Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Addressing Fentress County Retail Motor Fuel Facility

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The Tennessee Department of Environment and Conservation ("TDEC") issued an August 11th proposed Order and Assessment ("Order') to Murphy Oil USA, Inc. ("Murphy") addressing alleged violations of the Tennessee Underground Storage Tank ("UST") regulations. See Division of Underground Storage Tanks Case No. UST22-0167.

The Order provides that Murphy is the registered owner of three UST systems ("Facility") located in Fentress County, Tennessee.

TDEC Division of Underground Storage Tanks ("Division") personnel are stated to have performed a compliance inspection at the Facility on July 6, 2022. The inspection allegedly identified the following violations:

- Failure to install an adequate overfill prevention system
- Failure to install, calibrate, operate, or maintain release detection method piping in accordance with manufacturer's instructions
- Failure to report a change of status for a UST system within 30 days

The Division is stated to have sent a "Result of Compliance Inspection – Action Required" letter to Murphy's representative citing the alleged violations and requiring documentation regarding correction. In addition, it required Murphy to successfully complete operator retraining by October 17, 2022.

A No Response Received Letter is stated to have been sent on August 26, 2022, to Murphy. Further, on September 30, 2022, a Follow-up Letter and Enforcement Action Notice was stated to have been sent to a Murphy representative.

An additional violation was stated to have been subsequently cited for failure to successfully complete retraining to the appropriate level of operator Class within a timeframe determined by the Division when a significant operational compliance violation was discovered.

Documentation was required to be submitted to the Division by November 28, 2022, to demonstrate correction of the violations. Murphy allegedly failed to meet the November 28, 2022, deadline and therefore is stated to have been cited for:

- Failure to cooperate with the Division in accordance with Rule 0400-18-01-.03(2)

The Order states that on January 13th Division personnel received an email containing compliance documentation from Murphy's representative which included:

- A passing precision line leak detector test.
- An image of the first page of the overfill operability test form

As a result, one of the violations was deemed addressed.

An email was subsequently received on January 16th from the Murphy representative which provided a copy of the amended notification form changing the piping release detection method to annual line leak detector and annual line tightness testing addressing another violation.

Division personnel received a January 26th email from the Murphy representative addressing the required UST overfill prevention operability test. Further, on May 12th Division personnel received an email containing compliance documentation from another Murphy representative addressing a UST overfill prevention operability test for two additional tanks.

Division personnel also on July 27th verified that the Murphy authorized representative had completed Class A and Class B Operator retraining and had been designated as the Class A and Class B Operator for the Facility.

The proposed Order provides that if Murphy fails to comply and/or file an appeal within the timeframes stated the Facility will be placed on the Delivery Prohibition List and red tagged until compliance is achieved. Further, Murphy is required to perform all necessary actions to correct the outstanding violations and provide documentation of such actions within the 31st day after receipt of the Order.

A $7,200 penalty is assessed.

The Order provides certain appeal rights.

A copy of the proposed Order can be downloaded here.