboro, Tennessee Hospital

03/10/2017

The Tennessee Department of Environment and Conservation (“TDEC”) issued a March 1st Order and Assessment (“Order”) to Middle Tennessee Medical Center. See Case No. UST16-0033.

The Order references Saint Thomas Rutherford Hospital (“St. Thomas”) (formerly known as Middle Tennessee Medical Center) which is located in Murfreesboro, Tennessee.

St. Thomas is stated to be the registered owner of one underground storage tank system (“UST”) located at the Murfreesboro facility.

The Order indicates a compliance inspection was undertaken by TDEC personnel on September 25th, 2015.

The September 25th inspection allegedly identified the following violations:

- Failure to provide any release detection for underground piping in accordance with Rule 0400-18-01-.04(2)(b). Specifically, an annual line leak detector function test was not available at the time of inspection.
- Failure to keep a log of monthly inspections of spill catchment basins for twelve (12) months in accordance with Rule 0400-18-01-.02(3)(b)(4). Specifically, monthly spill bucket inspection logs were not available.
- Failure of tanks installed after July 25, 2007 to be monitored for a release at least every thirty (30) days in accordance with Rule 0400-18-01-.02(2)(a)5. Specifically, monthly interstitial monitoring records and the annual electronic interstitial monitoring test report for tanks were not available at the time of inspection.
- Failure of piping installed after July 25, 2007 to be monitored for a release at last every thirty (30) days in accordance with Rule 0400-18-01-.02(2)(b)5. Specifically, monthly interstitial monitoring records and the annual electronic interstitial monitoring test report for piping were not available at the time of inspection.

TDEC provided the alleged findings to St. Thomas. No response was stated to have been received. On December 4th, 2015 TDEC is stated to have sent a Compliance Correction Action Measures Final Extension Request to St. Thomas.

St. Thomas is stated to have responded on December 14th, 2015 with a discussion of how the alleged findings would be addressed. Further, TDEC personnel were informed that a Nashville, Tennessee petroleum service company had been retained to address the violations.

On February 4th, 2016 TDEC is stated to have received compliance documentation addressing the correction of various violations that had been allegedly discovered at the time of the inspection. The documents received were stated to have addressed such alleged violations discovered during the inspection.

A \$5,200 penalty is assessed.

St. Thomas has a right to appeal the Order pursuant to Tennessee Code Annotated § 68-215-119.

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