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# Trust Fund Eligibility/Storage Tank Enforcement: Tennessee Department of Environment & Conservation Proposed Order Addressing Chattanooga Retail Motor Fuel Facility

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The Tennessee Department of Environment & Conservation (“TDEC”) issued a June 28th proposed Order and Assessment (“Order”) to Mac’s Convenience Stores (“MCS”) addressing an alleged violation of the Tennessee Underground Storage Tank (“UST”) regulations. See Case No. FDA23-0022.

MCS is stated to be the owner of four USTs in Chattanooga, Tennessee, at a retail motor fuel facility (“Facility”) denominated Circle K Store No. 4703615.

The TDEC Division of Underground Storage Tanks (“Division”) is stated to have received an email from a representative of MCS stating that a diesel line did not pass tightness testing on January 4th. This is described as a suspected release and must be investigated.

Division personnel are stated to have performed an inspection at the Facility and identified the following violation:

- Failure to test line leak detectors annually in accordance with Rule 0400-18-01-.04(4)(a). Specifically, at the time of the inspection, annual line leak detector testing was not provided for Tank 4A (4,000 gallon Diesel).

Division personnel are stated to have sent a Results of Compliance Inspection Fund Reimbursement on January 25th to MCS. The letter is stated to have cited the violation discovered at the time of the inspection and required MCS to submit documentation to the Division by February 27th.

Passing line leak detector and line tightness testing results performed on January 10th after repair of the diesel line associated with Tank 4A were provided to Division personnel. This documentation is stated to have verified the violation discovered at the time of the inspection had been corrected.

On February 9th the Division is stated to have received an Application for Fund Eligibility for the January 4th release. 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 line leak detectors annually in accordance with Rule 0400-18-01-.04(4)(a). The deductible for the release is \$10,000.00.

The Order provides that the application for trust fund eligibility for the January 4th release is approved with a deductible of \$10,000. Further, MCS is required to perform release investigation and remediation activities within the timeframes determined by the Division. In addition, on or before the 90th day after receipt of the Order, MCS must either complete operator retraining or attend Underground Storage Tank School provided by the Division.

The proposed Order provides certain appeal rights.

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