



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Underground Storage Tanks
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 12th Floor
Nashville, Tennessee 37243

April 15, 2021

Go Gas Quick Stop, Inc.
c/o Bassam Saleh, Registered Agent
107 Carriage House Drive
Jackson, Tennessee 38305

Served via Private Process Server

Re: Go Gas Quick Stop, Inc.
105 Carriage House Drive
Jackson, Tennessee 38305
Facility ID # 8-570236
Case # UST21-0010

Dear Mr. Saleh:

Enclosed is an Order and Assessment issued by the Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks. The Order cites operational violations discovered at the facility during an inspection conducted on August 25, 2020. The Order requires you to take corrective action to bring the facility into operational compliance. The following actions must be taken to bring the facility into compliance:

1. The Respondent shall submit documentation of monthly release detection records for Tank 1A, Tank 2A and Tank 3A. The documentation must be either the missing records for the 12 months prior to the inspection (August 2019 - July 2020) or the most recent consecutive three months for all tank systems.
2. The Respondent shall submit documentation of completed Operator Training for the Class A and Class B Operators. The Class A and Class B Operator must be designated, complete all training, and accept the designation.

Because there is outstanding noncompliance, if this Order becomes final, then the facility will be placed on the petroleum **Delivery Prohibition List**. Red Tags will be installed at the fill ports and dispensers at the facility. Upon completion of the necessary corrective action, documentation establishing the return to compliance shall be submitted to the Division.

Submit the required compliance documentation to tonya.spence.casson@tn.gov or by mail to:

Tonya Spence Casson
Division of Underground Storage Tanks
Chattanooga Environmental Field Office
1301 Riverfront Parkway
Chattanooga, Tennessee 37402

A civil penalty of \$16,080.00 has been assessed against you based on the violations. The civil penalty is calculated as follows:

Violation #1: Failure to monitor tanks at least monthly in accordance with Rule 0400-18-01-.04(2)(a).

<u>Individual Civil Penalty Amount for Violation</u>	<u>Multiplication Factor</u>	<u>Total Penalty Civil Penalty</u>
\$3,200.00	3	\$9,600.00

Violation #4: Failure of a facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators in accordance with Rule 0400-18-01-.16(1)(a).

<u>Individual Civil Penalty Amount for Violation</u>	<u>Multiplication Factor</u>	<u>Total Penalty Civil Penalty</u>
\$3,800.00	1	\$3,800.00

Violation #5: Failure to cooperate with the Division by failing to provide documents, testing, or monitoring records to the Division in accordance with Rule 0400-18-01-.03(2).

<u>Individual Civil Penalty Amount for Violation</u>	<u>Multiplication Factor</u>	<u>Total Penalty Civil Penalty</u>
\$2,680.00	1	\$2,680.00

Total Amount of your Civil Penalty: \$16,080.00

Payment of the civil penalty shall be submitted to the following address:

Department of Environment & Conservation
Division of Fiscal Services – Fee Section
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 10th Floor
Nashville, Tennessee 37243

Payment shall be made payable to the "Treasurer, State of Tennessee". The case number shown on the first page of the enclosed Order should be written on said payment(s).

The appeal period is limited. **Carefully read the Notice of Rights contained in the Order.** An appeal must be in writing and received within 30 days after you receive this Order. If you do not submit a timely appeal, then the entire civil penalty amount of \$16,080.00 will become final, due to be paid, and subject to collection.

If you have any questions about this matter, please call Tonya Spence Casson at (423) 637-5432 or email at tonya.spence.casson@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
GO GAS QUICK STOP, INC.)	
)	CASE NO. UST21-0010
RESPONDENT)	FACILITY: GO GAS QUICK STOP, INC.

ORDER AND ASSESSMENT

NOW COMES David W. Salyers, P.E., Commissioner of the Tennessee Department of Environment and Conservation ("Commissioner"), and states:

PARTIES

I.

David W Salyers, P.E. is the duly appointed Commissioner of the Tennessee Department of Environment and Conservation ("Department"), and among other duties and responsibilities, he is charged with the responsibility for administering and enforcing the Tennessee Petroleum Underground Storage Tank Act ("Act"), Tenn. Code Ann. sections 68-215-101 to -129. Stanley R. Boyd is the duly appointed Director ("Director") of the Underground Storage Tank Division ("Division"). He has received written delegation from the Commissioner to administer and enforce aspects of the Act.

II.

Go Gas Quick Stop, Inc. ("Respondent") is a corporation created in the State of Tennessee and is properly registered to conduct business in Tennessee. The Respondent is the registered owner of three underground storage tank ("UST") systems located at 105 Carriage House Drive, Jackson, Tennessee, 38305. Service of process may be made on the Respondent's Registered Agent, Bassam Saleh, at 107 Carriage House Drive, Jackson, Tennessee, 38305.

JURISDICTION

III.

When the Commissioner finds upon investigation that any provision of the Act is not being carried out, and that effective measures are not being taken to comply with the provisions of the Act, the Commissioner may issue an Order for correction to the responsible party, and this Order shall be complied with within the time limit specified in the Order. Tenn. Code Ann. § 68-215-114. If this Order becomes final, the Commissioner may red tag the facility fill ports and/or dispensers and give notice on the Department's website of petroleum delivery prohibition. Tenn. Code Ann. § 68-215-106(c). Further, the Commissioner is authorized to assess civil penalties against any person who violates or fails to comply with the Act. Tenn. Code Ann. § 68-215-121. Rules governing USTs have been promulgated pursuant to Tenn. Code Ann. § 68-215-107(f) and are effective as Tenn. Comp. R. & Regs. 0400-18-01-.01 to -.17 ("Rules").

IV.

The Respondent is a person as defined at Tenn. Code Ann. section 68-215-103(11) and has violated the Act as hereinafter stated.

FACTS

V.

On or about March 11, 2019, the Division received a Notification for Underground Storage Tanks form, signed by Bassam Saleh, listing the Respondent as the owner of the three UST systems located at 105 Carriage House Drive, Jackson, Tennessee, 38305. The facility ID number is 8-570236.

VI.

On or about August 6, 2020, Division personnel contacted Bassam Saleh by phone and scheduled a compliance inspection to be conducted on August 25, 2020. Division personnel also sent a letter confirming the inspection date.

VII.

On or about August 25, 2020, Division personnel performed a compliance inspection at the subject facility. The inspector discovered the following violations:

Violation #1: Failure to conduct release detection monitoring at least monthly for releases using one of the methods listed in subparagraphs (3) through (f) of this rule in accordance with Rule 0400-

18-01-.04(2)(a). Specifically, at the time of the inspection, 12 months of monthly release detection records for Tank 1A, Tank 2A, and Tank 3A were not available for Division review.

Violation #2: Failure to install, calibrate, operate, or maintain release detection method for tank in accordance with manufacturer's instructions in accordance with Rule 0400-18-01-.04(1)(a)2. Specifically, at the time of the inspection, warning lights on the Automatic Tank Gauge ("ATG") indicated low fuel levels and delivery needed.

- This violation was sufficiently addressed at the time of the inspection. The Respondent was notified of the low product level and the delivery needed warning from the ATG.

Violation #3: Failure to inspect impressed current corrosion protection system every 60 days in accordance with Rule 0400-18-01-.02(4)(c)4. Specifically, at the time of the inspection, only one rectifier reading (August 14, 2020) was logged on the Impressed Current Cathodic Protection System 60-DAY Record Of Rectifier Operation (CN-1282) Log.

- This violation was sufficiently addressed at the time of the inspection. The Impressed Current Cathodic Protection System 60-DAY Record Of Rectifier Operation (CN-1282) Log was implemented on August 14, 2020.

Violation #4: Failure of a facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B and Class C Operators in accordance with Rule 0400-18-01-.16(1)(a). Specifically, at the time of inspection, a Class A and Class B Operator had not been designated for the facility.

VIII.

On or about September 2, 2020, Division personnel sent a Results of Compliance Inspection letter to the Respondent. The letter cited the violations discovered during the inspection and required the Respondent to submit documentation to the Division by October 5, 2020, to document correction of the violations.

IX.

On or about October 30, 2020, Division personnel sent a Results of Compliance Inspection – No Response Received letter to the Respondent. The letter cited the violations discovered during the inspection and required the Respondent to submit documentation to the Division by November 30, 2020, to document correction of the violations.

X.

On or about December 9, 2020, Division personnel sent a Follow-up Letter and Enforcement Action Notice letter to the Respondent. The letter cited the violations discovered during the inspection and the Respondent's failure to return to compliance.

XI.

On or about January 5, 2021, Division personnel sent a Notice of Violation letter to the Respondent. The letter cited the violations discovered during the inspection and required the Respondent to submit documentation to the Division by February 6, 2021, to document correction of the violations.

XII.

The following violation was added after the compliance due date of February 6, 2021 passed without response:

Violation #5: Failure to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division in accordance with Rule 0400-18-01-.03(2).

XIII.

To date, the Respondent has not cooperated with the Division and the facility remains in non-compliance.

VIOLATIONS

XIV.

By failing to operate a petroleum underground storage tank system in compliance with the Act, the Respondent has violated Tenn. Code Ann. 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;

XV.

By failing to monitor tanks monthly, the Respondent has violated Rule 0400-18-01-.04(2)(a), 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:

(a) Tanks.

Tanks shall be monitored at least monthly for releases using one of the methods listed in subparagraphs (3)(c) through (f) of this rule, except that tanks which meet the volume, diameter, and test duration requirements as set forth in subpart (3)(a)1.(i) of this rule may use manual tank gauging (conducted in accordance with subparagraph (3)(a) of this rule).

XVI.

By failing to have Class A and Class B Operators designated, the Respondent has violated Rule 0400-18-01-.16(1)(a), which states:

0400-18-01-.16 CERTIFIED OPERATOR PROGRAM.

(1) Operator Designation Requirements.

(a) Effective August 8, 2012, every facility having one or more petroleum UST systems subject to the requirements of Chapter 0400-18-01 must have one or more persons who have been designated by the tank owner as Class A, Class B, and Class C Operator(s).

XVII.

By failing to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division, the Respondent has 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

XVIII.

Pursuant to the authority vested by Tenn. Code Ann. sections 68-215-107, -114, and -121, I, Stanley R. Boyd, acting as the authorized representative of the Commissioner, hereby issue the following Order and Assessment to the Respondent:

1. If the Respondent 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 and dispensers will be red tagged until compliance is achieved.** Tenn. Code Ann. § 68-215-106(c).
2. 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 corrective action performed; the documentation shall be sufficient to establish a return to full compliance.
 - i. On or before the 30th day after receipt of this Order, the Respondent shall submit documentation of monthly release detection records for Tank 1A, Tank 2A and Tank 3A. The documentation must be either the missing records for the 12 months prior to the inspection (August 2019 – July 2020) or the most recent consecutive three months for all tank systems.
 - ii. On or before the 30th day after receipt of this Order, the Respondent shall submit documentation of completed Operator Training for the Class A and Class B Operators. The Class A and Class B Operator must be designated, complete all training, and accept the designation.
3. On or before the 30th day after receipt of this Order, the Respondent shall pay a total civil penalty in the amount of \$16,080.00. This amount consists of the following:
 - i. Three violations assessed at \$3,200.00 per tank system for a total of \$9,600.00 for failing to monitor tanks monthly.
 - ii. One violation assessed at \$3,800.00 for failing to have Class A and Class B Operators.
 - iii. One violation assessed at 20% of the civil penalty for all outstanding violations for a total of \$2,680.00 for failing to provide documents, testing, or monitoring records to the Division.
4. The Respondent is advised that the foregoing Order is not in any way to be construed as a waiver, express or implied, of any provision of the law or regulations, including but not limited to, future enforcement for violations of the Act and Regulations which are not charged as violations in this Order. However, compliance with the Order will be one factor

considered in any decision whether to take enforcement action against the Respondent in the future.

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/or recovery of costs.**
6. For good cause shown by the Respondent, the Director may extend the compliance dates contained within this Order for a fixed time period. 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 Director 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 30 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 and Assessment, 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, and/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 and/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 Respondent may appeal this Order and Assessment. 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 30 days of the date the Respondent received this Order and Assessment or this Order and Assessment will become final.

If an appeal is filed, an initial hearing of this matter will be conducted by an Administrative Law Judge (ALJ) as a contested case hearing. Tenn. Code Ann. § 69-215-119; Tenn. Code Ann. § 4-5-301 to -325 (the Uniform Administrative Procedures Act); 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 an appeal 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 ALJ has the authority to affirm, modify, or deny the Order and Assessment. Furthermore, the ALJ 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 ALJ 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, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 2nd Floor, Nashville, Tennessee 37243-1548. 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, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 10th Floor, Nashville, Tennessee 37243. Technical questions and other correspondence involving compliance issues should be sent to Tonya Spence Casson, Division of Underground Storage Tanks, Chattanooga Environmental Field Office, 1301 Riverfront Parkway, Chattanooga, Tennessee, 37402 or email to tonya.spence.casson@tn.gov . Attorneys should contact the undersigned counsel of record. **The case number, UST21-0010, 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 15th day of April, 2021.



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

Reviewed by:



.. (Apr 15, 2021 11:45 CDT)

George S. Bell, III
BPR# 19051
Assistant General Counsel
Department of Environment & Conservation
312 Rosa L. Parks Avenue, 2d Floor
Nashville, Tennessee 37243
615-741-3842
George.Bell@tn.gov