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Storage Tank Enforcement: Tennessee Department of Environment & Conservation Proposed Order/Assessment Addressing Memphis Facility Owner

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The Tennessee Department of Environment and Conservation ("TDEC") issued a July 20th proposed Order and Assessment ("Order") to New Development, LLC ("ND") addressing alleged violations of the Tennessee Underground Storage Tank ("UST") regulations. See Case No. UST22-0030.

The Order provides that ND operates a Circle K store in Memphis, Tennessee.

The TDEC Division of Underground Storage Tanks ("Division") is stated to have contacted ND's compliance vendor and scheduled an inspection for August 19, 2021. Division personnel are stated to have identified the following violations on August 19, 2021:

- Failure to monitor tanks at least monthly in accordance with Rule 0400-18- 01-.04(2)(a).
- Failure to comply with requirements concerning design, construction, utilization, and or upgrade of corrosion protection for piping in accordance with Rule 0400-18-01-.02(4)(b).

The Division is stated to have sent a "Results of Compliance Inspection – Action Required" letter to ND on August 24, 2021. Further, Division personnel are stated to have sent a "Results of Compliance Inspection – No response Received" letter to ND on September 29, 2021. A Follow-up Letter and Enforcement Action Notice" letter was stated to have been sent to ND on November 22, 2021.

The Order provides that for allegedly failing to submit required documentation to the Division an additional violation was cited which included:

Failure to cooperate with the Division by failing to provide documents, testing, or monitoring records to the Division in accordance with Rule 0400-18-01-.03(2).

The proposed Order states that if ND fails to comply with this document and/or file an appeal within the specified timeframes, the ND facility will be placed on the Delivery Prohibition List. Further, the proposed Order mandates that ND take certain actions regarding:

- Documentation of recent monthly release detection records for one of the tanks
- Submission of documentation of the removal of the liquid in all three STP sumps and repair or replace records to ensure future accumulation of liquid does not occur
- Attendance of certain UST training

- Payment of penalty of \$12,240

The proposed Order provides certain appeal rights.

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