



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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

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The Tennessee Department of Environment and Conservation (“TDEC”) issued a proposed Order and Assessment (“Order”) addressing trust fund eligibility and alleged violations for Ziptron Energy, Inc. (“ZEI”), related to the Tennessee Underground Storage Tank (“UST”) rules. See Case No. FDA22-0019.

The facility is referenced as the Tobacco Outlet and is stated to be the registered owner of five UST systems in Crossville, Tennessee.

TDEC Division of Underground Storage Tanks (“Division”) personnel are stated to have conducted a compliance inspection at the Crossville facility on February 28th. The following violations were allegedly discovered:

1. Failure to ensure that cathodic protection system is tested every 3 years
2. Failure to conduct annual line tightness test or do monthly monitoring on pressurized underground piping
3. Failure to install, calibrate, operate, or maintain release detection method for tank in accordance with manufacturer’s instructions
4. Failure to inspect overfill devices every three years
5. Failure to test line leak detectors annually in accordance with guidance provided by the Division and manufacturer’s instructions
6. Failure to ensure that cathodic protection is functioning as designed and is effectively preventing corrosion
7. Failure to inspect impressed current corrosion protection system every sixty days
8. Failure to test spill prevention equipment at least once every three years
9. Failure to maintain three years of line leak detector testing
10. Failure to test electronic and mechanical components at least annually for proper operation

During the inspection, Division personnel are also stated to have observed product in the regular unleaded sump. Discovery of this product is stated to be considered a suspected release that was reported onsite at discovery.

On April 12th Division personnel are stated to have received a CP test and passing LLD and line tightness test results for the regular unleaded line by email. This documentation verified violation #1 had been addressed and partially addressed violations #2 and #5.

April 28th analytical reports are stated to have showed groundwater samples were over drinking water initial screening levels for benzene and naphthalene. These results are stated to have confirmed the suspected release that was reported on February 28th

Division personnel are stated to have received an Application for Trust Fund Eligibility from ZEI on May 23rd for the confirmed release.

On July 21 Division personnel received additional documents and correspondence from ZEI addressing alleged violations.

Additional violations subsequently cited included:

- Failure to have adequate overfill
- Failure to have spill prevention equipment that will prevent release of petroleum to the environment when the transfer hose is detached from the fill pipe

Division personnel reviewed ZEI's Application for Trust Fund Eligibility and determined that it did not meet the requirements for the minimum deductible for the release due to:

- Failure to install, calibrate, operate, or maintain release detection method for tank in accordance with manufacturer's instructions
- Failure to install any spill prevention system
- Failure to install any overfill prevention system

As a result, the Order places the deductible for the release at \$20,000.

The Order requires that ZEI perform all actions necessary to correct outstanding violations and document such activities. Further, it requires that ZEI register to attend certain UST operator training.

A civil penalty of \$58,400 is proposed to be assessed.

The Order provides ZEI certain appeal rights.

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