



Department of
**Environment &
Conservation**

Underground Storage Tank Enforcement Update

Underground Storage Tanks and
Solid Waste Disposal Control Board
December 07, 2022

ENFORCEMENT OVERVIEW

The Division 15 issued orders
Between July 9, 2022, and November 16, 2022.

7 were Appealed - one was a fund deductible
order, and one was a fund denial order. 8 went
Final - two were fund deductible orders and
one was a fund denial order.

Appealed Orders

Appealed Order

Summary of FDA22-0018

Fac. ID No. 6-590103 / Lewisburg Market and Deli

- Fund Deductible Amount Order signed September 1, 2022
- Final on October 8, 2022
- Violations on Order:
 - Failing monitor spill prevention equipment for UST systems no less frequently than walkthrough inspections are conducted, or to test spill prevention equipment at least once every 3 years
 - Failing to perform overflow prevention system inspections every 3 years
 - Failing to test electronic and mechanical components at least annually for proper operation
 - Failing to test line leak detectors annually
 - Failing to equip pressurized underground piping with automatic line leak detection
- The appeal was received on October 4, 2022 and is currently in OGC.

Appealed Order

Summary of FED22-0007

Fac. ID No. 8-350022 / Bull Market # 21

- Fund Eligibility Denial Order signed August 10, 2022
- Final on October 21, 2022
- Violations on Order:
 - Failing to submit the Application for Fund Eligibility within 90 days for the suspected release
 - Failing to monitor tanks at least monthly
 - Failing to install appropriate overfill prevention systems
- The appeal was received on September 9, 2022 and is currently in OGC.

Appealed Order

Summary of UST20-0121

Fac. ID No. 2-780095 / Smoky Dog Carts

- Director's Order signed September 13, 2022
- Final on October 18, 2022
- Violations on Order:
 - Failing to inspect spill buckets monthly and keep a log of monthly inspections for 12 months
 - Failing to ensure that the impressed current cathodic protection system is functioning as designed and is effectively preventing corrosion
 - Failing to ensure that a cathodic protection system is tested every 3 years
 - Failing to inspect an impressed current corrosion protection system rectifier every 60 days
 - Failing to permanently close UST systems where the impressed current cathodic protection system has been turned off or has been inoperable for more than 12 months
 - Failing to provide a sign or manual for Class C operators
 - Failing to submit a PCA
 - Failing to notify the Division of a change in status of the USTs
 - Failing to provide documents, testing and monitoring records
- Penalty:
 - Total civil penalty: \$35,640.00
- The appeal was received on September 28, 2022 and is currently in OGC.

Appealed Order

Summary of UST21-0004

Fac. ID No. 2-150015 / By-Bee Grocery

- Director's Order signed September 16, 2022
- Final on September 24, 2022
- Violations on Order:
 - Failing to follow release investigation and confirmation steps within 30 days when there is a suspected release
 - Failing to report a change of status for a UST within 30 days
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to ensure that the cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to inspect the impressed current corrosion protection system every 60 days
 - Failing to cooperate by failing to provide documents, testing or monitoring records to the Division
 - Failing failing to have one or more persons designated as Class A, Class B, and Class C Operators
- Penalty:
 - Total civil penalty: \$21,600.00
- The appeal was received on October 4, 2022 and is currently in OGC.

Appealed Order

Summary of UST22-0086

Fac. ID No. 9-792157 / Fleet Services

- Director's Order signed September 8, 2022
- Final on October 21, 2022
- Violations on Order:
 - Failing to inspect spill buckets and keep a log of those inspections
 - Failing to monitor tanks at least monthly
 - Failing to provide documents, testing, or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$5,280.00
- The appeal was received on October 20, 2022 and is currently in OGC.

Appealed Order

Summary of UST22-0090

Fac. ID No. 3-580029 / Hales Bar Marina

- Director's Order signed September 16, 2022
- Final on October 27, 2022
- Violations on Order:
 - Failing to conduct release detection monitoring at least monthly for releases
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to install, calibrate, operate, or maintain release detection method for tank
 - Failing to ensure that cathodic protection system is tested every 3 years
 - Failing to inspect impressed current corrosion protection system every 60 days
 - Failing to comply with requirements concerning design, construction, utilization and or upgrade of corrosion protection for piping

Appealed Order UST22-0090 cont'd.

- Failing to keep a log of monthly inspections of spill catchment basins for 12 months
- Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
- Failing to keep spill catchment basins free of water, dirt, debris, etc.
- Failing to report a change of status for a UST system within 30 days
- Failing of facility having one or more petroleum UST systems to have one or more persons designated as Class A or Class B Operators
- Failing to have facility meet Class C Operator requirements by posting appropriate signage conspicuously
- Failing to cooperate with the Division
- Failing to install piping in accordance with manufacturer's instructions

- Penalty:
 - Total civil penalty: \$33,720.00

- The appeal was received on October 26, 2022, and is currently in OGC.

Appealed Order

Summary of UST22-0096

Fac. ID No. 6-510012 / Sharpe's Super Stop

- Director's Order signed September 19, 2022
- Final on October 26, 2022
- Violations on Order:
 - Failing to test spill prevention equipment at least once every 3 years
 - Failing to operate and maintain overfill prevention systems
 - Failing to test the electronic and mechanical components of the ATG for proper operation
 - Failing to perform monthly release detection monitoring on pressurized underground piping
 - Failing to provide documents, testing or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$19,200.00
- The appeal was received on September 26, 2022 and is currently in OGC.

Final Orders

Final Order

Summary of FDA22-0017

Fac. ID No. 2-471031 / Lee's Travel Center No. 1398

- Fund Eligibility Denial Order signed September 16, 2022
- Final on October 27, 2022
- Violations on Order:
 - Failing to install any spill prevention system
 - Failing to install any overfill prevention system
- Application for Fund Eligibility is approved with a deductible of \$10,000.00
- The Order became final. The order did not assess civil penalties, since there were no open violations, but the Order did require operator retraining within 3 months of receiving the Order.

Final Order

Summary of FDA22-0019

Fac. ID No. 4-180089 / Tobacco Outlet

- Fund Eligibility Denial Order signed September 8, 2022
- Final on September 9, 2022
- Violations on Order:
 - Failing to ensure that cathodic protection system is tested every 3 years
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to install, calibrate, operate or maintain release detection method for tank in accordance with manufacturer's instructions
 - Failing to install appropriate overflow prevention systems
 - Failing to test line leak detectors annually
 - Failing to operate and maintain corrosion protection system to provide continuous protection
 - Failing to install any spill prevention system
 - Failing to test electronic and mechanical components at least annually for proper operation
- The Application for Fund Eligibility is approved with a deductible of \$20,000.00.
- The Order became final and is currently in OGC.

Final Order

Summary of FED22-0005

Fac. ID No. 3-330884 / Circle K Store No. 4703615

- Fund Eligibility Denial Order signed October 3, 2022
- Final on November 12, 2022
- Violations on Order:
 - Failing to submit the Application for Fund Eligibility within 90 days for the suspected release
 - Failing to report a suspected release within 72 hours to the Division
- Penalty:
 - Total civil penalty: \$3,200.00
- The Application for Fund Eligibility is denied. The Order became final and is currently in OGC.

Final Order

Summary of UST21-0176

Fac. ID No. 8-390152 / 101 Travel Plaza

- Director's Order signed September 19, 2022
- Final on October 19, 2022
- Violations on Order:
 - Failing to immediately implement interim free product removal measures
 - Failing to submit a Free Product Investigation Report
 - Failing to submit a Free Product Removal Plan
 - Failing to have one or more persons designated as Class A and Class B Operators of a facility having one or more petroleum UST systems
 - Failing to ensure that the cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to have overflow prevention equipment that will 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 overflowing
 - Failing to cooperate by failing to provide documents, testing, or monitoring records to the Division
- Penalty:
 - Total civil penalty: \$28,800.00
- The Order became final and is currently in OGC.

Final Order

Summary of UST22-0010

Fac. ID No. 2-470891 / Western Ave. Shell

- Director's Order signed September 19, 2022
- Final on October 23, 2022
- Violations on Order:
 - Failing to monitor tanks installed after July 25, 2007, for a release at least every 30 days
 - Failing to monitor piping installed after July 25, 2007, for a release at least every 30 days
 - Failing to have one or more persons designated as a Class C Operator at a facility having one or more petroleum UST systems
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$25,860.00
- The Order became final and is currently in OGC.

Final Order

Summary of UST22-0011

Fac. ID No. 2-010083 / Ian's Market No. 32

- Director's Order signed July 26, 2022
- Final on August 29, 2022
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to install piping in accordance with manufacturer's installation instructions
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$3,360.00
- The Order became final and is currently in OGC.

Final Order

Summary of UST22-0053

Fac. ID No. 2-470531 / Ian's Market No. 52

- Director's Order signed August 16, 2022
- Final on September 28, 2022
- Violations on Order:
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to install any overfill prevention system
 - Failing to have one or more persons designated as Class A, Class B and Class C Operators
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to test spill prevention equipment at least once every 3 years to ensure the equipment is liquid tight by using vacuum, pressure or liquid
 - Failing to inspect impressed current corrosion protection systems every 60 days

Final Order UST22-0053 cont'd.

- Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
 - Failing to inspect overfill prevention equipment at least once every 3 years
 - Failing to test line leak detectors annually
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$35,160.00
 - The Order became final and is currently in OGC.

Final Order

Summary of UST22-0064

Fac. ID No. 2-320108 / Autobahn Express

- Director's Order signed July 26, 2022
- Final on August 28, 2022
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$720.00
- The Order became final and is currently in OGC.

Appealed
Orders From August 2022
Board Report

Appealed Order

Summary of FED21-0004

Fac. ID No. 5-630294 / 41A Market

- Fund Eligibility Denial Order signed April 28, 2022
- Final on June 3, 2022
- Violations on Order:
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
 - Failing to comply with requirements concerning design, construction, utilization and/or upgrade of corrosion protection for tanks
 - Failing to file an application for fund eligibility within 90 days of a suspected release
- The appeal was received on May 23, 2022 and is currently in OGC.
Contested case hearing set for December 14, 2022.

Appealed Order

Summary of UST21-0184

Fac. ID No. 3-330437 / J. J. Food Mart

- Director's Order signed May 18, 2022
- Final on June 23, 2022
- Violations on Order:
 - Failing to conduct a systems test properly when there is a suspected release
 - Failing to conduct release detection monitoring at least monthly for a release
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to install, calibrate, operate or maintain a release detection method for tanks
 - Failing to conduct a site check properly when there is environmental contamination present
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$38,880.00
- The appeal was received on July 5, 2022 and is currently in OGC. **Case sent back to UST so technical expert could go to facility to review corrosion protection system.**

Appealed Order

Summary of UST22-0021

Fac. ID No. 2-450178 / Dandridge Point LLC

- Director's Order signed June 2, 2022
- Final on July 7, 2022
- Violations on Order:
 - Failing to conduct release detection monitoring at least monthly for releases
 - Failing to comply with requirements concerning design, construction, utilization and or upgrade of corrosion protection for piping
 - Failing to equip pressurized underground piping with automatic line leak detection
 - Failing to report a change of status for a UST system within 30 days
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$12,240.00
- The appeal was received on June 24, 2022 and is currently in OGC. **More compliance documents received Nov. 14, 2022. Facility still not in compliance and respondent has not agreed to settlement. Referral to AG pending.**

Appealed Order

Summary of UST22-0026

Fac. ID No. 3-610033 / Guru Krupa LLC

- Director's Order signed June 23, 2022
- Final on August 6, 2022
- Violations on Order:
 - Failing to test line leak detectors annually
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to monitor tanks at least monthly
 - Failing to maintain a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
 - Failing to comply with requirements concerning design, construction, utilization and or upgrade of corrosion protection for piping
 - Failing to have one or more persons designated as Class A and Class B operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$57,840.00
- The appeal received on July 6, 2022 and currently in OGC. **All violations were disproven. Order was non-suited.**

Final Orders From August 2022 Board Report

Final Order

Summary of UST22-0036

Fac. ID No. 3-060201 / Mr. Zip Store No. 529

- Director's Order signed May 2, 2022
- Final on June 9, 2022
- Violations on Order:
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to report a suspected release to the Division within 72 hours after the discovery of released petroleum, the occurrence of unusual operating conditions or the occurrence of monitoring results that indicate a release may have occurred
 - Failing to operate and maintain a corrosion protection system in accordance with a corrosion expert's design to provide continuous protection
 - Failing to keep spill catchments basins free of water, dirt, debris, etc.
 - Failing to monitor spill prevention equipment for UST systems no less frequently than walkthrough inspections are conducted or to test spill prevention equipment at least once every three years
 - Failing to ensure that electronic and mechanical components are tested annually for proper operation
 - Failing to inspect overfill prevention equipment at least once every 3 years
 - Failing to inspect containment sumps as part of the required annual walkthrough inspection
 - Failing to conduct a system test when there is a suspected release to determine whether a leak exists in the tank or delivery piping, or a breach exists in either wall of secondary piping
 - Failing to have one or more persons designated as Class A and Class B Operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$76,800.00
- The Order became final and is currently in OGC. **Compromise and settlement sent to respondent for signature.**

Final Order

Summary of UST22-0007

Fac. ID No. 3-580029 / Hale's Bar Marina

- Director's Order signed April 29, 2022
- Final on June 8, 2022
- Violations on Order:
 - Failing to conduct release detection monitoring at least monthly for releases
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to install, calibrate, operate or maintain release detection method for tank
 - Failing to ensure that cathodic protection system is tested every 3 years
 - Failing to inspect impressed current corrosion protection system every 60 days
 - Failing to comply with requirements concerning, design, construction, utilization, and or upgrade of corrosion protection for piping
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
 - Failing to keep spill catchment basins free of water, dirt, debris, etc.,
 - Failing to report a change of status for a UST system within 30 days
 - Failing to have one or more persons designated as Class A, Class B and meet Class C operator requirements
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$33,720.00
- The Order became final and is currently in OGC. **This order was non-suited due to the ownership having changed. New order will be issued to the correct owner.**

Final Orders From May 2022 Board Report

Final Order

Summary of UST21-0125

Fac. ID No. 4-210011 / Shiney Rock Market

- Director's Order signed January 11, 2022
- Final on March 2, 2022
- Violations on Order:
 - Failing to conduct release detection monitoring 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
 - Failing to install, operate, and maintain release detection in accordance with the manufacturer's instructions
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for petroleum in sumps at least quarterly
 - Failing to report a change of status for a UST system within 30 days
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$41,760.00
- The Order became final and is currently in OGC. **Compromise and settlement under review by the AG .**

Final Order

Summary of UST21-0136

Fac. ID No. 2-470546 / Human's BP Service Station

- Director's Order signed February 7, 2022
- Final on March 9, 2022
- Violations on Order:
 - Failing to pay fees, penalties, and interest on a tank
 - Failing to provide a release detection method capable of detecting a release from a tank that routinely contains product
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$7,680.00
- The Order became final and is currently in OGC. **Demand Letter sent.**

Final Order

Summary of UST21-0139

Fac. ID No. 8-570526 / Speedway Fuel Mart

- Director's Order signed January 11, 2022
- Final on February 27, 2022
- Violations on Order:
 - Failing to maintain spill prevention system that will prevent a release of petroleum to the environment when the transfer hose is detached
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to have one or more persons designated as Class A, and Class B Operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$9,360.00
- The Order became final and is currently in OGC. **Chancery complaint filed. Facility returned to compliance and paid full penalty. Chancery dismissal anticipated.**

Final Order

Summary of UST21-0155

Fac. ID No. 9-791298 / Hollywood Amoco

- Director's Order signed January 11, 2022
- Final on February 27, 2022
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to conduct an annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
 - Failing to have one or more UST systems designated as Class A, Class B and Class C operators
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$27,120.00
- The Order became final and is currently in OGC. **Compromise and settlement out for signature. \$9,360 penalty paid.**

Final Order

Summary of UST21-0172

Fac. ID No. 9-792205 / Grab N Go

- Director's Order signed February 7, 2022
- Final on March 9, 2022
- Violations on Order:
 - Failing to monitor tanks at least monthly
 - Failing to have designated Class A and Class B operators
 - Failing to report a change of status within 30 days
 - Failing to install, calibrate, operate or maintain release detection
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$10,080.00

- The Order became final and is currently in OGC. Demand letter issued. Response due Nov 18, 2022. If no response will be sent to AG for resolution.

Final Order

Summary of UST21-0181

Fac. ID No. 5-830070 / Royal Market

- Director's Order signed February 11, 2022
- Final on March 28, 2022
- Violations on Order:
 - Failing to designate properly trained Class A and Class B Operators
 - Failing to provide Class C Operator Signage
 - Failing to provide a release detection method capable of detecting a release from a tank
 - Failing to inspect the impressed current rectifier every 60 days
 - Failing to conduct a tank system test on a UST system where the corrosion protection system has been turned off
 - Failing to ensure the spill buckets remain free of liquid
 - Failing to operate a release detection method for piping
 - Failing to monitor tanks at least monthly for a release
 - Failing to provide access to the under the dispenser to determine if the shear valves are properly anchored
 - Failing to provide documents, testing, and monitoring records
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$37,680.00
- The Order became final and is currently in OGC. **Civil Penalty has not been paid and this case is in the AG's office with another case with the same owner for resolution.**

Appealed Order from May 2022 Board Report

Appealed Order

Summary of FED22-0001

Fac. ID No. 9-790812 / Hajjeh Express Center

- Fund Eligibility Denial Order signed March 22, 2022
- Final on April 25, 2022
- Violations on Order:
 - Failing to report a suspected release within 72 hours to the Division
 - Failing to submit a Hazard Notification Report Form to the Division within 72 hours after discovery
 - Failing to have spill prevention equipment that will prevent release of petroleum to the environment when the transfer hose is detached from the spill pipe
 - Failing to have adequate overfill prevention equipment
 - Failing to prevent releases due to spilling an overfilling for as long as the UST is used to store petroleum
- Penalty:
 - Total civil penalty: \$43,000.00
- The appeal was received on April 14, 2022 and is currently in OGC. **Settlement drafted and awaiting signature.**

Appealed Order

Summary of UST21-0120

Fac. ID No. 5-830030 / Millersville Mart

- Director's Order signed February 23, 2022
- Final on April 3, 2022
- Violations on Order:
 - Failing to conduct line tightness test annually
 - Failing to use spill containment that will prevent a release into the environment
 - Failing to properly anchor emergency shut-off valves
 - Failing to properly train and designate Class A and Class B Operators
 - Failing to meet the Class C Operator requirement
 - Failing to test line leak detectors annually
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$31,680.00
- The appeal was received on March 21, 2022 and is currently in OGC. **Agreed Order was drafted and sent to Respondent on Nov 4, 2022 for signature .**

Appealed Order

Summary of UST21-0188

Fac. ID No. 8-570415 / Minor Food Mart No. 7

- Director's Order signed March 4, 2022
- Final on April 24, 2022
- Violations on Order:
 - Failing to provide release detection method capable of detecting a release from tanks that routinely contains product
 - Failing to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
 - Failing to test line leak detectors annually
 - Failing to keep a log of monthly inspections of spill catchment basins for 12 months
 - Failing to maintain a log of at least the last 12 months of visual inspections for seeps and drips after removing the dispenser cover
 - Failing to ensure that cathodic protection system is tested every 3 years
 - Failing to keep spill catchment basins free of water, dirt, debris etc.
 - Failing to report a change of status for a UST system within 30 days
 - Failing to maintain the last 3 records of cathodic protection rectifier inspection
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$43,680.00
- The appeal was received on April 25, 2022 and is currently in OGC. Facility returned to compliance and OGC finalized the Agreed Order. The respondent is paying \$14,115 in 12 monthly installments.

Appealed Order

Summary of UST21-0189

Fac. ID No. 5-190120 / Belle Meade Express

- Director's Order signed March 17, 2022
- Final on April 29, 2022
- Violations on Order:
 - Failing to use overflow prevention system that alerts the transfer operator when the tank is no more than 90% full
 - Failing to comply with requirements concerning design, construction, utilization, and or upgrade of corrosion protection for piping
 - Failing to conduct release detection monitoring at least monthly
 - Failing to install piping in accordance with manufacturer's instructions
 - Failing to cooperate with the Division
- Penalty:
 - Total civil penalty: \$6,000.00
- The appeal was received on April 19, 2022 and is currently in OGC. Facility returned to compliance and Agreed Order complete. Respondent paid \$3115 and has to attend tank school

Appealed Order from December Board Report

Appealed Order – In OGC

Summary of UST21-0057

Fac. ID No. 2-470141 / JSN LLC dba EZ Food Mart

- Director's Order signed September 15, 2021
- Order appealed on October 22, 2021
- Order for:
 - Failing to ensure that cathodic protection system is tested within 6 months of installation and every 3 years thereafter
 - Failing to comply with requirements concerning design, construction, utilization and/or upgrade of corrosion protection for tanks
 - Failing to conduct release detection monitoring at least monthly
 - Failure to cooperate with the Division
- Civil Penalty – \$6,000.00

- The case was appealed on 10/22/21 and is in OGC. No equipment availability. Should have issue resolved soon and an agreed order can be completed. hearing has been set. There is a delay in the facility returning to compliance due to supply issues. **Facility has returned to compliance and the Agreed Order is pending.**

Final Orders from December Board Report

Final Order-In OGC

Summary of UST21-0074

Fac. ID No. 9-791102 / Big D Perkins LLC

- Director's Order signed August 10, 2021
- Final on October 15, 2021
- Order for:
 - Failing to have one or more persons designated as Class A, Class B, and Class C operators
 - Failing to use a spill prevention system that will prevent release of petroleum to the environment when the transfer hose is detached
 - Failing to operate and maintain corrosion protection system to provide continuous protection
 - Failing to conduct 60-day rectifier inspections
 - Failing to conduct annual line leak detector tests
 - Failing to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
 - Failing to monitor tanks at least monthly
 - Failing to cooperate with the Division
- Civil Penalty – \$19,440.00

- The Order was not appealed, the facility has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. The facility returned to compliance and OGC will be working out a compromise and settlement agreement.
Compromise and settlement still pending.

Final Order-In OGC

Summary of UST21-0079

Fac. ID No. 8-570451 / Southside Express Inc.

- Director's Order signed July 20, 2021
- Final on August 28, 2021
- Order for:
 - Failing to provide release detection method capable of detecting a release from tank that routinely contains product
- Civil Penalty – \$6,400.00
- The Order was not appealed, the facility had not provided verification of compliance, and the civil penalty has not been paid. The order became final. The facility has returned to compliance and OGC is working on the compromise and settlement. **Compromise and Settlement executed, \$1,600 penalty paid, and respondent must attend tank school.**

Final Order-In OGC

Summary of UST21-0080/UST22-0044

Fac. ID No. 2-130002 / Marvin and Son Market

- Director's Order signed July 20, 2021
- Final on September 12, 2021
- Order for:
 - Failure to have one or more persons designated as Class A, Class B and Class C operators
 - Failing to maintain the last 3 records of cathodic protection rectifier inspections
 - Failing to operate and maintain corrosion protection system to provide continuous protection
- Civil Penalty – \$8,400.00
- The Order was not appealed, the facility has not provided verification of compliance, and the civil penalty has not been paid. The order became final. The case is in OGC. OGC has issued a demand letter. **Permanent closure Order has gone final and case has been referred to OGC.**

Questions?

