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

October 13, 2025

Mac's Convenience Stores, LLC — Served via Private Process Server
c/o Corporation Service Company, Registered Agent
2908 Poston Avenue
Nashville, Tennessee 37203

Grady Collum — Served via Private Process Server
306 Main Street
Hughes, Arkansas 72348

Willa Collum — Served via Private Process Server
306 Main Street
Hughes, Arkansas 72348

Re: Circle K Store no. 4703672
5341 Poplar Street
Memphis, Tennessee 38119
Facility ID # 9-791579
Case # FDA25-0056

Dear Respondents:

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 $4,000.00 has been assessed against Mac's Convenience Stores, LLC., Grady Collum, and Willa Collum 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 June 5, 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,

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**
MAC'S CONVENIENCE STORES, LLC,	)	
	)	**CASE NO. FDA25-0056**
GRADY COLLUM,	)	
AND	)	
	)	**FACILITY:**
WILLA COLLUM, RESPONDENTS.	)	**CIRCLE K STORE NO. 4703672**

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.

Mac's Convenience Stores, LLC ("Respondent MCS") is a limited liability company created in Delaware and is registered to conduct business in Tennessee. Respondent MCS is the registered owner of three single-compartment underground storage tank ("UST") systems located in Shelby County at 5341 Poplar Street, Memphis, Tennessee 38119. Service of process may be made on the Respondent, MCS's Registered Agent, Corporation Service Company, at 2908 Poston Avenue, Nashville, Tennessee 37203.

Grady Collum ("Respondent Grady") is an individual and the property owner of the site that contains three single-compartment UST systems located in Shelby County at 5341 Poplar Street, Memphis, Tennessee 38119. Service of process may be made on the Respondent Grady at 306 Main Street, Hughes, Arkansas 72348.

Willa Collum ("Respondent Willa") is an individual and the property owner of the site that contains three single-compartment UST systems located in Shelby County at 5341 Poplar Street, Memphis, Tennessee 38119. Service of process may be made on the Respondent Willa at 306 Main Street, Hughes, Arkansas 72348.

Respondent MCS, Respondent Grady and Respondent Willa will hereinafter collectively be referred to as the "Respondents."

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 Respondents are a "persons," Tenn. Code Ann. § 68-215-103(11), "responsible parties," Tenn. Code Ann. § 68-215-103(17)(A), and have violated the Act.

FACTS

V.

On November 1, 2017, the Division received a Notification for Underground Storage Tanks form, listing Respondent MCS as the owner of the three UST systems located at 5341 Poplar Street, Memphis, Tennessee 38119 ("Facility"). The facility ID number is 9-791579.

VI.

On May 28, 2025, the Division was notified of a Phase II Subsurface Investigation Report dated April 2, 2025. This report was initially prepared for In-N-Out Burgers Real Estate Development Counsel and was provided to Respondent MCS by email on May 16, 2025. The Phase II analytical reports contained within reported sampling analysis indicting contamination was present. The March 11, 2025, analytical summary table indicated contamination above the Division's Initial Screening Level's (ISL's).

VII.

On June 5, 2025, Division personnel performed a compliance inspection at the Facility. The inspector discovered several violations. 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 report a confirmed release to the Division within 72 hours in accordance with Rule 0400-18-01-.06(3)(a). Specifically, at the time of the inspection, it was found that Respondent MCS was notified of the confirmed release via the Phase II report on May 16, 2025. The confirmed release was not reported to the Division until May 28, 2025.

VIII.

On June 3, 2025, the Division received an Application for Fund Eligibility from the Respondent MCS for the March 11, 2025, release at the Facility.

IX.

Upon enforcement review following a compliance inspection on June 5, 2025, the following violations were found:

- Failure to conduct a system test when there is a suspected release to determine whether a leak exists in the tank or delivery piping or a breach exists in either wall of secondary containment in accordance with Rule 0400-18-01-.05(3)(a). Specifically, at the time of the inspection it was found that tanks #1A (10,000 gallons unleaded gasoline), #2A (10,000 gallons ULS diesel), and #3A (10,000 gallons premium gasoline) had not been tightness tested following the discovery of a confirmed release. The inspector requested that all three tanks be tightness tested in a "Results of Compliance Inspection – Fund Reimbursement – Action Required" letter dated June 6, 2025.

X.

On September 29, 2025, the Division received a passing tank tightness testing dated September 24, 2025, for tank #1A (10,000 gallons unleaded gasoline).

XI.

On October 1, 2025, the Division received tank tightness testing dated July 8, 2025, for tanks #1A (10,000 gallons unleaded gasoline), #2A (10,000 gallons ULS diesel), and #3A (10,000 gallons premium gasoline). Tank 1A failed the wet portion of the test and passed the dry portion. Tanks 2A and 3A passed both portions of the tightness test. However, upon review by the Division it was found that the tightness testing done for tanks 2A and 3A was not done in accordance with the testing equipment manufacturer's National Work Group of Leak Detection Evaluations (NWGLDE) listing.

XII.

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 report a confirmed release to the Division within 72 hours in accordance with Rule 0400-18-01-.06(3)(a)

The deductible for the release is $30,000.00.

VIOLATIONS

XIII.

By failing to operate a UST in compliance with the Act, Respondent MCS 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[.]

XIV.

Respondent MCS violated Rule 0400-18-01-.06(3)(a), which states:

0400-18-01-.06 PETROLEUM RELEASE RESPONSE, REMEDIATION, AND RISK MANAGEMENT.

(3) Initial Response.

Upon confirmation of a release in accordance with paragraph (3) of Rule 0400-18-01-.05 or after a release from a UST system is identified in any other manner, the owner, operator, and/or other responsible party of the petroleum UST system shall, unless directed to do otherwise by the Division, perform the following initial response actions:

(a) Report the release to the Division within 72 hours (for example, by telephone, facsimile machine or electronic mail);

XV.

Respondent MCS 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).

ORDER AND ASSESSMENT

XVI.

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

1. The Application for Fund Eligibility for the March 11, 2025, release is approved with a deductible of $30,000.00.
2. The Respondents shall perform release investigation and remediation activities of Rule 0400-18-01-.06 within the timeframes determined by the Division.
3. If the Respondents 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. **<u>Remedial Action:</u>** Respondent MCS shall perform all actions necessary to correct the outstanding violation and to bring the facility into full compliance with regulatory requirements.

   i. On or before the thirty-first day after receipt of this Order, Respondent MCS shall conduct new systems (tank tightness) testing for tanks #2A, and #3A, and submit documentation of the results to the Division for review. If any tank shall fail the tank tightness testing it must be either repaired or closed.

5. **<u>Civil Penalty:</u>** On or before the thirty-first day after receipt of this Order, Respondent MCS shall pay a total civil penalty in the amount of $4,000.00. This amount consists of the following:

   i. Two violations assessed at $2,000.00 per test for a total of $4,000.00 for failing to conduct a system test when there is a suspected release to determine whether a leak exists in the tank or delivery piping or a breach exists in either wall of secondary containment.

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 Respondents. To be eligible for this time extension, the Respondents 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 Respondents' 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 Respondents 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 Respondents 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, FDA25-0056, 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 13th day of October , 2025.

Stanley R. Boyd

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

Reviewed by:

James Marr

James Marr
BPR# 034936
Associate Counsel
Department of Environment and Conservation
3711 Middlebrook Pike
Knoxville, Tennessee 37921
(865) 393-6018
James.marr@tn.gov