



Department of
**Environment &
Conservation**

Underground Storage Tank Enforcement Update

Underground Storage Tanks and
Solid Waste Disposal Control Board
December 2, 2020

ENFORCEMENT OVERVIEW

The Division issued
57 orders between
July 21, 2020 and November 17, 2020.

Orders Resolved

The Division had two orders resolved between July 21, 2020 and November 17, 2020.

- One Director's Order went final was paid in full.
- One Director's Order was non-suited.

Final Orders

Of the 57 orders signed
between July 21, 2020
and November 17, 2020,
2 are in Appealed status.

Final Orders

Of the 57 orders signed
between July 21, 2020
and November 17, 2020,
8 are in Final status.

Final-Probation Orders

Of the 57 orders signed between July 21, 2020 and November 17, 2020, 22 are in Final-Probation status.

Resolved Orders

Closed Order

Summary of UST19-0157

Fac. ID No. 2-780205 / Ganpatidada Inc. dba Black Bear Market

- Director's Order signed July 24, 2020
- Order went final on September 6, 2020
- Order for:
 - Failing to investigate a suspected release
 - Failure to cooperate
- Civil Penalty – \$2,400

- The case has been closed and full civil penalty paid.

Non-Suited Order

Summary of UST20-0078

Fac. ID No. 2-010051 / Big O's Git and Go

- Director's Order signed July 21, 2020
- Documentation submitted on July 30, 2020
- Order for:
 - Failing to have a certified A and B operator
 - Failure to test corrosion protection every 3 years
 - Failure to inspect spill buckets monthly and keep log of last 12 months
 - Failure to inspect dispensers quarterly and keep a log of the last 12 months
 - Failure to test line leak detectors annually
 - Failure to cooperate
- Civil Penalty – \$18,400

- The case was non-suited.

Appealed Orders

Appealed Order – In OGC

Summary of FED21-0001

Fac. ID No. 9-791434 / EZ Food Mart

- Fund Eligibility Denial Order signed October 12, 2020
- Order appealed on November 12, 2020
- Order for:
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
 - Failing to install any spill prevention system
 - Failing to install any overfill prevention system
 - Failure to operate and maintain corrosion protection system to provide continuous protection
- Civil Penalty – \$30,800

- The case has been appealed and is in OGC.

Appealed Order – In OGC

Summary of UST20-0091

Fac. ID No. 9-792621 / Berryhill Market

- Director's Order signed August 20, 2020
- Order appealed on September 9, 2020
- Order for:
 - Failing properly train and designate Class A and Class B operators
 - Failing to report a change of status for a UST system within 30 days
 - Failure to cooperate
- Civil Penalty – \$5,280

- The case has been appealed and is in OGC.

Final Orders

Final Order – In OGC

Summary of UST19-0122

Fac. ID No. 4-703622 / Mac's Convenience Stores LLC dba Circle K #4703622

- Director's Order signed July 21, 2020
- Order went final on August 27, 2020
- Order for:
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to monitor piping installed after July 25, 2007 for a release at least monthly
 - Failure to cooperate
- Civil Penalty – \$19,200

- The case is in OGC. The Respondent did not appeal within the deadline.

Final Order – In OGC

Summary of UST19-0127

Fac. ID No. 2-050152/ Oasis Market

- Director's Order signed July 21, 2020
- Order went final on August 24, 2020
- Order for:
 - Failing to permanently close a substandard UST system
 - Failure to cooperate
- Civil Penalty – \$11,520

- The case is in OGC. The PCA was not received by the deadline. Referred to OGC as Final.

Final Order – In OGC

Summary of UST20-0051

Fac. ID No. 5-220082/ OM Srisai, LLC dba Star Gas Station #2

- Director's Order signed July 21, 2020
- Order went final on August 27, 2020
- Order for:
 - Failing to monitor tanks at least monthly
 - Failing to test line leak detectors annually
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failure to complete Class A and Class B Operator training
 - Failure to cooperate
- Civil Penalty – \$30,480

- The case is in OGC for non-compliance.

Final Order – In OGC

Summary of UST20-0069

Fac. ID No. 6-910081/ Crosseyed Cricket

- Director's Order signed August 20, 2020
- Order went final on October 8, 2020
- Order for:
 - Failing to test line leak detectors annually
 - Failing to test the cathodic protection system every 3 years
 - Failing to designate properly trained Class A and Class B Operators for the facility
 - Failure to cooperate
- Civil Penalty – \$10,800

- The case is in OGC for non-compliance.

Final Order – In OGC

Summary of UST20-0088

Fac. ID No. 7-920035/ T. J. Market

- Director's Order signed August 20, 2020
- Order went final on October 8, 2020
- Order for:
 - Failing to ensure that the cathodic protection system is tested every 3 years
 - Failing to cooperate
- Civil Penalty – \$1,440

- The case is in OGC for non-compliance.

Final Order – In OGC

Summary of UST20-0090

Fac. ID No. 8-550014/ Sunoco f/k/a Flash Market # 34

- Director's Order signed August 20, 2020
- Order went final on October 9, 2020
- Order for:
 - Failing to inspect impressed current corrosion protection system every 60 days
 - Failing to ensure that cathodic protection system is tested every 3 years
 - Failing to operate and maintain corrosion protection system to provide continuous protection
 - Failure of facility having one or more UST systems to have one or more persons designated as a Class A, Class B, and Class C Operators
 - Failure to cooperate
- Civil Penalty – \$9,840

- The case is in OGC for non-compliance.

Final Order – In OGC

Summary of UST20-0011

Fac. ID No. 2-470675/ Thorngrove Trading Center

- Director's Order signed July 30, 2020
- Order went final on September 5, 2020
- Order for:
 - Failing to provide release detection on the USTs
 - Failing to ensure that cathodic protection system is tested every 3 years
 - Failing to have properly trained personnel designated as Class A and Class B Operators
 - Failing to pay fees, penalties and interest on a tank
 - Failure to cooperate
- Civil Penalty – \$15,120
- The case is in OGC for non-compliance.

Appealed Order – In OGC

Summary of UST20-0083

Fac. ID No. 3-060151 / Enara Food Mart

- Director's Order signed August 20, 2020
- Order went final on October 9, 2020
- Order for:
 - Failing to install calibrate, operate or maintain release detection method for piping
 - Failing to monitor tanks at least monthly
 - Failing to tightness test UST system after 3 months but no later than 6 months after the installation of anodes
 - Failure to operate and maintain corrosion protection system to provide continuous protection
 - Failing to ensure that the cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to report a change of status for a UST system within 30 days
 - Failure to cooperate
- Civil Penalty – \$35,760

- The case is in OGC. The Respondent did not appeal within the deadline.

Final-Probation Orders

Final-Probation Order

Summary of UST20-0063

Fac. ID No. 4-690017/ Moodyville Cash Store

- Expedited Director's Order signed July 21, 2020
- Final on August 24, 2020
- Violations Addressed on Director's Order:
 - Failing to provide release detection on tanks
- Civil Penalty – \$6,400

- The case is in fiscal for collections.

Final-Probation Order

Summary of UST19-0117

Fac. ID No. 9-92650 / Circle K Store No. 4703676

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$9,600
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST19-0118

Fac. ID No. 9-792650 / Circle K Store No. 4703683

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$9,600
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST19-0125

Fac. ID No. 9-791579 / Circle K Store No. 4703672

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$9,600
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST20-0033

Fac. ID No. 8-570506 / Circle K #9816

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$9,600
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST20-0034

Fac. ID No. 9-791085 / Circle K No. 4703666

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$9,600
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST20-0035

Fac. ID No. 9-792618 / Circle K No. 4703665

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$9,600
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST20-0036

Fac. ID No. 9-792582 / Circle K No. 4703659

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$9,600
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST20-0037

Fac. ID No. 3-060015/ Circle K No. 2723593

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized piping
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$7,200
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST20-0058

Fac. ID No. 3-700075/ Kangaroo Express No. 3586

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized piping
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$7,200
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST20-0064

Fac. ID No. 3-400066/ Mac's Convenience Stores LLC dba Circle K # 4703636

- Expedited Director's Order signed July 21, 2020
- Final on August 30, 2020
- Violations Addressed on Director's Order
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
- Penalty:
 - Upfront – Tank School
 - Contingent – \$7,200
- The request to attend tank school was received August 28, 2020

Final-Probation Order

Summary of UST20-0070

Fac. ID No. 2-470191/ Quick Stop

- Expedited Director's Order August 24, 2020
- Final on September 24, 2020
- Violations Addressed on Director's Order
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
 - Upfront – Tank School
 - Contingent – \$8,000
- The request to attend tank school was received September 11, 2020

Final-Probation Order

Summary of UST20-0072

Fac. ID No. 8-490134/ Express Mart and Deli

- Expedited Director's Order August 24, 2020
- Final on October 23, 2020
- Violations Addressed on Director's Order
 - Failing to provide a release detection method capable of detecting a release from a tank that routinely contains product
- Penalty:
 - Upfront – Tank School
 - Contingent – \$9,600
- The request to attend tank school was received September 28, 2020

Final-Probation Order

Summary of UST20-0073

Fac. ID No. 8-380092/ Haywood County Board of Education

- Expedited Director's Order August 24, 2020
- Final on October 8, 2020
- Violations Addressed on Director's Order
 - Failing to monitor a tank at least monthly
- Penalty:
 - Upfront – Tank School
 - Contingent – \$3,200
- The request to attend tank school was received September 10, 2020

Final-Probation Order

Summary of UST20-0074

Fac. ID No. 1-900249/ Roan and Holston Amoco

- Expedited Director's Order July 21, 2020
- Final on August 27, 2020
- Violations Addressed on Director's Order
 - Failing to monitor a tank at least monthly
- Penalty:
 - Upfront – Tank School
 - Contingent – \$6,400
- The request to attend tank school was received August 19, 2020

Final-Probation Order

Summary of UST20-0075

Fac. ID No. 5-940101/ Leipers Fork Shell/Tri Star Energy

- Expedited Director's Order August 24, 2020
- Final on November 10, 2020
- Violations Addressed on Director's Order
 - Failing to conduct annual line tightness testing
- Penalty:
 - Upfront – Tank School
 - Contingent – \$8,000
- The request to attend tank school was received October 10, 2020

Final-Probation Order

Summary of UST20-0076

Fac. ID No. 2-450160/ Fastrax BP

- Expedited Director's Order August 24, 2020
- Final on October 14, 2020
- Violations Addressed on Director's Order
 - Failing to conduct release detection at least monthly
- Penalty:
 - Upfront – \$640
 - Contingent – \$2,560
- Upfront civil penalty paid. Contingent will be due if they receive any enforcement violations in one year.

Final-Probation Order

Summary of UST20-0080

Fac. ID No. 2-450165/ Lehigh Gas Wholesale Services, Inc. dba TN0023

- Expedited Director's Order August 24, 2020
- Final on October 8, 2020
- Violations Addressed on Director's Order
 - Failing to conduct release detection monitoring at least monthly for releases
 - Failing to report a suspected release to the Division within 72 hours
- Penalty:
 - Upfront – \$2,560
 - Contingent – \$10,240
- Upfront civil penalty paid. Contingent will be due if they receive any enforcement violations in one year.

Final-Probation Order

Summary of UST20-0084

Fac. ID No. 7-920148/ Essary's Conv No. 2

- Expedited Director's Order August 24, 2020
- Final on October 15, 2020
- Violations Addressed on Director's Order
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
- Penalty:
 - Upfront – Tank School
 - Contingent – \$6,000
- The request to attend tank school was received October 8, 2020

Final-Probation Order

Summary of UST20-0087

Fac. ID No. 2-050217/ Walland Market & Deli

- Expedited Director's Order August 24, 2020
- Final on October 8, 2020
- Violations Addressed on Director's Order
 - Failing to monitor tanks at least monthly
- Penalty:
 - Upfront – \$1,280
 - Contingent – \$5,120
- Upfront civil penalty paid. Contingent will be due if they receive any enforcement violations in one year.

Final-Probation Order

Summary of UST20-0107

Fac. ID No. 8-550038/ Michie Quick Stop

- Expedited Director's Order September 24, 2020
- Final on November 10, 2020
- Violations Addressed on Director's Order
 - Failing to monitor tanks at least monthly
- Penalty:
 - Upfront – Tank School
 - Contingent – \$9,600
- The request to attend tank school was received October 21, 2020

Final-Probation Order

Summary of UST20-0109

Fac. ID No. 2-070144/ Big Creek Market

- Expedited Director's Order September 24, 2020
- Final on November 4, 2020
- Violations Addressed on Director's Order
 - Failing to test pressurized underground piping annually
- Penalty:
 - Upfront – Tank School
 - Contingent – \$6,000
- The request to attend tank school was received October 6, 2020

Questions?

