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Trust Fund Eligibility/Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Addressing Chattanooga Facility

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The Tennessee Department of Environment and Conservation ("TDEC") issued a November 22nd proposed Order and Assessment ("Order") to Mapco Express, Inc. ("Mapco") addressing a Chattanooga, Tennessee, facility ("Facility") utilizing underground storage tanks ("USTs"). See Case No. FDA23-0009.

The Order provides that Mapco is the owner of five USTs at the Facility.

The TDEC Division of Underground Storage Tanks ("Division") is stated to have received an analytical report dated July 8th that reported extractable petroleum hydrocarbons above initial screening levels in three samples. The Order states this is considered a suspected release and must be investigated.

The Division personnel is also stated to have received an analytical report that reported xylenes above screening levels which is stated to be a confirmed release requiring further investigation.

Division personnel are stated to have performed an inspection at the Facility on July 21st. The inspection is stated to have identified certain violations:

- Failure to test spill prevention equipment at least once every three years
- Failure to install overfill prevention systems
- Failure to conduct overfill prevention equipment inspections at least once every three years

Division personnel are stated to have received an application for Fund Eligibility from Mapco on July 28th for the July 8th release.

The Division is stated to have received from Mapco on August 30th:

- Document indicating passing spill bucket integrity testing for the premium and mid-grade spill buckets,
- Document indicating passing overfill inspection reports after the replacement of the inadequate overfill devices
- Verification that operator retraining had been successfully completed

The documentation is stated to have verified the violations at the time of the inspection had been corrected.

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 test spill prevention equipment at least once every three years
- Failure to install any overfill prevention system
- Failure to conduct overfill prevention equipment inspections at least once every three years

As a result, the deductible is stated to be \$10,000 for the previously referenced release.

The Order provides that Mapco perform the required release investigation and remediation activities.

Certain appeal rights are provided by the Order.

A copy of the Order can be downloaded [here](#).