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

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Tennessee Department of Environment and Conservation (“TDEC”) issued a January 12th proposed Order and Assessment (“Order”) to Rogers Petroleum, Inc. (“Rogers”). See Case No. FDA12-0011.

The Order provides that Rogers is the registered owner of three underground storage tank (“UST”) systems in Murfreesboro, Tennessee. The Order also references certain individuals who are described as joint owners of the property that contains the three USTs.

The TDEC Division of Underground Storage Tanks (“Division”) is stated to have received a call from a representative of Rogers on August 3, 2022, stating they were informed of an issue with their statistical inventory reconciliation (“SIR”) release detection results for the premium tank on August 2, 2022. They were also indicated to have stated that on the same date water was discovered in the premium tank.

Rogers sent an email on the same date to document the potential issue with the premium tank. The Order notes that ingress in a tank is considered a release that must be investigated.

The Division is stated to have performed an inspection of the USTs on August 9, 2022, and identified the following violations:

- Failure to use a prevention system that will prevent a release of petroleum to the environment when the transfer hose is detached from the fill port
- Failure to install, calibrate, operate, or maintain a release detection method for tanks
- Failure to inspect overfill prevention at least once every three years

The Division is stated to have sent on August 10th a “Results of Compliance Inspection – Fund Reimbursement – Action Required Letter” to Rogers. It cited certain violations discovered during the inspection and required the company to submit documentation by August 21, 2022.

The Division is stated to have received documentation that the meters had been replaced and calibrated, addressing one of the violations. Further, on August 21, 2022, the Division is stated to have received the following:

- Passing integrity testing for the spill bucket associated with Tank #2A after replacement.

- Documentation that the fill port associated with Tank #1A has been capped and fuel drops can no longer occur through that drop tube.

The Division received an Application for Fund Eligibility on September 6, 2022, regarding the suspected release.

Division personnel reviewed the Application for Fund Eligibility and determined that it did not meet the requirements for the minimum deductible for the release because of the alleged violations. As a result, the Division proposes the deductible be \$20,000.

The proposed Order also requires that Rogers perform release investigation and remediation activities within the timeframes determined by the Division. Further, certain operator retraining is required.

The proposed Order provides certain appeal rights.

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