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Trust Fund Eligibility Calculation/Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order and Assessment Addressing Camden Underground Storage Tank Owner

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The Tennessee Department of Environment and Conservation (“TDEC”) issued an October 13th Proposed Order and Assessment (“Order”) to Kentucky Lake Oil Company (“Kentucky Lake”). See Case No. FDA22-0015.

The Order provides that Kentucky Lake is the registered owner of four underground storage tank (“UST”) systems in Camden, Tennessee.

TDEC Division of Underground Storage Tanks (“Division”) personnel are stated to have conducted a compliance inspection at the referenced Kentucky Lake facility (“Facility”) on September 29, 2021. The following violations were allegedly identified:

- Failure to install, calibrate, operate, or maintain a release detection method for piping
- Failure to ensure that cathodic protection is functioning as designed and is effectively preventing corrosion

Division personnel are stated to have sent a Results of Compliance Inspection – Action Required to Kentucky Lake on October 21, 2021. Certain documentation was required to be submitted to the Division by November 24, 2021.

Division personnel are stated to have received a copy of a Precision Line Tightness and Leak Detector Test Report conducted on November 4, 2021. The report documented a passing test result for the line leak detector associated with Tank #1A and addressed violation #1.

On February 10th Division personnel received an Application of Permanent Closure of Underground Storage Tank Systems from Kentucky Lake requesting approval to close all USTs at the Facility. Division personnel sent a Permanent Closure application – Approved letter to Kentucky Lake.

Closure activities were stated to have been conducted at the Facility between March 9 and March 11, 2022, and all USTs were removed. The removal of all USTs at the site confirmed violation #2 had been adequately addressed since the tank systems would no longer require corrosion protection.

Division personnel received an analytical testing report from SCS Environmental Group which indicated water samples from the tank pit exceeded drinking water initial Screening Levels for naphthalene.

The Division received an Application for Fund Eligibility from Kentucky Lake for the March 23 release at the Facility.

Division personnel determined that the Facility did not meet the requirements for the minimal deductible of \$5,000 for the release due to the following:

- Failure to ensure that cathodic protection is functioning as designed and is effectively preventing corrosion

Therefore, the Order sets the deductible for the release at \$10,000.

The Order also requires that Kentucky Lake perform release investigation and remediation activities as required by the relevant rule and that on or before three months after receiving the Order that Kentucky Lake successfully complete UST operator retraining.

The Order contains certain appeal rights.

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