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Fund Eligibility/Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order and Assessment Addressing Dandridge Farmer Cooperative

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The Tennessee Department of Environment and Conservation (“TDEC”) issued a proposed Order and Assessment (“Order”) to Jefferson Farmers Cooperative (“JFC”) addressing alleged violations of the Tennessee Underground Storage Tank (“UST”) regulations. Case No. FED24-0012.

The Order addresses USTs at a JFC facility (“Facility”) in Dandridge, Tennessee.

TDEC Division of Underground Storage Tanks (“Division”) personnel are stated to have performed a compliance inspection at the Facility on September 13, 2023.

The inspection is stated to have identified violations including:

- Failure to test spill prevention equipment at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure or liquid.
- Failure to test overflow prevention equipment which must be inspected every three years.

Further, the Order states that petroleum was discovered in the submersible turbine pump sump (“STP”) for Tank 3A (off road diesel). This is stated to be a suspected release and must be investigated.

The Division is stated to have received an email from Spatco Energy Solutions on October 25, 2023, addressing the compliance violations. Testing results are stated to have been provided showing passing spill bucket and overflow inspection results.

After review of the test results and other compliance documents, an additional violation is stated to have been discovered:

- Failure to report a suspected release to the Division within 72 hours.

The Division received an Application for Fund Eligibility from JFC on November 20, 2023, for the previously referenced release. The Division issued a Closure of Suspected Release Investigation letter to JFC on December 12, 2023.

The Division is stated to have sent a Results of Compliance Inspection – Violations Corrected letter to JFC on February 1, 2023.

Division personnel determined that the Facility did not meet the requirements for reimbursement for the previously referenced release due to the following:

- Failure to submit the application for fund eligibility within 90 days of the suspected release.

The proposed Order provides:

- The application for fund eligibility for the previously referenced release is denied.
- JFC is required to perform release investigation and remediation activities within the timeframes determined by the Division.
- JFC is required to perform all actions necessary to correct the outstanding violations and certain training options are provided.

A civil penalty of \$3,200 is proposed.

The proposed Order provides certain appeal rights.

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