



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

August 10, 2026

Mapco Express, LLC
c/o Cogency Global Inc., Registered Agent
992 Davidson Drive, STE B
Nashville, Tennessee 37205

Served via Private Process Server

Mapco Harrogate Properties, LLC
c/o Cogency Global Inc., Registered Agent
992 Davidson Drive, STE B
Nashville, Tennessee 37205

Served via Private Process Server

Re: Mapco #3654
3392 Memorial Boulevard
Murfreesboro, Tennessee 37129
Facility ID # 5-750416
Case # FED26-0016

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.

The Division reviewed the Application for Fund Eligibility for the above referenced facility and determined that this facility does not meet the requirements for fund eligibility for a release occurring on or after June 15, 2021. Therefore, the application is denied. In the event that the Commissioner provides for remedial activities at this site, the Respondents may be liable to the State for a penalty in an amount equal to **ONE HUNDRED FIFTY percent (150%)** of the amount of any costs incurred by the fund. Tenn. Code Ann. § 68-215-116. This penalty shall be in addition to any costs recovered from the Respondents.

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 Department within thirty days after receipt of the Order.

If this Order becomes final and the Respondents fail to fully comply with it, 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".

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
MAPCO EXPRESS, LLC	)	
	)	
AND	)	CASE NO. FED26-0016
	)	
MAPCO HARROGATE PROPERTIES,	)	
LLC,	)	
	)	FACILITY: MAPCO #3654
RESPONDENTS.	)	

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.

Mapco Express, LLC ("Respondent Mapco Express") is a limited liability company created in Delaware and is registered to conduct business in Tennessee. Respondent Mapco Express is the registered owner of three underground storage tank ("UST") systems located in Rutherford County at 3392 Memorial Boulevard, Murfreesboro, Tennessee 37129. Service of process may be made on the Respondent Mapco Express's Registered Agent, Cogency Global Inc., at 992 Davidson Drive, STE B, Nashville, Tennessee 37205.

Mapco Harrogate Properties, LLC ("Respondent Mapco Harrogate") is a limited liability company created in Georgia and is registered to conduct business in Tennessee. Respondent Mapco Harrogate is the property owner of the site that contains three UST systems located in Rutherford County at 3392 Memorial

Boulevard, Murfreesboro, Tennessee 37129. Service of process may be made on the Respondent Mapco Harrogate's Registered Agent, Cogency Global Inc., at 992 Davidson Drive, STE B, Nashville, Tennessee 37205.

Respondent Mapco Express and Respondent Mapco Harrogate 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 "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 June 11, 2007, the Division received a Notification for Underground Storage Tanks form, listing Respondent Mapco Express as the owner of the three UST systems located at 3392 Memorial Boulevard, Murfreesboro, Tennessee 37129 ("Facility"). The facility ID number is 5-750416.

VI.

On October 16, 2025, Respondent Mapco notified the Division by email of a suspected release. The report stated that on October 15, 2025, during annual testing, a pinhole type leak was discovered in the flex piping on the premium grade tank past the point of entry to the containment sump. According to the email report, the piping was taken out of service pending completion of repair and sump testing would be

completed. If the integrity test failed, Respondent Mapco stated that they would permanently close the piping run including the chase piping and all associated sumps.

VII.

On March 27, 2026, the Division received a Permanent Closure Application (PCA) dated March 17, 2026, related to the three product lines located at the facility. The three product lines are piping associated with tank 1A (10,000 gallons regular gasoline), piping associated with tank 2A (10,000 gallons premium gasoline), and piping associated with tank 3A (10,000 gallons ULS diesel).

VIII.

On April 13, 2026, the Division issued a "Permanent Closure Application – Approved" letter to Respondent Mapco Express. This letter establishes that the Permanent Closure Report (PCR) must be completed and submitted within 60 days of the sample collection in accordance with Rule 0400-18-01-.07(5)(b).

IX.

On April 22, 2026, during piping closure activities, Division staff observed and noted that the premium piping associated with tank 2A appeared to have blown out in the submersible turbine pump (STP) sump at the connection point.

X.

On April 23, 2026, free product was discovered during a piping closure sampling event and was also reported to the Division by email.

XI.

On April 27, 2026, Respondent Mapco Express informed the Division by email that the piping closure was being performed in response to a testing company's findings that the piping was "suspect" and the breaker was shut down to close the piping temporarily. On May 1, 2026, Respondent Mapco Express provided the Division with passing line tightness testing dated January 14, 2026, for regular piping associated with tank 1A and January 20, 2026, for diesel piping associated with tank 3A.

XII.

On April 27, 2026, the Division received an Application for Fund Eligibility from the Respondent Mapco Express for the April 23, 2026, discovery of free product at the facility during piping closure activities. However, evidence of the suspected release was discovered as early as October 15, 2026, when a pinhole leak was observed in the premium piping and reported to the Division.

XIII.

On April 29, 2026, Division personnel performed a compliance inspection 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 reimbursement for the release due to the following:

- Failure to submit the application for fund eligibility within ninety days of a suspected release in accordance with Tenn. Code Ann. section 68-215-111(f)(7)(A)(i) and Rule 0400-18-01-.09(4)(b)1.

VIOLATIONS

XV.

By failing to operate a UST in compliance with the Act, Respondent Mapco Express 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.

By failing to submit the application for fund eligibility within 90 days of a suspected release, Respondents violated the following:

Tenn. Code Ann. section 68-215-111(f)(7)(A), which states:

(A) If there is evidence of a suspected or a confirmed release on or after July 1, 2004, in order for the tank owner, tank operator or petroleum site owner to receive reimbursement from the fund, an application for fund eligibility shall be filed:

- (i) Within ninety (90) days of the discovery of evidence of a suspected release which is subsequently confirmed in accordance with the rules promulgated pursuant to this part; or
- (ii) Within sixty (60) days of a release which was identified in any manner other than the process for confirmation of a suspected release stated in the rules promulgated pursuant to this part.

and

Rule 0400-18-01-.09(4)(b), which states:

0400-18-01-.09 PETROLEUM UNDERGROUND STORAGE TANK FUND.

(4) Fund Ineligibility.

- (b) If there is evidence of a suspected release or a confirmed release on or after July 1, 2004, that release shall be ineligible for reimbursement from the fund if an Application for Fund Eligibility is not timely filed in accordance with the following:
 - 1. An Application for Fund Eligibility shall be filed with the Division within 90 days of the discovery of evidence of a suspected release that is subsequently confirmed in accordance with Rules 0400-18-01-.04 or 0400-18-01-.05. The 90 days shall start on the day the evidence of the suspected release is discovered.
 - 2. An Application for Fund Eligibility shall be filed with the Division within 60 days of a release that was identified in any manner other than the process for confirmation of a suspected release in accordance with Rule 0400-18-01-.04 or 0400-18-01-.05, for example, during closure activities performed in accordance with Rule 0400-18-01-.07.

ORDER AND ASSESSMENT

XVII.

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 October 15, 2025, release is denied.
- 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.. 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**

5. 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.
6. 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, TN 37921. Attorneys should contact the undersigned counsel of record. **The case number, FED26-0016, 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 10th day of August, 2026.



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

Reviewed by:



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BPR # 029068
Associate Counsel
Department of Environment and Conservation
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