Storage Tanks/Trust Fund Eligibility: Tennessee Department of Environment and Conservation Proposed Order Addressing Cookville Truck Stop



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The Tennessee Department of Environment and Conservation ("TDEC") issued an April 28th Proposed Order and Assessment ("Order") to 111 Travel Center, LLC ("Super Truck and Travel Plaza") ("111") addressing Tennessee Storage Tank Trust Fund eligibility. See Case No. FDA22-0008.

The Order states that 111 is the registered owner of three USTs located at a facility ("Facility") in Cookeville, Tennessee.

The TDEC Division of Underground Storage Tanks ("Division") is stated to have received a Notification for Underground Storage Tanks form, signed by 111 listing it as the owner of three UST systems in Cookeville, Tennessee. An application for permanent closure of the USTs is stated to have been received by Division personnel on October 19, 2021. Division personnel approved the application for the permanent closure.

Division personnel are stated to have been on site for the UST closure process on October 28, 2021. The Order further provides that:

Tank and lines were removed from the ground on this day and soil and water samples were taken for analysis. An odor was noted at the gasoline tank pit and there was sheen in the diesel tank pit water.

Further, on November 11, 2021, Division personnel are stated to have received an analytical report indicating detection of extractable petroleum hydrocarbons above initial screening levels ("ISLs") in soil and benzene above ISLs in the gasoline tank pit recharge water.

The Division is stated to have received an Application for Fund Eligibility on behalf of 111 in regards to the previously referenced petroleum release.

Division personnel are stated to have performed an inspection on December 10, 2021, of 111's relevant compliance record. The Order provides that at the time of this inspection, the Respondent could not provide the last twelve months of release detection from before the tank closure – reportedly due to the records' being destroyed when the building was razed. This resulted in the following violation:

Violation #1: Failure to conduct release detection monthly, if appropriate, in accordance with Rule 0400-18-01-.04(2)(a). Specifically, at the time of the inspection, release detection results from the previous twelve months could not be provided.

Division personnel are stated to have received the Application for Fund Eligibility along with documentation required by Rule 0400-18-01-.09. Division personnel are stated to have determined that the Facility did not meet the requirements for the minimum deductible for the release due to the following:

- Failure to conduct release detection monthly, if appropriate, in accordance with Rule 0400-18- 01-.04(2)(a).

The deductible for the release is therefore set at $20,000.

The proposed Order further provides that 111 is required to perform the release investigation and remediation activities required by the relevant rule within the timeframes determined by the Division.

Certain appeal rights are provided to 111.

A copy of the Order can be downloaded here.