



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Underground Storage Tanks
12th Floor, William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue
Nashville, Tennessee 37243-1541

April 28, 2022

111 Travel Center, LLC
c/o Chirag Shah, Registered Agent
601 South Jefferson Avenue, Suite A
Cookeville, Tennessee 38501-5193

Private Process Server

111 Travel Center, LLC
c/o Yash Tanwar
1750 Salem Road
Cookeville, Tennessee 38506

USPS First Class Mail

Re: Super Truck and Travel Plaza
1750 Salem Road
Cookeville, Tennessee 38506
Facility ID #4-710167
Enforcement Case #FDA22-0008

Dear Sir or Madam:

Enclosed is an Order and Assessment issued by the Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks ("Division"). Please read it carefully and pay special attention to the NOTICE OF RIGHTS section.

The Division reviewed the Application for Fund Eligibility for the above referenced facility and determined that this facility meets the requirements for fund eligibility for a release occurring on or after June 15, 2021. Reimbursement of the approved corrective action costs for this release is authorized. The deductible established by Tenn. Comp. R. & Regs. 0400-18-01-.09 for releases which occur on or after June 15, 2021, is \$5,000 provided the facility meets all requirements listed in Rule 0400-18-01-09(6). Based on the information provided on the Application for Fund Eligibility and violations discovered during the most recent inspection, the deductible for the release is **\$20,000.00**.

If you have any questions about this matter, please contact Carrie Ancell by telephone at 615-925-0283 or by email at carrie.ancell@tn.gov.

Sincerely,

Stanley R. Boyd
Director

cc: Enforcement file
Cookeville Environmental Field Office

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

IN THE MATTER OF:)	DIVISION OF UNDERGROUND
)	STORAGE TANKS
111 TRAVEL CENTER, LLC)	
)	CASE NO. FDA22-0008
RESPONDENT)	FACILITY: SUPER TRUCK AND TRAVEL
		PLAZA

ORDER AND ASSESSMENT

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

PARTIES

I.

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

II.

111 Travel Center, LLC ("Respondent") is a limited liability company created in the State of Tennessee and is properly registered to conduct business in Tennessee. The Respondent was the registered owner of three underground storage tank ("UST") systems located at 1750 Salem Road, Cookeville, Tennessee 38506. Service of process may be made on the Respondent's Registered Agent, Chirag Shah, at 601 South Jefferson Avenue, Suite A, Cookeville, Tennessee 38501.

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. Rules governing underground storage tanks 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. § 68-215-103(11) and a responsible party as defined at Tenn. Code Ann. §§ 68-215-103(17)(A)(i) and (ii).

FACTS

V.

On February 20, 2020, the Division received a Notification for Underground Storage Tanks form, signed by the Respondent, listing the Respondent as the owner of the three UST systems located at 1750 Salem Road, Cookeville, Tennessee 38506. The facility ID number is 4-710167.

VI.

On October 19, 2021, Division personnel received an application for permanent closure of the systems at the site. On or about October 23, 2021, Division personnel approved the application for permanent closure.

VII.

On October 28, 2021, Division personnel were on site for the tank closure process. 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.

VIII.

On November 11, 2021, Division personnel received an analytical report dated November 10, 2021, detecting extractable petroleum hydrocarbons above initial screening levels ("ISLs") in soil and benzene above ISLs in the gasoline tank pit recharge water.

IX.

On December 9, 2021, the Division received an Application for Fund Eligibility signed by Yash Tanwar on behalf of the Respondent for the November 10, 2021, release at the facility.

X.

On December 10, 2021, Division personnel performed an inspection of the relevant compliance records. 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.

XI.

Division personnel reviewed the Application for Fund Eligibility along with the documentation required by Rule 0400-18-01-.09. Based upon this review, Division personnel determined that this 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 \$20,000.00.

VIOLATIONS

XII.

By failing to operate a petroleum underground storage tank system in compliance with the Act, the Respondent has violated Tenn. Code Ann. § 68-215-104(1), 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[.]

XIII.

By failing to monitor tanks at least monthly, if appropriate, 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)(d) through (i) of this rule, except that:

ORDER AND ASSESSMENT

XIV.

Pursuant to the authority vested by Tenn. Code Ann. §§ 68-215-107, -114, and -121, the Respondent is issued the following Order:

1. The Application for Fund Eligibility for the November 10, 2021, release is approved with a deductible of \$20,000.00.
2. The Respondent shall perform the release investigation and remediation activities of Rule 0400-18-01-.06 within the timeframes determined by the Division.
3. 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.
4. Failure to comply with any of the requirements of this Order could lead to further enforcement actions which may include civil penalties, assessment of damages and/or recovery of costs.
5. With the exception of the deadline for filing the appeal of this Order, the Director may extend the compliance dates contained within this Order for a fixed time period for good cause shown by the Respondent. 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. § 68-215-119; 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 FL, Nashville, TN 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 FL, Nashville, TN 37243. Technical questions and other correspondence involving compliance issues should be sent to Carrie Ancell, Nashville Environmental Field Office, Division of Underground Storage Tanks, 711 R. S. Gass Boulevard, Nashville, TN 37216. Attorneys should contact the undersigned counsel of record. **The case number, FDA22-0008, 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 28th day of April, 2022.



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

Reviewed by:



[George Bell \(Apr 28, 2022 16:03 CDT\)](#)

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