Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order Addressing Memphis Facility



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The Tennessee Department of Environment and Conservation ("TDEC") issued on December 13th a proposed Order and Assessment ("Order") to KAG Specialty Products Group, LLC ("KAG"). See Case No. UST22-0125.

The Order states that KAG is the registered owner of one underground storage tank ("UST") in Memphis, Tennessee.

On February 18th TDEC Division of Underground Storage Tanks ("Division") personnel are stated to have performed a compliance inspection at the KAG facility ("Facility"). The inspector is stated to have identified the following violations:

- Failure of facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators in accordance with Rule 0400-18-01-.16(2)(a).
- Failure to ensure that electronic and mechanical components are tested annually in accordance with Rule 0400-18-01-.04(1)(a)3.
- Failure to perform periodic walkthrough inspections in accordance with Rule 0400-18-01-.02(8)(a)1.
- Failure to inspect overfill prevention equipment at least once every three years in accordance with Rule 0400-18-01-.02(3)(c)2.
- Failure to test spill prevention equipment at least once every three years in accordance with Rule 0400-18-01-.02(3)(c)1.
- Failure to monitor tanks at least monthly in accordance with Rule 0400-18-01-.04(2)(a).
- Failure to conduct annual line tightness test or do monthly monitoring on pressurized underground piping in accordance with Rule 0400-18-01-.04(2)(b)1(ii).
- Failure to test line leak detectors annually in accordance with Rule 0400-18-01-.04(4)(a).
- Failure to remove dispenser cover and visually inspect for releases, seeps, drips at least quarterly in accordance with Rule 0400-18-01-.04(1)(e).

Division personnel are stated to have sent two Results of Compliance Inspection to KAG to which there was no response. In addition, Division personnel are stated to have sent a Follow-up Letter and Enforcement Action Notice and a Notice of Violation to KAG citing the alleged violations.

Because no documentation has been received regarding any of the violations, the Order proposes an additional violation which includes:

- 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 Order provides that a failure to comply and/or appeal within the timeframes identified could result in the Facility being placed on the Delivery Prohibition List. Further, a civil penalty of $25,000 is assessed.

In addition, certain corrective action is required to bring the Facility into operational compliance which includes:

- Attend certain training
- Conduct certain training
- Conduct an ATG operability test and submit documentation to the Division
- Complete periodic and annual walkthrough forms and submit forms to the field office
- Conduct an overfill prevention equipment inspection and submit documentation to the field office
- Conduct a spill bucket integrity test and submit documentation to the field office
- Submit the next three months release detection records to the Division
- Conduct a line tightness test and submit documentation to the field office
- Conduct a line leak detector test and submit documentation to the field office
- Implement a quarterly dispenser log and submit documentation to the field office

The Order provides certain appeal rights.

A copy of the proposed Order can be downloaded here.