

**STATE OF TENNESSEE**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

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<b>IN THE MATTER OF:</b>	)	
	)	<b>DIVISION OF UNDERGROUND</b>
	)	<b>STORAGE TANKS</b>
	)	
	)	
<b>CGS STORES, LLC,</b>	)	<b>CASE NO. UST23-0207</b>
	)	
	)	
<b>RESPONDENT.</b>	)	<b>FACILITY: CASEY'S GENERAL</b>
	)	<b>STORE NO. 4209</b>

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**ORDER AND ASSESSMENT**

Stanley R. Boyd, Director of the Division of Underground Storage Tanks, states:

**PARTIES**

**I.**

David W. Salyers, P.E., is the duly appointed Commissioner of the Department of Environment and Conservation ("Department") and is charged with administering and enforcing the Tennessee Petroleum Underground Storage Tank Act ("Act"), Tenn. Code Ann. §§ 68-215-101 to -204. Stanley R. Boyd is the duly appointed Director of the Division of Underground Storage Tanks ("Division") and has received written delegation from the Commissioner to administer and enforce the Act.

**II.**

CGS Stores, LLC ("Respondent") is a limited liability corporation created in Iowa and is registered to conduct business in Tennessee. The Respondent is the registered owner of four underground storage tank ("UST") systems located in Knox County at 6804 Clinton Highway, Knoxville, Tennessee 37912 ("Facility"). Service of process may be made on the Respondent's Registered Agent, United Agent Group, Inc., at 205 Powell Place, Brentwood, Tennessee 37027-7522.

**JURISDICTION**

**III.**

When the Commissioner finds that the Act is being violated or that effective measures are not in place to comply with the Act, the Commissioner may issue an order for correction to the responsible party, and assess civil penalties of up to \$10,000.00 for each day a violation exists. Tenn. Code Ann. §§ 68-215-114

and -121. If this Order becomes final, the Commissioner may affix a notice of petroleum delivery prohibition (also known as a "red tag") to the facility fill ports or dispensers or give notice on the Department's website of petroleum delivery prohibition. Tenn. Code Ann. § 68-215-106(c). Rules governing USTs have been promulgated and are effective as Tenn. Comp. R. & Regs. 0400-18-01-.01 to -.17 ("Rules"). Tenn. Code Ann. § 68-215-107(f).

#### **IV.**

The Respondent is a "person," Tenn. Code Ann. § 68-215-103(11), a "responsible party," Tenn. Code Ann. § 68-215-103(17)(A) and has violated the Act.

#### **FACTS**

#### **V.**

On January 19, 2024, the Division received an Amended Notification for Underground Storage Tanks form listing the Respondent as the owner of the four UST systems located at 6804 Clinton Highway, Knoxville, Tennessee 37912. The Facility ID number is 2-471119.

#### **VI.**

On May 16, 2023, Division personnel performed a compliance inspection at the Facility. The inspector discovered several violations. The following violations have not been addressed:

- Failure to install, calibrate, operate, or maintain release detection method for piping in accordance with manufacturer's instructions in accordance with Rule 0400-18-01-.04(1)(a)2. Specifically, at the time of the inspection, the mechanical line leak detector associated with the piping system for Tank 4A (4,000 gallons Kerosene) appeared to be damaged and the copper vent line was not connected.
- Failure to install ancillary equipment and containment systems in accordance with manufacturer's installation instructions in accordance with Rule 0400-18-01-.02(1)(b). Specifically, at the time of the inspection, the emergency shutoff valve (shear valve) for the dispenser associated with Tank 4A was observed to be improperly installed and could not function as intended by the manufacturer.

#### **VII.**

Between May 22, 2023 to August 25, 2023, the Division sent the Respondent multiple letters that cited the violations discovered during the inspection and the Respondent's failure to return to compliance. These letters explained how to address each violation and extended the deadline to return to compliance

multiple times. The Division set three deadlines (June 21, 2023, July 21, 2023, and September 25, 2023) for the Respondent to return to compliance and provide the Division with documents proving the facility had returned to compliance.

The Respondent violated Rule 0400-18-01-.03(2) when it failed to meet the deadlines.

**VIII.**

To date, the Respondent has not cooperated fully and remains in non-compliance with the Division.

**VIOLATIONS**

As stated herein, the Respondent committed the following violations:

**IX.**

By failing to operate a UST in compliance with the Act, the Respondent violated Tennessee Code Annotated section 68-215-104(2), which states:

It is unlawful to: Construct, alter or operate a petroleum underground storage tank in violation of this chapter or the rules or regulations established pursuant thereto[.]

**X.**

The Respondent violated Rule 0400-18-01-.04(1)(a)2, which states:

0400-18-01-.04 RELEASE DETECTION.

- (1) General requirements for release detection.
  - (a) Owners and/or operators of UST systems shall provide a method, or combination of methods, of release detection that:
    - 2. Is installed and calibrated in accordance with the manufacturer's instructions and is operated and maintained[.]

**XI.**

The Respondent violated Rule 0400-18-01-.02(1)(b), which states:

0400-18-01-.02 UST SYSTEMS: INSTALLATION AND OPERATION.

- (1) Installation.
  - (b) All underground storage tank systems shall be installed in accordance with the manufacturer's installation instructions.

**XII.**

The Respondent violated Rule 0400-18-01-.03(2), which states:

0400-18-01-.03 NOTIFICATION, REPORTING, AND RECORD KEEPING.

(2) Reporting and record keeping.

Owners, operators, and/or other responsible parties of UST systems shall cooperate fully with inspections, monitoring and testing conducted by the Division, as well as requests for document submission, testing, and monitoring by the owner, operator, and/or other responsible parties in accordance with the Tennessee Petroleum Underground Storage Tank Act T.C.A. §§ 68-215-101 et seq.

**ORDER AND ASSESSMENT**

**XIII.**

Pursuant to sections 68-215-107, -114, and -121 of the Act, the Respondent is issued the following Order and Assessment ("Order"):

1. If the Respondent fails to comply with this Order or file an appeal within the timeframes stated below, **the above referenced facility will be placed on the Delivery Prohibition List and the fill ports or dispensers will be red tagged until compliance is achieved.** Tenn. Code Ann. § 68-215-106(c).
2. **Civil Penalty:** The Respondents shall pay a total civil penalty of \$4,800.00 on or before the thirty-first day after receipt of this Order. This amount consists of:
  - i. One violation assessed at \$2,000.00 per piping system for a total of \$2,000.00 for failing to install, calibrate, operate, or maintain release detection method for piping;
  - ii. One violation assessed at \$2,000.00 per shear valve for a total of \$2,000.00 for failing to install ancillary equipment and containment systems in accordance with manufacturer's installation instructions;
  - iii. One violation assessed at 20% per outstanding violation for a total of \$800.00 for failing to cooperate with the Division.
  - iv. All payments should be sent to the following address:

**Treasurer, State of Tennessee  
Division of Fiscal Services – Consolidated Fees Section  
Davy Crockett Tower  
500 James Robertson Parkway, 6th Floor  
Nashville, Tennessee 37243**

3. **Remedial Action:** The Respondent shall perform all actions necessary to correct the outstanding violation and to bring the facility into full compliance with regulatory requirements. The Respondent shall provide the Division with documentation of the remedial action performed; the documentation shall be sufficient to establish a return to full compliance.
  - i. On or before the thirty-first day after receipt of this Order, the Respondent shall repair or replace the line leak detector and line leak detector wiring associated with Tank 4A in accordance with Division and manufacturer specifications. Submit documentation of all work performed on the referenced line leak detector to the Division for review within the above-mentioned deadline.
  - ii. On or before the thirty-first day after receipt of this Order, the Respondent shall make all necessary repairs to the shear valve anchoring equipment associated with the kerosene dispenser, ensuring that the shear valve is properly anchored in accordance with Division and manufacturer specifications. Submit documentation of all work performed on the referenced shear-valve anchoring equipment to the Division for review within the above-mentioned deadline.
4. Failure to comply with any of the requirements of this Order could lead to further enforcement actions which may include additional civil penalties, assessment of damages, and recovery of costs.
5. With the exception of the deadline for filing the appeal of this Order, the Department may extend the compliance dates contained within this Order for a fixed time period for good cause shown by the Respondent. To be eligible for this time extension, the Respondent shall submit a written request to be received in advance of the compliance date. The written request must include sufficient detail to justify such an extension and include at a minimum the anticipated length of the delay. The Department will reply to the Respondent's request in writing, establishing a new deadline for compliance with this Order. Should the Respondent fail to meet the requirements of this Order by the new deadline, then any associated civil penalty shall be due within thirty days after that deadline. The request for an extension of time does not change the deadline to submit an appeal. See Notice of Rights.

### **RESERVATION OF RIGHTS**

In issuing this Order, the Department does not implicitly or expressly waive any provision of the Act or the regulations promulgated thereunder or the authority to assess costs, civil penalties, or damages incurred by the State against the Respondent. The Department expressly reserves all rights it has at law and in equity to order further corrective action, assess civil penalties or damages, and to pursue further enforcement action including, but not limited to, monetary and injunctive relief. Compliance with this Order will be considered as a mitigating factor in determining the need for future enforcement action(s).

### **NOTICE OF RIGHTS**

The Respondent may appeal this Order. Tenn. Code Ann. § 68-215-119. To do so, a written petition setting forth the reasons for requesting a hearing must be received by the Commissioner within thirty days of the date the Respondent received this Order or this Order will become final.


If an appeal is filed, an initial hearing of this matter will be conducted by an Administrative Judge as a contested case hearing. Tenn. Code Ann. § 68-215-119; Tenn. Code Ann. §§ 4-5-301 to -326 (the Uniform Administrative Procedures Act); and Tenn. Comp. R. & Regs. Chapter 1360-04-01 (the Department of State's Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies). Such hearings are legal proceedings in the nature of a trial. Individual Respondents may represent themselves or be represented by an attorney licensed to practice law in Tennessee. Artificial Respondents (corporations, limited partnerships, limited liability companies, etc.) cannot engage in the practice of law and therefore may only pursue a contested case through an attorney licensed to practice law in Tennessee. Low-income individuals may be eligible for representation at reduced or no cost through a local bar association or legal aid organization.

At the conclusion of any initial hearing, the Administrative Judge has the authority to affirm, modify, or deny the Order. Furthermore, the Administrative Judge on behalf of the Board has the authority to assess additional damages incurred by the Department including, but not limited to, all docketing expenses associated with the setting of the matter for a hearing and the hourly fees incurred due to the presence of the Administrative Judge and a court reporter.

Any petition for review (appeal) must be directed to the Commissioner of the Tennessee Department of Environment and Conservation, c/o Jenny L. Howard, General Counsel, Department of Environment and Conservation, Davy Crockett Tower, 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243. The petition may be mailed or delivered to this address, or it may be sent to [TDEC.Appeals@tn.gov](mailto:TDEC.Appeals@tn.gov). Payments of the civil penalty and/or damages shall be made payable to the "Treasurer, State of Tennessee" and sent to the Division of Fiscal Services – Consolidated Fees Section, Department of Environment and Conservation, Davy Crockett Tower, 500 James Robertson Parkway, 6th Floor, Nashville, Tennessee

37243. Technical questions and other correspondence involving compliance issues should be sent to Skylar Clemons, Division of Underground Storage Tanks, Nashville Environmental Field Office, 711 R. S. Gass Boulevard, Nashville, Tennessee 37243 or to Skylar.Clemons@tn.gov. Attorneys should contact the undersigned counsel of record. **The case number, UST23-0207, should be written on all correspondence regarding this matter.**

Issued by the Director of the Division of Underground Storage Tanks, Tennessee Department of Environment and Conservation, on this 1<sup>st</sup> day of August, 2024.



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Stanley R. Boyd, Director  
Division of Underground Storage Tanks  
Department of Environment and Conservation

Reviewed by:



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Payton Bradford  
BPR #35053  
Associate Counsel  
Department of Environment and Conservation  
500 James Robertson Parkway, 5th Floor  
Nashville, Tennessee 37243  
(615) 981-7480  
payton.bradford@tn.gov



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
Division of Underground Storage Tanks  
Davy Crockett Tower  
500 James Robertson Parkway, 7th Floor  
Nashville, Tennessee 37243

July 31, 2024

Ziptron Energy, Inc.  
c/o Muradali Bharwani, Registered Agent  
106 Western Avenue  
Morristown, Tennessee 37814-3635

Served via Private Process Server

Re: Director's Order UST24-0111  
Plaza Market  
1909 North Economy Road  
Morristown, Tennessee 37814  
Facility ID # 2-320404

Dear Muradali Bharwani:

Enclosed is a Director's Order and Assessment ("Order") for violations of the Tennessee Petroleum Underground Storage Tank Act and relevant rules. This Order is issued by the State of Tennessee, Department of Environment and Conservation, Division of Underground Storage Tanks. A civil penalty of \$16,320.00 has been assessed against Ziptron Energy, Inc. based on the stated violations.

Please read the Order carefully and pay special attention to the **Notice of Rights** section. Please note that the required due dates in the Order are based on the date the Respondent receives the Order, not the date that it was signed by the Director. Any appeal must be made in writing and be received by the Department within thirty days after your receipt of the Order.

Documentation establishing the facility's return to compliance shall be submitted to the Department by the due date established in the Order. Because there is outstanding noncompliance from the October 18, 2023, inspection, if the Respondent fails to fully comply with the Order, or if the Order becomes final due to the Respondent's failure to file a timely appeal, the facility will be placed on the petroleum **Delivery Prohibition List**. Red tags will be installed at the facility's fill ports and dispensers.

If you have any questions about this matter, please contact Mark Brinton at (615) 969-0446 or [Mark.C.Brinton@tn.gov](mailto:Mark.C.Brinton@tn.gov).

Sincerely,

Stanley R. Boyd  
Director

cc: Enforcement File  
Knoxville Environmental Field Office



**STATE OF TENNESSEE**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

<b>IN THE MATTER OF:</b>	)	
	)	<b>DIVISION OF UNDERGROUND</b>
	)	<b>STORAGE TANKS</b>
	)	
<b>ZIPTRON ENERGY, INC.,</b>	)	<b>CASE NO. UST24-0111</b>
	)	
	)	
<b>RESPONDENT.</b>	)	<b>FACILITY: PLAZA MARKET</b>

**ORDER AND ASSESSMENT**

Stanley R. Boyd, Director of the Division of Underground Storage Tanks, states:

**PARTIES**

**I.**

David W. Salyers, P.E., is the duly appointed Commissioner of the Department of Environment and Conservation ("Department") and is charged with administering and enforcing the Tennessee Petroleum Underground Storage Tank Act ("Act"), Tenn. Code Ann. §§ 68-215-101 to -204. Stanley R. Boyd is the duly appointed Director of the Division of Underground Storage Tanks ("Division") and has received written delegation from the Commissioner to administer and enforce the Act.

**II.**

Ziptron Energy, Inc. ("Respondent") is a corporation created in Tennessee and is registered to conduct business in Tennessee. The Respondent is the registered owner of three underground storage tank ("UST") systems located in Hamblen County at 1909 North Economy Road, Morristown, Tennessee 37814. Service of process may be made on the Respondent's Registered Agent, Muradali Bharwani, 106 Western Avenue, Morristown, Tennessee 37814-3635.

**JURISDICTION**

**III.**

When the Commissioner finds that the Act is being violated or that effective measures are not in place to comply with the Act, the Commissioner may issue an order for correction to the responsible party and assess civil penalties of up to \$10,000.00 for each day a violation exists. Tenn. Code Ann. §§ 68-215-114

and -121. If this Order becomes final, the Commissioner may affix a notice of petroleum delivery prohibition (also known as a "red tag") to the facility fill ports or dispensers or give notice on the Department's website of petroleum delivery prohibition. Tenn. Code Ann. § 68-215-106(c). Rules governing USTs have been promulgated and are effective as Tenn. Comp. R. & Regs. 0400-18-01-.01 to -.17 ("Rules") pursuant to Tennessee Code Annotated section 68-215-107(f).

#### **IV.**

The Respondent is a "person," Tenn. Code Ann. § 68-215-103(11), a "responsible party," Tenn. Code Ann. § 68-215-103(17)(A), and has violated the Act.

#### **FACTS**

#### **V.**

On December 12, 2017, the Division received a Notification for Underground Storage Tanks form, listing the Respondent as the owner of the three UST systems located at 1909 North Economy Road, Morristown, Tennessee 37814.\* The facility ID number is 2-320404.

#### **VI.**

On October 18, 2023, Division personnel performed a compliance inspection at the Facility. The inspector discovered several violations. The following violations have not been addressed:

- Failure to monitor tanks at least monthly in accordance with Rule 0400-18-01-.04(2)(a). Specifically at the time of the inspection, Statistical Inventory Reconciliation (SIR) reports were not available for review for October 2022 through September 2023 (12 Months) for all tanks.
- Failure to test line leak detectors annually in accordance with Rule 0400-18-01-.04(4)(a). Specifically, records of testing of the line leak detectors associated with Tank #2A (8,000-gallon Diesel), and Tank #3A (8,000-gallon Premium) were not available at the time of the inspection.

#### **VII.**

Division personnel sent a Results of Compliance Inspection – Action Required letter to the Respondent on October 27, 2023. The letter cited the violations discovered during the inspection and required the Respondent to submit documentation to the Division by November 26, 2023, to document correction of the violations.

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\* On February 27, 2018, the Division received an Amended Notification from the Respondent updating its address. Ziptron Energy, Inc. was still identified as the tank owner on the form.

**VIII.**

Between October 27, 2023, and March 1, 2024, the Division sent the Respondent multiple letters that cited the violations discovered during the inspection and the Respondent's failure to return to compliance. These letters explained how to address each violation and extended the deadline to return to compliance multiple times. The Division set three deadlines, November 26, 2023, December 26, 2023, and April 1, 2024, for the Respondent to return to compliance and provide the Division with documents proving the facility had returned to compliance.

The Respondent violated Rule 0400-18-01-.03(2) when it failed to meet the deadlines.

**IX.**

To date, the Respondent has not cooperated fully and remains in non-compliance with the Division.

**VIOLATIONS**

As stated herein, the Respondent committed the following violations:

**X.**

By failing to operate a UST in compliance with the Act, the Respondent violated Tennessee Code Annotated section 68-215-104(2), which states:

It is unlawful to: Construct, alter or operate a petroleum underground storage tank in violation of this chapter or the rules or regulations established pursuant thereto[.]

**XI.**

By failing to conduct release detection monitoring at least monthly, the Respondents have violated Rule 0400-18-01-.04(2)(a), which states:

0400-18-01-.04 Release Detection.

(2) Requirements for petroleum UST systems.

Owners and/or operators of petroleum UST systems shall provide release detection for tanks and piping as follows:

(a) Tanks.

Tanks shall be monitored at least monthly for releases using one of the methods listed in subparagraphs (3)(c) through (f) of this rule, except that tanks which meet the volume, diameter, and test duration requirements as set forth in subpart

(3)(a)1.(i) of this rule may use manual tank gauging (conducted in accordance with subparagraph (3)(a) of this rule).

## XII.

The Respondent has violated Rule 0400-18-01-.04(4)(a), which states:

0400-18-01-.04 Release Detection.

(4) Methods of release detection for piping.

Each method of release detection for piping used to meet the requirements of paragraph (2) of this rule shall be conducted in accordance with the following:

(a) Automatic line leak detectors.

Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of petroleum through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at ten pounds per square inch line pressure within one hour. An annual test of the operation of the leak detector shall be conducted in accordance with guidance provided by the Division.

## XIII.

The Respondent has violated Rule 0400-18-01-.03(2), which states:

0400-18-01-.03 Notification, Reporting and Record Keeping.

(2) Reporting and record keeping.

Owners, operators, and/or other responsible parties of UST systems shall cooperate fully with inspections, monitoring and testing conducted by the Division, as well as requests for document submission, testing, and monitoring by the owner, operator, and/or other responsible parties in accordance with the Tennessee Petroleum Underground Storage Tank Act T.C.A. §§ 68-215-101 et seq.

## **ORDER AND ASSESSMENT**

## XIV.

Pursuant to sections 68-215-107, -114, and -121 of the Act, the Respondent is issued the following Order and Assessment ("Order"):

1. If the Respondent fails to comply with this Order or file an appeal within the timeframes stated below, **the above referenced facility will be placed on the Delivery Prohibition List and the fill ports or dispensers will be red tagged until compliance is achieved.** Tenn. Code Ann. § 68-215-106(c).

2. **Civil Penalty:** The Respondent shall pay a total civil penalty of \$16,320.00 on or before the thirty-first day after receipt of this Order. This amount consists of:
- i. Three violations assessed at \$3,200.00 per tank for a total of \$9,600.00 for failing to monitor tanks at least monthly.
  - ii. Two violations assessed at \$2,000.00 per tank for a total of \$4,000.00 for failing to test line leak detectors annually.
  - iii. One violation assessed at 20% per outstanding violation for a total of \$2,720.00 for failing to cooperate with the Division.
  - iv. All payments should be sent to the following address:  

**Treasurer, State of Tennessee**  
**Division of Fiscal Services – Consolidated Fees Section**  
**Davy Crockett Tower**  
**500 James Robertson Parkway, 6th Floor**  
**Nashville, Tennessee 37243**
3. **Remedial Action:** The Respondent shall perform all actions necessary to correct the outstanding violations and to bring the facility into full compliance with regulatory requirements. The Respondent shall provide the Division with documentation of the remedial action performed; the documentation shall be sufficient to establish a return to full compliance.
- i. On or before the thirty-first day after receipt of this Order, the Respondent shall:
    - a. Submit SIR results for all three tanks for October 2022 through September 2023 to the Division for review.
      - i. If release detection records cannot be submitted for the tanks, the Division requires a method of tank release detection to be implemented at the facility and a copy of the next month's tank release detection results for all tanks be submitted to the Division for review.
    - b. Conduct a line leak detector test for Tank #2A (8,000-gallon Diesel), and Tank #3A (8,000-gallon Premium) and submit the results to the Division for review.
4. Failure to comply with any of the requirements of this Order could lead to further enforcement actions which may include additional civil penalties, assessment of damages, and recovery of costs.
5. With the exception of the deadline for filing the appeal of this Order, the Department may extend the compliance dates contained within this Order for a fixed time period for good cause shown by the Respondent. To be eligible for this time extension, the Respondent shall

submit a written request to be received in advance of the compliance date. The written request must include sufficient detail to justify such an extension and include at a minimum the anticipated length of the delay. The Department will reply to the Respondent's request in writing, establishing a new deadline for compliance with this Order. Should the Respondent fail to meet the requirements of this Order by the new deadline, then any associated civil penalty shall be due within thirty days after that deadline. The request for an extension of time does not change the deadline to submit an appeal. See Notice of Rights.

### **RESERVATION OF RIGHTS**

In issuing this Order, the Department does not implicitly or expressly waive any provision of the Act or the regulations promulgated thereunder or the authority to assess costs, civil penalties, or damages incurred by the State against the Respondent. The Department expressly reserves all rights it has at law and in equity to order further corrective action, assess civil penalties or damages, and to pursue further enforcement action including, but not limited to, monetary and injunctive relief. Compliance with this Order will be considered as a mitigating factor in determining the need for future enforcement action(s).

### **NOTICE OF RIGHTS**

The Respondent may appeal this Order. Tenn. Code Ann. § 68-215-119. To do so, a written petition setting forth the reasons for requesting a hearing must be received by the Commissioner within thirty days of the date the Respondent received this Order or this Order will become final.

If an appeal is filed, an initial hearing of this matter will be conducted by an Administrative Judge as a contested case hearing. Tenn. Code Ann. § 68-215-119; Tenn. Code Ann. §§ 4-5-301 to -326 (the Uniform Administrative Procedures Act); and Tenn. Comp. R. & Regs. Chapter 1360-04-01 (the Department of State's Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies). Such hearings are legal proceedings in the nature of a trial. Individual Respondents may represent themselves or be represented by an attorney licensed to practice law in Tennessee. Artificial Respondents (corporations, limited partnerships, limited liability companies, etc.) cannot engage in the practice of law and therefore may only pursue a contested case through an attorney licensed to practice law in Tennessee. Low-income individuals may be eligible for representation at reduced or no cost through a local bar association or legal aid organization.

At the conclusion of any initial hearing, the Administrative Judge has the authority to affirm, modify, or deny the Order. Furthermore, the Administrative Judge on behalf of the Board has the authority to assess additional damages incurred by the Department including, but not limited to, all docketing expenses associated with the setting of the matter for a hearing and the hourly fees incurred due to the presence of the Administrative Judge and a court reporter.

Any petition for review (appeal) must be directed to the Commissioner of the Tennessee Department of Environment and Conservation, c/o Jenny L. Howard, General Counsel, Department of Environment and Conservation, Davy Crockett Tower, 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243. The petition may be mailed or delivered to this address, or it may be sent to [TDEC.Appeals@tn.gov](mailto:TDEC.Appeals@tn.gov). Payments of the civil penalty and/or damages shall be made payable to the "Treasurer, State of Tennessee" and sent to the Division of Fiscal Services – Consolidated Fees Section, Department of Environment and Conservation, Davy Crockett Tower, 500 James Robertson Parkway, 6th Floor, Nashville, Tennessee

37243. Technical questions and other correspondence involving compliance issues should be sent to Mark Brinton, Nashville Environmental Field Office, 711 R. S. Gass Boulevard, Nashville, Tennessee 37216. Attorneys should contact the undersigned counsel of record. **The case number, UST24-0111, should be written on all correspondence regarding this matter.**

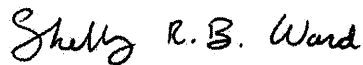
Issued by the Director of the Division of Underground Storage Tanks, Tennessee Department of Environment and Conservation, on this 31st day of July, 2024.



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Stanley R. Boyd, Director  
Division of Underground Storage Tanks  
TN Department of Environment and Conservation

Reviewed by:



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Shelby R. B. Ward (BPR # 030394)  
Associate Counsel  
Department of Environment and Conservation  
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Knoxville, Tennessee 37921  
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