



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Storage Tank Enforcement: Tennessee Department of Environment & Conservation and Guild Marina Enter into Settlement Agreement

01/08/2024

The Tennessee Department of Environment & Conservation ("TDEC") and Dam Marina, Inc. ("DMI") entered into a December 14th Settlement Agreement and Order ("Settlement") addressing alleged violations of the Tennessee Underground Storage Tank ("UST") regulations. See Case No. UST22-0090.

The Settlement provides that DMI operates a facility known as Hales Bar Marina.

DMI is the registered owner of two USTs in Guild, Tennessee.

TDEC Division of Underground Storage Tanks ("Division") personnel are stated to have performed a compliance inspection at the DMI facility on July 13, 2021. Further, Division personnel are stated to have sent a Results of Compliance Inspection – Action Required letter to DMI on August 31, 2021. In addition, Division personnel sent a further follow-up letter on October 4, 2021, to DMI. An additional follow-up letter was sent on November 17, 2021.

A Notice of Violation was sent to DMI on December 8, 2021. Alleged violations were cited.

The Settlement alleges the following violations:

- Failing to operate a petroleum UST in compliance with Section 68-215-104(2) of the Act
- Failing to conduct release detection monitoring at least monthly for releases
- Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
- Failing to test line leak detectors annually
- Failing to install, calibrate, operate, or maintain release detection method for tank
- Failing to ensure that the cathodic protection system is tested every three years
- Failing to inspect the impressed current corrosion protection system every 60 days
- Failing to comply with requirements concerning design, construction, utilization, and or upgrade of corrosion protection for piping
- Failure to keep a log of monthly inspections of spill catchment basins for 12 months
- Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
- Failing to keep spill catchment basins free of water, dirt, debris, etc.
- Failing to report a change of status for a UST system within 30 days

- Failing to have one more petroleum UST systems to have one or more persons designated as Class A, Class B operators
- Failing to have a facility to meet Class C operator requirements by posting appropriate signage conspicuously
- Failing to cooperate with the Division by failing to provide documents, testing, or monitoring records to the Division
- Failing to install piping in accordance with the manufacturer's installation instructions

A penalty of \$5,520 is assessed.

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