



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

November 5, 2025

Brockton USA LLC
c/o Ronak Patel, Registered Agent
414 Dixie Lee Avenue
Monteagle, Tennessee 37356

Served via Private Process Server

Re: Director's Order UST25-0111
Sudden Service No. 1
2019 Highway 12 North
Ashland City, Tennessee 37015
Facility ID # 5-110059

Dear Ronak Patel:

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 \$16,920.00 has been assessed against Brockton USA LLC based on the stated violations.

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 Respondent receives the Order, not the date that it was signed by the Director. Any appeal must be made in writing and be received by the Department within thirty days after your receipt of the Order.

Documentation establishing the facility's return to compliance shall be submitted to the Department by the due date established in the Order. Because there is outstanding noncompliance from the March 17, 2025, inspection, if the Respondent fails to fully comply with the Order, or if the Order becomes final due to the Respondent's failure to file a timely appeal, the facility will be placed on the petroleum **Delivery Prohibition List**. Red tags will be installed at the facility's fill ports and dispensers.

If you have any questions about this matter, please contact Jeff Mann at (615) 812-0770 or Jeff.Mann@tn.gov.

Sincerely,

Stanley R. Boyd
Director

cc: Enforcement File
Nashville Environmental Field Office

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

IN THE MATTER OF:)	
)	DIVISION OF UNDERGROUND
)	STORAGE TANKS
)	
)	
BROCKTON USA LLC,)	CASE NO. UST25-0111
)	
)	
RESPONDENT.)	FACILITY: SUDDEN SERVICE NO. 1

ORDER AND ASSESSMENT

Stanley R. Boyd, Director of the Division of Underground Storage Tanks, 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") and has received written delegation from the Commissioner to administer and enforce the Act.

II.

Brockton USA LLC ("Respondent") is a limited liability company created in Tennessee and is registered to conduct business in Tennessee. The Respondent is the registered owner of one underground storage tank ("UST") system located in Cheatham County at 2019 Highway 12 North, Ashland City, Tennessee 37015. Service of process may be made on the Respondent's Registered Agent, Ronak Patel, at 414 Dixie Lee Avenue, Monteagle, Tennessee 37356.

JURISDICTION

III.

When the Commissioner finds that the Act is being violated or that effective measures are not in place to comply with 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 Order UST25-0111
Facility ID 5-110059

(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 USTs have been promulgated and are effective as Tenn. Comp. R. & Regs. 0400-18-01-.01 to -.17 (“Rules”) pursuant to Tennessee Code Annotated section 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 December 12, 2024, the Division received a Notification for Underground Storage Tanks form, listing the Respondent as the owner of the one UST system located at 2021 Highway 12 North, Ashland City, Tennessee 37015. The facility ID number is 5-110059.

VI.

On March 17, 2025, Division personnel performed a compliance inspection at the Facility. The inspector discovered several violations. The following violations have not been addressed:

- Failure to conduct monthly monitoring on pressurized underground piping in accordance with Rule 0400-18-01-.04(2)(b)1(ii). Specifically, at the time of inspection, the Tank 2A (Premium) submersible turbine pump sump (STP) had a significant amount of liquid in contact with the sump sensor. The monthly Interstitial Monitoring (IM) piping sensor status reports and IM piping alarm reports for January 2025 through March 2025 were not available for review. The Premium STP sump sensor was standing in the liquid found in the Premium STP sump; however, the ATG did not show a sensor alarm for that sensor.
- Failure to monitor tanks at least monthly in accordance with Rule 0400-18-01-.04(2)(a). Specifically, the following was found during the compliance inspection, the monthly Interstitial Monitoring (IM) tank sensor status reports for January 2025 through March 2025 were not available for review and the monthly Interstitial Monitoring (IM) tank sensor alarm reports for January 2025 through March 2025 were not available for review.
- Failure to keep spill catchment basins free of water, dirt, debris, etc. in accordance with Rule 0400-18-01-.02(3)(b)3. Specifically, the spill buckets for all three tanks contained liquid in them.

- Failure to perform periodic walkthrough inspections in accordance with Rule 0400-18-01-.02(8)(a)1. Specifically, the 2025 monthly walkthrough form including the monthly spill bucket log was not available for review.
- Failure to maintain a log of at least the last twelve (12) months of visual inspections for seeps and drips after removing the dispenser cover in accordance with Rule 0400-18-01-.04(1)(e). Specifically, the 2025 quarterly dispenser log was not available for review.

VII.

Division personnel sent a Results of Compliance Inspection – Action Required letter to the Respondent on March 21, 2025. The letter cited the violations discovered during the inspection and required the Respondent to submit documentation to the Division by April 21, 2025, to document correction of the violations.

VIII.

Between April 23, 2025, and July 8, 2025, the Division sent the Respondent multiple letters that cited the violation(s) discovered during the inspection and the Respondent's failure to return to compliance. These letters explained how to address each violation and extended the deadline to return to compliance multiple times. The Division set two deadlines, June 23, 2025, and July 8, 2025, for the Respondent to return to compliance and provide the Division with documents proving the facility had returned to compliance.

The Respondent violated Rule 0400-18-01-.03(2) when it failed to meet the deadlines.

IX.

To date, the Respondent has not cooperated fully and remains in non-compliance with the Division.

VIOLATIONS

As stated herein, the Respondent committed the following violations:

X.

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[.]

XI.

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

0400-18-01-.04 RELEASE DETECTION.

- (2) Requirements for petroleum UST systems.

Owners and/or operators of petroleum UST systems shall provide release detection for tanks and piping as follows:

- (b) Piping.

Underground piping that routinely contains petroleum shall be monitored for releases in a manner that meets one of the following requirements:

1. Pressurized piping.

Underground piping that conveys petroleum under pressure shall:

- (ii) Have an annual line tightness test conducted in accordance with subparagraph (4)(b) of this rule or have monthly monitoring conducted in accordance with subparagraph (4)(c) of this rule.

XII.

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

0400-18-01-.04 RELEASE DETECTION.

- (2) Requirements for petroleum UST systems.

Owners and/or operators of petroleum UST systems shall provide release detection for tanks and piping as follows:

- (a) Tanks.

Tanks shall be monitored at least monthly for releases using one of the methods listed in subparagraphs (3)(c) through (f) of this rule, except that tanks which meet the volume, diameter, and test duration requirements as set forth in subpart (3)(a)1.(i) of this rule may use manual tank gauging (conducted in accordance with subparagraph (3)(a) of this rule).

XIII.

The Respondent violated Rule 0400-18-01-.02(3)(b)3, which states:

0400-18-01-.02 UST SYSTEMS: INSTALLATION AND OPERATION.

- (3) Spill and overfill prevention.

- (b) Operating requirements.

3. Owners and/or operators shall keep spill catchment basins free of water, dirt, debris, and/or other substances that could interfere with the ability of the catchment basin to prevent spills.

XIV.

The Respondent violated Rule 0400-18-01-.02(8)(a)1(i), which states:
0400-18-01-.02 UST SYSTEMS: INSTALLATION AND OPERATION.

- (8) Periodic operation and maintenance walkthrough inspections.
 - (a) To properly operate and maintain UST systems, no later than three years after the effective date of this rule, owners and/or operators must meet one of the following:
 1. Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified below:
 - (i) Every 30 days (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery)...

XV.

The Respondent violated Rule 0400-18-01-.04(1)(e), which states:
0400-18-01-.04 RELEASE DETECTION.

- (1) General requirements for release detection.
 - (e) The dispenser cover shall be opened and a visual inspection for petroleum releases, including seeps and drips, shall be performed at least quarterly, that is, at least once every three months. A log of these inspections showing at a minimum the last 12 months shall be maintained by the owner and/or operator.

XVI.

The Respondent violated Rule 0400-18-01-03(2), which states:
0400-18-01-.03 NOTIFICATION, REPORTING, AND RECORD KEEPING.

- (2) Reporting and record keeping.

Owners, operators, and/or other responsible parties of UST systems shall cooperate fully with inspections, monitoring and testing conducted by the Division, as well as requests for document submission, testing, and monitoring by the owner, operator, and/or other responsible parties in accordance with the Tennessee Petroleum Underground Storage Tank Act T.C.A. §§ 68-215-101 et seq.

ORDER AND ASSESSMENT

XVII.

Pursuant to sections 68-215-107, -114, and -121 of the Act, the Respondent is issued the following Order and Assessment ("Order"):

1. If the Respondent fails to comply with this Order 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).

2. **Civil Penalty:** The Respondent shall pay a total civil penalty of \$16,920.00 on or before the thirty-first day after receipt of this Order. This amount consists of:

- i. Three violations assessed at \$2,000.00 per piping system per violation for a total of \$6,000.00 for failing to conduct monthly monitoring on pressurized underground piping.
- ii. Six violations assessed at \$200.00 per tank compartment per violation for a total of \$1,200.00 for failing to monitor tanks at least monthly.
- iii. Three violations assessed at \$200.00 per tank compartment for a total of \$600.00 for failing to keep spill catchment basins free of water, dirt, debris, etc.
- iv. Three violations assessed at \$2,000.00 per tank for a total of \$6,000.00 for failing to perform periodic walkthrough inspections.
- v. Three violations assessed at \$100.00 per inspection for a total of \$300.00 for failing to maintain a log of at least the last twelve (12) months of visual inspections for seeps and drips after removing the dispenser cover.
- vi. One violation assessed at 20% per outstanding violation for a total of \$2,820.00 for failing to cooperate with the Division.
- vii. 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**

3. **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. The Respondent shall provide the Division with documentation of the remedial action performed; the documentation shall be sufficient to establish a return to full compliance.

- i. On or before the thirty-first day after receipt of this Order, the Respondent shall: remove the liquid from the STP sump and repair the Premium STP sump according to manufacturer's instructions to ensure that water is not entering the sump and submit documentation to the Division for review.
- ii. On or before the thirty-first day after receipt of this Order, the Respondent shall: submit the missing Interstitial Monitoring (IM) piping sensor status reports from January 2025 through March 2025 to the Division for review. If unavailable, submit the requested report for the following month to the Division for review.
- iii. On or before the thirty-first day after receipt of this Order, the Respondent shall: submit the missing January 2025 through March 2025 months Interstitial Monitoring (IM) piping alarm history reports. If unavailable, please submit the requested report for the following month to the Division for review.
- iv. On or before the thirty-first day after receipt of this Order, the Respondent shall: have a sensor functionality test performed on the Premium STP sump sensor and if necessary, repair the sensor and submit the test results to the Division. Following the functionality test, please provide a current sensor status report and sensor alarm report to the Division for review.
- v. On or before the thirty-first day after receipt of this Order, the Respondent shall: submit the missing January 2025 through March 2025 months Interstitial Monitoring (IM) tank alarm history reports. If unavailable, please submit the requested report for the following month to the Division for review.
- vi. On or before the thirty-first day after receipt of this Order, the Respondent shall: submit the missing January 2025 through March 2025 months Interstitial Monitoring (IM) tank sensor status reports. If unavailable, please submit the requested report for the following month to the Division for review.
- vii. On or before the thirty-first day after receipt of this Order, the Respondent shall: remove liquid from all the spill buckets and submit documentation to the Division for review.
- viii. On or before the thirty-first day after receipt of this Order, the Respondent shall: begin conducting the Monthly/Annual Facility Walkthrough Inspection Form (CN-2544) and submit a copy to the Division for review.
- ix. On or before the thirty-first day after receipt of this Order, the Respondent shall: begin conducting quarterly dispenser inspections and submit documentation on the

Monthly/Annual Facility Walkthrough Inspection Form (CN-2544) to the Division for review.

4. 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.
5. 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 Respondent 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 Respondent. 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. Chapter 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 Parkway, 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 Parkway, 6th Floor, Nashville, Tennessee 37243. Technical questions and other correspondence involving compliance issues should be sent to Jeff Mann, Division of Underground Storage Tanks, Nashville Environmental Field Office, 711 R. S. Gass Boulevard, Nashville, Tennessee 37243. Attorneys should contact the undersigned counsel of record. **The case number, UST25-0111, 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 5th day of November , 2025.



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

Reviewed by:



[George Bell \(Nov 5, 2025 14:05:54 CST\)](#)

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