Storage Tank Enforcement: Tennessee Department Environment and Conservation and Memphis Freight Facility Enter Into Agreed Order



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The Tennessee Department of Environment and Conservation ("TDEC") and XPO Logistics Freight, Inc. ("XPO") entered into a December 15th Agreed Final Order ("AFO") addressing alleged violations of the Tennessee Underground Storage Tank ("UST") regulations. See Case No. UST-24-0194.

The AFO provides that XPO is the owner of three USTs in Memphis, Tennessee. The USTs are stated to hold the following:

- Diesel.
- Waste oil.
- New oil.

TDEC Division of Underground Storage Tanks ("Division") personnel are stated to have conducted a compliance inspection at the facility on February 1, 2024. The inspection is stated to have identified several violations. All such violations are stated to have been addressed. Further, Division personnel are stated to have determined that two USTs had been installed at the facility without notification or certification to the Division. However, the Division is stated to have later received the notification identifying the USTs.

The Division is also stated to have determined that Tank 8A (new oil) contains petroleum substances and is therefore subject to regulation. The Division requested delivery tickets for tank 8A to ascertain the deliveries of product prior to submission of the notification form on February 5, 2024. Based on the provided delivery tickets, 46 deliveries were made over a period of 2,546 days prior to submission of the February 5, 2024, notification form.

The AFO assesses a civil penalty of $110,140.00.

A copy of the AFO can be downloaded here.