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

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The Tennessee Department of Environment and Conservation ("TDEC") issued a December 13th proposed Order and Assessment ("Order") to Avion Properties LLC ("Avion"). See Case No. UST22-0128.

The Order addresses a facility ("Facility") that is stated to own three underground storage tanks ("UST") in Chattanooga, Tennessee.

TDEC Division of Underground Storage Tanks ("Division") personnel are stated to have contacted a representative of a former owner of the Facility UST on March 7, 2022, to schedule a compliance inspection.

Division personnel are stated to have determined on April 19, 2020, that the Facility is not in operation and that ownership had changed. A Results of Inspection – Incomplete Letter was sent to a maintenance person on April 20, 2022, regarding a new compliance inspection.

Division personnel are stated to have performed a compliance inspection at the Facility on April 21, 2022, and allegedly discovered the following violations:

- Failure of a Facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators
- Failure to perform annual and periodic walkthrough inspections
- Failure to report a change of status for a UST system within thirty days
- Failure to test electronic and mechanical components at least annually for proper operation
- Failure to monitor spill prevention equipment for UST systems no less frequently than walkthrough inspections are conducted, or to test spill prevention equipment at least once every three years
- Failure to maintain a log of at least the last twelve months of visual inspections for seeps and drips after removing the dispenser cover
- Failure to inspect overfill prevention equipment at least once every three years to ensure that overfill prevention equipment is set to activate at the correct level and will activate when petroleum reaches that level
- Failure to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
- Failure to test line leak detectors annually in accordance with guidance provided by the Division and manufacturer's instruction

- Failure to ensure that a cathodic protection system is tested every three years
- Failure to conduct release detection monitoring at least monthly for releases

The results of the inspection are stated to have been sent to Avion at an address that the Division had been provided.

An extension request was subsequently received from an environmental consultant that had been retained by Avion. Further, the Division subsequently received certain information on June 22, 2022, that resolved some of the violations. Additional information is stated to have been received on July 21, 2022, that resolved additional violations.

Certain violations are stated to have not been resolved and, as a result, the Order provides that there has been a failure to cooperate with the Division by failing to provide documents, testing, or monitoring records.

The proposed Order provides a number of actions that are required to be undertaken to correct the outstanding alleged violations pursuant to certain time periods. Further, the proposed Order assesses a total civil penalty in the amount of $69,120.

Certain appeal rights are provided by the Order.

A copy of the Order can be downloaded here.