



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

December 23, 2025

Mountain States Health Alliance
c/o Andy S. Wampler, Registered Agent
400 N. State of Franklin Rd.
Johnson City, TN 37604

Served via Private Process Server

Re: Director's Order UST25-0080
Indian Path Medical Center
2000 Brookside Rd.
Kingsport, TN 37660
Facility ID # 1-820406

Dear Andy S. Wampler:

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 \$6,240.00 has been assessed against Mountain States Health Alliance 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 November 19, 2024, 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,

A handwritten signature in black ink that reads "Stanley R. Boyd".

Stanley R. Boyd
Director

cc: Enforcement File
Johnson City/Knoxville Environmental Field Office

**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

IN THE MATTER OF:)	DIVISION OF UNDERGROUND STORAGE TANKS
)	
)	
)	
MOUNTAIN STATES HEALTH ALLIANCE)	CASE NO. UST25-0080
)	
)	
)	
RESPONDENT.)	FACILITY: INDIAN PATH MEDICAL CENTER
)	

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.

Mountain States Health Alliance ("Respondent") is a nonprofit corporation created in Tennessee and is registered to conduct business in Tennessee. The Respondent is the registered owner of one (15,000 gallon) underground storage tank (UST) system located in Sullivan County at 2000 Brookside Dr., Kingsport, TN 37660 ("Facility"). Service of process may be made on the Respondent's Registered Agent, Andy S. Wampler, at 400 N. State of Franklin Rd., Johnson City, TN 37604.

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 September 11, 2017, the Division received a Notification for Underground Storage Tanks form, listing the Respondent as the owner of the one UST system located at the Facility. The Facility ID number is 1-820406.

VI.

On November 19, 2024, Division personnel performed a compliance inspection at the Facility. The inspector discovered several violations. The following violations have not been addressed:

- Failure to test electronic and mechanical components at least annually for proper operation in accordance with Rule 0400-18-01-04(1)(a)3. Specifically, at the time of the inspection, no current automatic tank gauge (ATG) operability test was available for review.
- Failure to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping in accordance with Rule 0400-18-01-04(2)(b)1(ii). Specifically, at the time of the inspection, no current interstitial monitoring (IM) Sensor Function test was available for review. Additionally, one of the piping sensors had not functioned for the past 12 months, and the printer on the Incon TS1001 had not functioned since July 2024.

VII.

Division personnel sent a Results of Compliance Inspection – Action Required letter to the Respondent on November 25, 2024. The letter cited the violations discovered during the inspection

and required the Respondent to submit documentation to the Division by December 30, 2024, to document correction of the violations.

VIII.

Between November 25, 2024, and April 24, 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, December 30, 2024, March 3, 2025, and June 16, 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(1)(a)3, 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:

3. Ensures that electronic and mechanical components are tested for proper operation in accordance with subparts 2(i) through (iii) of this subparagraph. The test must be performed at least annually, and at a minimum, as applicable to the facility, cover the following components and criteria

XII.

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.

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 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 \$6,240.00 on or before the thirty-first day after receipt of this Order. This amount consists of:
 - i. One violation assessed at \$3,200.00 per tank compartment for a total of \$3,200.00 for failure to test electronic and mechanical components at least annually for proper operation.
 - ii. One violation assessed at \$2,000.00 per piping system for a total of \$2,000.00 for failure to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping.
 - iii. One violation assessed at 20% per outstanding violation for a total of \$1,040.00 for failing to cooperate with 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 conduct an ATG operability test and submit the results with the ATG setup to the Division for review.

- ii. On or before the thirty-first day after receipt of this Order, the Respondent shall repair the malfunctioned IM sensor, conduct an IM sensor function test, document the previous 12 months of sensor status and alarm history reports, and submit all documents 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 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, UST25-0080, 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 23rd day of December, 2025.



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

Reviewed by:



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