



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
Division of Underground Storage Tanks  
Davy Crockett Tower  
500 James Robertson Parkway, 7<sup>th</sup> Floor  
Nashville, Tennessee 37243

February 17, 2026

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

Served via Private Process Server

Green MXB, LLC  
c/o Cogency Global Inc., Registered Agent  
992 Davidson DR STE B  
Nashville, Tennessee 37205

Served via Private Process Server

Re: Mapco Express No. 3065  
6624 Charlotte Avenue  
Nashville, Tennessee 37209  
Facility ID # 5-190863  
Case # FDA26-0019

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 \$10,400 has been assessed against Mapco Express, LLC 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 **\$20,000.00**.

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 August 25, 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 Matthew Bargery at (901) 422-3896 or [Matthew.Bargery@tn.gov](mailto:Matthew.Bargery@tn.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley R. Boyd". The signature is written in a cursive style.

Stanley R. Boyd  
Director

cc: Enforcement File  
Nashville Environmental Field Office

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

<b>IN THE MATTER OF:</b>	)	
	)	<b>DIVISION OF UNDERGROUND</b>
	)	<b>STORAGE TANKS</b>
<b>MAPCO EXPRESS, LLC</b>	)	
	)	
<b>AND</b>	)	<b>CASE NO. FDA26-0019</b>
	)	
<b>GREEN MXB, LLC,</b>	)	
	)	
<b>RESPONDENTS.</b>	)	<b>FACILITY: MAPCO EXPRESS NO.</b>
	)	<b>3065</b>

**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") is a limited liability company created in Delaware and is registered to conduct business in Tennessee.<sup>1</sup> Respondent Mapco is the registered owner of five underground storage tank ("UST") systems located in Davidson County at 6624 Charlotte Avenue, Nashville, Tennessee 37209. Service of process may be made on the Respondent Mapco's registered agent, Cogency Global Inc., at 992 Davidson Drive, Suite B, Nashville, Tennessee 37205.

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<sup>1</sup> Mapco Express, LLC was formerly known as Mapco Express, Inc. The Tennessee Secretary of State's website shows filing for Conversion to Mapco Express, LLC from Mapco Express, Inc. with tracking number B1624-4764 on September 17, 2024. The Division received notice of the conversion on January 10, 2025. As used herein, Respondent Mapco refers to both Mapco Express, LLC and the same entity prior to the conversion when it was known as Mapco Express, Inc.

Green MXB, LLC ("Respondent Green MXB") is a limited liability company created in Delaware and is registered to conduct business in Tennessee. Respondent Green MXB is the property owner of the site that contains five UST systems located in Davidson County at 6624 Charlotte Avenue, Nashville, Tennessee 37209. Service of process may be made on the Respondent Green MXB's registered agent, Cogency Global Inc., at 992 Davidson Drive, Suite B, Nashville, Tennessee 37205.

Respondent Mapco and Respondent Green MXB 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 July 2, 2001, the Division received a Notification for Underground Storage Tanks form, listing Respondent Mapco as the owner of the five UST systems located at 6624 Charlotte Avenue, Nashville, Tennessee 37209 ("Facility"). The facility ID number is 5-190863.

## VI.

On August 16, 2025, the Division received a report of a suspected release at the facility via email from the Tennessee Emergency Management Agency. It was reported that a tanker truck released 200 gallons of gasoline onto the ground and into a nearby storm drain that leads to the Cumberland River.

## VII.

On August 22, 2025, Division personnel called Mapco's contractor, Majors Management, to schedule a compliance inspection for August 25, 2025.

## VIII.

On August 25, 2025, Division personnel performed a compliance inspection at the Facility. The inspector discovered several violations. The following violations have not been addressed:

- Failure to maintain testing results for three years in accordance with Rule 0400-18-01-.04(5)(b)2. Specifically, at the time of inspection, the results of line leak detector tests (LLD) and automatic tank gauge (ATG) operability tests conducted in 2023 and 2024 were not available for review.
- Failure to install, calibrate, operate, or maintain release detection method for tanks in accordance with Rule 0400-18-01-.04(1)(a)2. Specifically, the following items were discovered:
  - The ATG riser cap associated with Tank 1A (unleaded) was not affixed to the riser. This issue was addressed when the Division received a repair invoice dated September 25, 2025, detailing the repair of the ATG riser cap.
  - During the suspected release overflow events on August 16, 2025, for Tank 1A (unleaded) and Tank 3A (premium) neither probe initiated a Max Product Alarm.
  - The max capacity for Tank 1A (unleaded) listed on the ATG Operability test (10,027 gallons) does not match the max capacity listed on the ATG setup print out (10,152 gallons).
  - The submitted ATG operability test had failing results for Tank 1A (unleaded).

Upon further review subsequent to the inspection, the following violation was discovered:

- Failure to use adequate overflow in accordance with Rule 0400-18-01-.02(3)(a)1(ii). Specifically, the September 8, 2025 overflow prevention test indicated failing devices in both Tank 2A (premium) and Tank 3A (premium) due to the assembly and all gaskets/seals not being in good condition. Additionally, the drop tubes were 15" off the tank bottom.

While the following violations have been addressed by the Respondent Mapco, they impact the deductible as set forth in Rule 0400-18-01-.09:

- Failure to install, calibrate, operate, or maintain a release detection method for piping in accordance with Rule 0400-18-01-.04(1)(a)2. Specifically, at the time of inspection, the failing results of a line leak detector (LLD) test on Tank 1A (10,000 gallon regular) were provided.
  - A passing line leak detector (LLD) test dated September 16, 2025 was provided to the Division on October 15, 2025.

#### **IX.**

On October 3, 2025, the Division received an Application for Fund Eligibility from the Respondent Mapco for the August 16, 2025 release at the Facility.

#### **X.**

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 install, calibrate, operate, or maintain a release detection method for piping in accordance with Rule 0400-18-01-.04(1)(a)2.
- Failure to install, calibrate, operate, or maintain release detection method for tank in accordance with Rule 0400-18-01-.04(1)(a)2.
- Failure to use adequate overfill in accordance with Rule 0400-18-01-.02(3)(a)1(ii).

The deductible for the release is \$20,000.00.

### **VIOLATIONS**

#### **XI.**

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

#### **XII.**

Respondent Mapco violated Rule 0400-18-01-.04(5)(b)2, which states:

0400-18-01-.04 RELEASE DETECTION.

- (5) Release detection record keeping.

All UST system owners and/or operators shall maintain records in accordance with paragraph (2) of Rule 0400-18-01-.03 demonstrating compliance with all applicable requirements of this rule. Release detection information shall be recorded in a format established by the Division and in accordance with instructions provided by the division. These records shall include the following:

- (b) The results of any sampling, testing, or monitoring shall be maintained for at least one (1) year except as follows:
  - 2. The results of testing conducted in accordance with part (1)(a)3. of this rule shall be maintained for three years. At a minimum, the results must list each component tested, indicate whether each component tested meets criteria in part (1)(a)3. of this rule or needs to have action taken, and describe any action taken to correct an issue[.]

### **XIII.**

Respondent Mapco violated Rule 0400-18-01-.04(1)(a)2, 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:
    - 2. Is installed and calibrated in accordance with the manufacturer's instructions and is operated and maintained in accordance with one of the following:
      - (i) The manufacturer's instructions;
      - (ii) A code of practice developed by a nationally recognized association or independent testing laboratory; or
      - (ii) Requirements determined by the Division to be no less protective of human health and the environment than the two options listed in subparts (i) and (ii) of this part.

### **XIV.**

Respondent Mapco violated Rule 0400-18-01-.02(3)(a)1(ii), which states:

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

- (3) Spill and overfill prevention.
  - (a) Equipment

- (1) Except as provided in parts 2. and 3. of this subparagraph, to prevent spilling and overfilling associated with petroleum transfer to the UST system, owners and/or operators shall use the following spill and overfill prevention equipment:
  - (ii) Overfill prevention equipment[.]

## **ORDER AND ASSESSMENT**

### **XV.**

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 August 16, 2025 release is approved with a deductible of \$20,000.00.
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 fails 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. **Remedial Action:** Respondent Mapco shall perform all actions necessary to correct the outstanding violations 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 Mapco shall conduct the following:
    - a. Provide documentation of a passing Automatic Tank Guage (ATG) operability test and provide documentation showing the correction of the following ATG discrepancies:
      - i. Ensure all alarms are working correctly, specifically the Max Product Alarm for Tank 1A (unleaded) and Tank 3A (premium).
      - ii. Ensure the max capacity is correctly entered into the ATG and provide documentation showing the max capacity matches with the requested ATG operability test.

- b. Repair and retest the overfill prevention equipment for Tank 2A (premium) and Tank 3A (premium) and submit documentation to the Division for review.
- 5. **Civil Penalty:** On or before the thirty-first day after receipt of this Order, Respondent Mapco shall pay a total civil penalty in the amount of \$10,400. This amount consists of the following:
  - i. Two violations assessed at \$3,200 per tank compartment for a total of \$6,400 for failing to install, calibrate, operate, or maintain release detection method for tank in accordance with manufacturer's instructions.
  - ii. Two violations assessed at \$2,000 per tank for a total of \$4,000 for failing to have overfill prevention equipment that will automatically shut off the flow into the tank when the tank is no more than ninety-five (95%) full; alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm; or restrict flow 30 minutes prior to overfilling, alert the transfer operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tanks so that none of the fittings located on the top of the tank are exposed to product due to the overfilling.

- 6. 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**

- 7. 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.
- 8. 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](mailto: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 Matthew Bargery, Memphis Environmental Field Office, 8383 Wolf Lake Dr, Bartlett, TN 38133. Attorneys should contact the undersigned counsel of record. **The case number, FDA26-0019, 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 17th day of February, 2026.



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

Reviewed by:



[/s/ Alexandria M. Wepfer \(Feb 18, 2026 19:05:55 CST\)](#)

Alexandria M. Wepfer  
Associate Counsel  
Department of Environment and Conservation  
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Tennessee Bar Applicant practicing pending admission pursuant to Tenn. Sup. Ct. R. 7, sec. 10.07.  
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