



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Underground Storage Tanks
Davy Crockett Tower
500 James Robertson Parkway, 7th Floor
Nashville, Tennessee 37243**

July 22, 2025

Henry Oil Company of Tennessee
c/o Corporation Service Company, Registered Agent
2908 Poston Avenue
Nashville, Tennessee 37203

Served via Private Process Server

Re: Dodge's Store
3923 Elvis Presley Blvd.
Memphis, Tennessee 38109
Facility ID # 9-790600
Case # FDA25-0055

Dear Henry Oil Company of Tennessee:

Enclosed is a Director's Order and Assessment ("Order") for violations of the Tennessee Petroleum Underground Storage Tank Act and relevant rules. This Order is issued by the State of Tennessee, Department of Environment and Conservation, Division of Underground Storage Tanks. A civil penalty of \$6,400.00 has been assessed against Henry Oil Company of Tennessee based on the stated violations.

The Division reviewed the Application for Fund Eligibility for the above-referenced facility and determined that this facility meets the requirements for fund eligibility for a release occurring on or after June 15, 2021. Reimbursement of the approved corrective action costs for this release is authorized. The deductible for releases which occur on or after June 15, 2021, is \$5,000.00 provided the facility meets all requirements listed in Rule 0400-18-01-.09(6). Tenn. Comp. R. & Regs. 0400-18-01-.09. Based on the information provided on the Application for Fund Eligibility and violations discovered during the most recent inspection, the deductible for the release is **\$30,000.00**.

Please read the Order carefully and pay special attention to the **Notice of Rights** section. Please note that the required due dates in the Order are based on the date the Respondents receive the Order, not the date that it was signed by the Director. Any appeal must be made in writing and be received by the Division within thirty days after your receipt of the Order.

Because there is outstanding noncompliance from the March 10, 2025, inspection, if this Order is not appealed and becomes final, the facility will be placed on the petroleum **Delivery Prohibition List**. Red tags will be installed at the facility's fill ports. Documentation establishing the facility's return to compliance shall be submitted to the Division by the due date established in the Order.

If you have any questions about this matter, please contact Justin Evans at (865) 333-6227 or justin.evans@tn.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley R. Boyd". The signature is written in a cursive, slightly slanted style.

Stanley R. Boyd
Director

cc: Enforcement File
Memphis Environmental Field Office

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

IN THE MATTER OF:)	
)	DIVISION OF UNDERGROUND
)	STORAGE TANKS
)	
)	
HENRY OIL COMPANY OF)	CASE NO. FDA25-0055
TENNESSEE)	
)	
)	
RESPONDENT.)	FACILITY: DODGE'S STORE

ORDER AND ASSESSMENT

David W. Salyers, P.E., Commissioner of the Tennessee Department of Environment and Conservation (the "Commissioner"), states:

PARTIES

I.

David W. Salyers, P.E., is the duly appointed Commissioner of the Department of Environment and Conservation ("Department") and is charged with administering and enforcing the Tennessee Petroleum Underground Storage Tank Act ("Act"), Tenn. Code Ann. §§ 68-215-101 to -204. Stanley R. Boyd is the duly appointed Director of the Division of Underground Storage Tanks ("Division"). He has received written delegation from the Commissioner to administer and enforce the Act.

II.

Henry Oil Company of Tennessee ("Respondent") is a corporation created in Tennessee and is registered to conduct business in Tennessee. Respondent is the property owner and registered owner of six single-compartment underground storage tank ("UST") systems located in Shelby County at 3923 Elvis Presley Boulevard, Memphis, Tennessee, 38109. Service of process may be made on the Respondent Registered Agent, Corporation Service Company, at 2908 Poston Avenue, Nashville, Tennessee 37203.

JURISDICTION

III.

When the Commissioner finds that the Act is being violated or that effective measures are not in place to comply with the provisions of the Act, the Commissioner may issue an order for correction to the responsible party and assess civil penalties of up to \$10,000.00 for each day a violation exists. Tenn. Code Ann. §§ 68-215-114 and -121. If this Order becomes final, the Commissioner may affix a notice of petroleum delivery prohibition (also known as a “red tag”) to the facility fill ports or dispensers or give notice on the Department’s website of petroleum delivery prohibition. Tenn. Code Ann. § 68-215-106(c). Rules governing underground storage tanks have been promulgated and are effective as Tenn. Comp. R. & Regs. 0400-18-01-.01 to -.17 (“Rules”). Tenn. Code Ann. § 68-215-107(f).

IV.

The Respondent is a “person,” Tenn. Code Ann. § 68-215-103(11), a “responsible party,” Tenn. Code Ann. § 68-215-103(17)(A), and has violated the Act.

FACTS

V.

On April 28, 1986, the Division received a Notification for Underground Storage Tanks form, listing the Respondent as the owner of the six UST systems located at 3923 Elvis Presley Boulevard, Memphis, Tennessee, 38109 (“Facility”). The facility ID number is 9-790600.

VI.

On March 3, 2025, the Division received a report of a suspected release at the facility regarding the “T1 REG” tank not getting a 0.2 gallon per hour pass for the month of February 2025.

VII.

On March 10, 2025, the Division was notified that a leak was discovered at the unleaded piping at dispenser #15.

VIII.

On March 10, 2025, Division personnel performed a compliance inspection at the Facility. While the following violations have been addressed by the Respondent, they impact the deductible as set forth in Rule 0400-18-01-.09:

- Failure to install, calibrate, operate, or maintain release detection method for piping in accordance with manufacturer's instructions in accordance with Rule 0400-18-01-.04(1)(a)2. Specifically, according to the ATG setup printout obtained during the inspection, the line leak detector associated with UST systems #1A (T1: 6,000 gallons Unleaded-87 gasoline) and #2A (T2: 6,000 gallons Unleaded-87 gasoline) was assigned to UST #1A. However, the line leak detector had been moved to UST #2A. UST #1A and UST #2A are manifolded.
- Failure to test line leak detectors annually in accordance with rule 0400-18-01-.04(4)(a). Specifically, the line leak detector was moved from UST #1A to UST #2A. UST #1A and UST #2A are a part of a piping manifold system. A check valve was observed close to the submersible turbine pump (STP) for UST #1A. The check valve was preventing the line leak detector from providing proper leak detection for the line. The line leak detector was moved to UST #2A to provide the catastrophic leak detection required for the manifolded lines. However, no documentation of a line leak detector test has been submitted since the leak detector was moved to UST #2A.

IX.

On March 11, 2025, the Division was notified that a hydrostatic integrity test was performed on the same day for the Under Dispenser Containment (UDC) sump underneath dispenser 14/15. This hydrostatic test failed. The Division was also notified in the same email that the ullage section of tank "T1" failed the tightness test at the Submersible Turbine Pump (STP) manifold.

X.

On April 17, 2025, the Division received a Notification for Underground Storage Tanks form, listing the Respondent as the owner of the six UST systems located at 3923 Elvis Presley Boulevard, Memphis, Tennessee, 38109 ("Facility"). The facility ID number is 9-790600.

XI.

On April 28, 2025, Division personnel sent a Release Investigation – Site Check letter, requiring a site check be conducted and the report be submitted to the Division by June 13, 2025.

XII.

Upon enforcement review, the following violations were found to have occurred:

- Failure to report a suspected release to the division within 72 hours after discovery of released petroleum, the occurrence of unusual operating conditions or the occurrence of monitoring results that indicate a release may have occurred in accordance with Rule 0400-18-01-.05(1)(a). Specifically, upon review of the compliance records, the following alarms were found to have occurred which would indicate that a suspected release has occurred, and documentation regarding the investigation, correction, and/or report of these alarms has not been provided.:
 - February 12, 2025 - T5 (Tank 5A- 8,000 gallons ULS diesel) "Sudden Loss" alarm
 - February 12, 2025 - T1 (Tank 1A- 6,000 gallons Unleaded-87 gasoline) "Sudden Loss" alarm
 - February 13, 2025 - T4 (Tank 4A- 6,000 gallons ULS diesel) "Sudden Loss" alarm
 - February 28, 2025 - T4 (Tank 4A- 6,000 gallons ULS diesel) "Sudden Loss" alarm
 - March 4, 2025 - T3 (Tank 3A- 10,000 gallons premium gasoline) "Sudden Loss" alarm
 - March 9, 2025 - T2 (Tank 2A- 6,000 gallons Unleaded-87 gasoline) "Sudden Loss" alarm
- Failure to repair, replace or close the UST system and begin corrective action if test results indicate that a release exists in accordance with Rule 0400-18-01-.05(3)(a)2. Specifically, the Division required the owner to conduct tightness testing for tank #1A (T1: 6,000 gallons Unleaded-87 gasoline) in correspondence dated March 18, 2025. A passing tank tightness test dated March 18, 2025, was provided for tank #1A following a failed tank tightness test dated March 10, 2025. An explanation of the repairs made has been provided to the division in an email dated April 17, 2025, but documentation regarding the repairs made to tank #1A has not been provided.

XIII.

On May 2, 2025, the Division received an Application for Fund Eligibility from the Respondent for the February 28, 2025, release at the Facility.

XIV.

Division personnel reviewed the Application for Fund Eligibility along with the documentation required by Rule 0400-18-01-.09. Based upon this review, Division personnel determined that this facility did not meet the requirements for the minimum deductible for the release due to the following:

- Failure to install, calibrate, operate, or maintain release detection method for piping in accordance with manufacturer's instructions in accordance with Rule 0400-18-01-.04(1)(a)2.
- Failure to test line leak detectors annually in accordance with rule 0400-18-01-.04(4)(a).
- Failure to report a suspected release to the division within 72 hours after discovery of released petroleum, the occurrence of unusual operating conditions or the occurrence of monitoring results that indicate a release may have occurred in accordance with Rule 0400-18-01-.05(1)(a).

The deductible for the release is \$30,000.00.00.

VIOLATIONS

XV.

By failing to operate a UST in compliance with the Act, the Respondent violated Tennessee Code Annotated section 68-215-104(2), which states:

It is unlawful to: Construct, alter or operate a petroleum underground storage tank in violation of this chapter or the rules or regulations established pursuant thereto[.]

XVI.

Respondent violated Rule 0400-18-01-.04(1)(a)2, which states:

0400-18-01-.04 RELEASE DETECTION.

- (1) General requirements for release detection.
 - (a) Owners and/or operators of UST systems shall provide a method, or combination of methods, of release detection that:
 2. Is installed and calibrated in accordance with the manufacturer's instructions and is operated and maintained in accordance with one of the following:
 - (i) The manufacturer's instructions;
 - (ii) A code of practice developed by a nationally recognized association or independent testing laboratory; or

- (iii) Requirements determined by the Division to be no less protective of human health and the environment than the two options listed in subparts (i) and (ii) of this part.

XVII.

Respondent violated Rule 0400-18-01-.04(4)(a), which states:

0400-18-01-.04 RELEASE DETECTION.

- (4) Methods of release detection for piping.

Each method of release detection for piping used to meet the requirements of paragraph (2) of this rule shall be conducted in accordance with the following:

- (a) Automatic line leak detectors.

Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of petroleum through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at ten pounds per square inch line pressure within one hour. An annual test of the operation of the leak detector shall be conducted in accordance with guidance provided by the Division.

XVIII.

Respondent violated Rule 0400-18-01-.05(1)(a), which states:

0400-18-01-.05 RELEASE REPORTING, INVESTIGATION AND CONFIRMATION.

- (1) Reporting Of Suspected Releases.

- (a) Owners and/or operators of UST systems shall report to the division within 72 hours and follow the procedures in paragraph (3) of Rule 0400-18-01-.05 for any of the following conditions:

1. The discovery by owners and/or operators or others of released petroleum at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).
2. Unusual operating conditions observed by owners and/or operators (such as the erratic behavior of petroleum dispensing equipment, the sudden loss of petroleum from the UST system, or an unexplained presence of water in the tank, or liquid in the interstitial space of secondary contained systems), unless:

- (i) The system equipment or component is found not to be releasing petroleum into the environment;
 - (ii) Any defective system equipment or component is immediately repaired or replaced; and
 - (iii) For secondarily contained systems any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed.
- 3. Monitoring results, including investigation of an alarm, from a release detection method required under paragraph (2) of Rule 0400-18-01-.04 that indicate a release may have occurred unless:
 - (i) The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring within 30 days does not confirm the initial result;
 - (ii) The leak is contained in the secondary containment and conditions of subparts 2.(ii) and (iii) of this subparagraph are met;
 - (iii) The investigation determines no release has occurred; or
 - (iv) The alarm was investigated and determined to be a non-release event (for example, from a power surge caused by filling the tank during release detection testing).

XIX.

Respondent violated Rule 0400-18-01-.05(3)(a), which states:

0400-18-01-.05 RELEASE REPORTING, INVESTIGATION AND CONFIRMATION.

(3) Release Investigation and Confirmation Steps.

Unless corrective action is initiated in accordance with Rule 0400-18-01-.06, owners and/or operators shall immediately investigate and confirm all suspected releases of petroleum requiring reporting under paragraph (1) of this rule within 30 days in accordance with this paragraph.

(a) System test.

Owners and/or operators shall conduct tests (according to the requirements for tightness testing in subparagraphs (3)(b) and (4)(b) of Rule 0400-18-01-.04 or, as appropriate, secondary containment testing described in subparagraph (7)(d) of Rule 0400-18-01-.02).

XX.

Respondent violated Rule 0400-18-01-.05(3)(a)2, which states:

0400-18-01-.05 RELEASE REPORTING, INVESTIGATION AND CONFIRMATION.

(3) Release Investigation and Confirmation Steps.

Unless corrective action is initiated in accordance with Rule 0400-18-01-.06, owners and/or operators shall immediately investigate and confirm all suspected releases of petroleum requiring reporting under paragraph (1) of this rule within 30 days in accordance with this paragraph.

(a) System test.

Owners and/or operators shall conduct tests (according to the requirements for tightness testing in subparagraphs (3)(b) and (4)(b) of Rule 0400-18-01-.04 or, as appropriate, secondary containment testing described in subparagraph (7)(d) of Rule 0400-18-01-.02).

2. If the system test confirms a leak into the interstice or a release, owners and/or operators shall repair, replace or close the UST system, and begin corrective action in accordance with Rule 0400-18-01-.06 if the test results for the system, tank, or delivery piping indicate that a release exists.

ORDER AND ASSESSMENT

XXI.

Pursuant to the authority vested by sections 68-215-107, -114, and -121 of the Act, the Respondent is issued the following Order:

1. The Application for Fund Eligibility for the February 28, 2025, release is approved with a deductible of \$30,000.00.
2. The Respondent shall perform release investigation and remediation activities of Rule 0400-18-01-.06 within the timeframes determined by the Division.
3. If the Respondent fail to comply with this order and/or file an appeal within the timeframes stated below, **the above referenced facility will be placed on the Delivery Prohibition List and the fill ports or dispensers will be red tagged until compliance is achieved.** Tenn. Code Ann. § 68-215-106(c).
4. **Remedial Action:** The respondent shall perform all actions necessary to correct the outstanding violations and to bring the facility into full compliance with regulatory requirements.

- i. On or before the thirty-first day after receipt of this Order, the Respondent shall provide documentation regarding the repairs made to Tank #1A, i.e. invoices, photos, work orders, etc.
- 5. **Civil Penalty:** On or before the thirty-first day after receipt of this Order, the Respondent shall pay a total civil penalty in the amount of \$6,400.00. This amount consists of the following:
 - i. One violation assessed at \$3,200.00 for failing to repair, replace or close the UST system and begin corrective action if test results indicate that a release exists.
 - ii. One violation assessed at \$3,200.00 for failing to report a suspected release if the release is subsequently confirmed and additional action is required under Rule 0400-18-01-.06 or if the release is not investigated in accordance with Rules 0400-18-01-.05(2) and (3) and within a schedule established by the Division.

- 7. All payments should be sent to the following address:

Treasurer, State of Tennessee
Division of Fiscal Services – Consolidated Fees Section
Davy Crockett Tower
500 James Robertson Parkway, 6th Floor
Nashville, Tennessee 37243

- 8. Failure to comply with any of the requirements of this Order could lead to further enforcement actions which may include additional civil penalties, assessment of damages and recovery of costs.
- 9. With the exception of the deadline for filing the appeal of this Order, the Department may extend the compliance dates contained within this Order for a fixed time period for good cause shown by the Respondent. To be eligible for this time extension, the Respondent shall submit a written request to be received in advance of the compliance date. The written request must include sufficient detail to justify such an extension and include at a minimum the anticipated length of the delay. The Department will reply to the Respondent's request in writing, establishing a new deadline for compliance with this Order. Should the Respondents fail to meet the requirements of this Order by the new deadline, then any associated civil penalty shall be due within thirty days after that deadline. The request for an extension of time does not change the deadline to submit an appeal. See Notice of Rights.

RESERVATION OF RIGHTS

In issuing this Order, the Department does not implicitly or expressly waive any provision of the Act or the regulations promulgated thereunder or the authority to assess costs, civil penalties, or damages incurred by the State against the Respondents. The Department expressly reserves all rights it has at law and in equity to order further corrective action, assess civil penalties or damages, and to pursue further enforcement action including, but not limited to, monetary and injunctive relief. Compliance with this Order will be considered as a mitigating factor in determining the need for future enforcement action(s).

NOTICE OF RIGHTS

The Respondent may appeal this Order. Tenn. Code Ann. § 68-215-119. To do so, a written petition setting forth the reasons for requesting a hearing must be received by the Commissioner within thirty days of the date the Respondent received this Order or this Order will become final.

If an appeal is filed, an initial hearing of this matter will be conducted by an Administrative Judge as a contested case hearing. Tenn. Code Ann. § 68-215-119; Tenn. Code Ann. §§ 4-5-301 to -326 (the Uniform Administrative Procedures Act); and Tenn. Comp. R. & Regs. 1360-04-01 (the Department of State's Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies). Such hearings are legal proceedings in the nature of a trial. Individual Respondents may represent themselves or be represented by an attorney licensed to practice law in Tennessee. Artificial Respondents (corporations, limited partnerships, limited liability companies, etc.) cannot engage in the practice of law and therefore may only pursue a contested case through an attorney licensed to practice law in Tennessee. Low-income individuals may be eligible for representation at reduced or no cost through a local bar association or legal aid organization.

At the conclusion of any initial hearing, the Administrative Judge has the authority to affirm, modify, or deny the Order. Furthermore, the Administrative Judge on behalf of the Board has the authority to assess additional damages incurred by the Department including, but not limited to, all docketing expenses associated with the setting of the matter for a hearing and the hourly fees incurred due to the presence of the Administrative Judge and a court reporter.

Any petition for review (appeal) must be directed to the Commissioner of the Tennessee Department of Environment and Conservation, c/o Jenny L. Howard, General Counsel, Department of Environment and Conservation, Davy Crockett Tower, 500 James Robertson Pkwy, 5th Floor, Nashville, Tennessee 37243. The petition may be mailed or delivered to this address, or it may be sent to TDEC.Appeals@tn.gov. Payments of the civil penalty and/or damages shall be made payable to the "Treasurer, State of Tennessee" and sent to the Division of Fiscal Services – Consolidated Fees Section, Department of Environment and Conservation,

Davy Crockett Tower, 500 James Robertson Pkwy, 6th Floor, Nashville, Tennessee 37243. Technical questions and other correspondence involving compliance issues should be sent to Justin Evans, Knoxville, Environmental Field Office, 3711 Middlebrook Pike, Suite 101, Knoxville Tennessee 37921. Attorneys should contact the undersigned counsel of record. **The case number, FDA25-0055, should be written on all correspondence regarding this matter.**

Issued by the Director of the Division of Underground Storage Tanks, Tennessee Department of Environment and Conservation, on this 22nd day of July, 2025.



Stanley R. Boyd, Director
Division of Underground Storage Tanks
TN Department of Environment and Conservation

Reviewed by:



George Bell (Jul 22, 2025 16:25 CDT)

George S. Bell, III
BPR# 19051
Senior Associate Counsel
Department of Environment and Conservation
Davy Crockett Tower
500 James Robertson Parkway, 5th Floor
Nashville, Tennessee 37243
(615) 741-3842
George.Bell@tn.gov