



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

September 2, 2025

City of Brownsville
c/o Michael Banks, City Attorney
Banks Law Firm, P.A.
108 South Washington Avenue
Brownsville, Tennessee 38012

Served via Private Process Server

Re: Director's Order UST25-0108
City of Brownsville Public Works
1420 East College Street
Brownsville, Tennessee 38012
Facility ID # 8-380090

Dear Mr. Banks:

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 \$2,160.00 has been assessed against the City of Brownsville 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 February 27, 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 Lauran Haynie at (615) 598-0736 or Lauran.Haynie@tn.gov.

Sincerely,

Stanley R. Boyd
Director

cc: Enforcement File
Jackson Environmental Field Office

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

IN THE MATTER OF:)	
)	DIVISION OF UNDERGROUND
)	STORAGE TANKS
)	
CITY OF BROWNSVILLE,)	CASE NO. UST25-0108
)	
)	
RESPONDENT.)	FACILITY: CITY OF BROWNSVILLE
)	PUBLIC WORKS

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.

The City of Brownsville ("Respondent") is the registered owner of three underground storage tank ("UST") systems located in Haywood County at 1420 East College Street, Brownsville, Tennessee 38012. Service of process may be made on the Respondent's City Attorney, Michael Banks, at Banks Law Firm, P.A., 108 South Washington Avenue, Brownville, Tennessee 38012.

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

(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 March 26, 1999, the Division received a Notification for Underground Storage Tanks form, signed Wm. Jerry Taylor, listing the Respondent as the owner of the three UST systems located at 1420 East College Street, Brownsville, Tennessee 38012 (the “Facility”). The Facility ID number is 8-380090.

VI.

On February 27, 2025, Division personnel performed a compliance inspection at the Facility. The inspector discovered several violations. The following violations have not been addressed:

- Failure to inspect an impressed current corrosion protection system every 60 days in accordance with Rule 0400-18-01-.02(4)(c)4. Specifically, at the time of inspection, no impressed current rectifier logs were provided 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, at the time of inspection, all three spill buckets had liquid in them.

VII.

Division personnel sent a Results of Compliance Inspection – Action Required letter to the Respondent on March 12, 2025. The letter cited the violations discovered during the inspection and required the Respondent to submit documentation to the Division by April 14, 2025, to document correction of the violations.

VIII.

Between March 12, 2025, and July 3, 2025, the Division sent the Respondent multiple letters that cited the violations 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 three deadlines of April 14, 2025, June 16, 2025, and August 4, 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-.02(4)(c)4., which states:

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

(4) Corrosion protection.

(c) Operation and maintenance of corrosion protection.

All owners and/or operators of metal UST systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented until the UST system is permanently closed or undergoes a change-in-service in accordance with paragraph (4) of Rule 0400-18-01-.07:

4. UST systems with impressed current cathodic protection systems shall also be inspected every 60 days to ensure the equipment is operating properly.

The results of the inspection shall be recorded in a format established by the Division and in accordance with the instructions provided by the Division.

XII.

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.

XIII.

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

XIV.

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 \$2,160.00 on or before the thirty-first day after receipt of this Order. This amount consists of:

- i. One violation assessed at \$1,200.00 per impressed current system for a total of \$1,200.00 for failing to inspect an impressed current corrosion protection system every 60 days.
- ii. 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.
- iii. One violation assessed at 20% of the civil penalty for all outstanding violations for a total of \$360.00 for failing to provide documents, testing, or monitoring records to the Division.
- iv. 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 begin performing rectifier inspections every 60 days, log the results on the Division's walkthrough form CN-2544, and submit documentation of the inspections to the Division for review.
 - ii. On or before the thirty-first day after receipt of this Order, the Respondent shall remove liquid/debris from the spill buckets and submit documentation of the removal 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.

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. Questions about this Order and other correspondence involving compliance issues should be directed to Lauran Haynie at the address below. Attorneys may be referred to the Department's Office of General Counsel. **The case number, UST25-0108, 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 ____ 2nd ____ day of ____ September ____, 2025.



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

Reviewed by:



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