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

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The Tennessee Department of Environment and Conservation (“TDEC”) issued a Proposed May 23rd Order and Assessment (“Order”) to Racetrac, Inc. (“Racetrac”) addressing alleged violations of the Tennessee Underground Storage Tank (“UST”) Regulations.

The Order provides that Racetrac operates USTs located in Hermitage, Tennessee.

Guardian Fueling Technologies is stated to have been at the Racetrac Facility on December 13, 2023, installing a new cathodic protection system. It is stated to have drilled an anode hole through the diesel production line.

Approximately 20-30 gallons of diesel fuel is stated to have been released. The release is stated to have filled up the anode boring location and subsequently flowed south and then west down a stormwater outfall. The surface migration is stated to have been stopped approximately ten feet down the stormwater outfall with oil dry and oil absorbent pads.

The diesel fuel in the anode boring location was removed, and the surface area was cleaned up.

ATC Group Services, LLC (i.e., Racetrac’s corrective action contractor) is stated to have notified the TDEC Division of Underground Storage Tanks (“Division”) of the release on December 14, 2023. Division personnel are stated to have performed a compliance inspection of the facility on December 22, 2023, and identified certain violations.

The violations are stated to have been addressed by Racetrac. However, they are stated to have impacted the deductible as set forth in Rule 0400-18-01-.09.

The Order alleges the following violation:

- Failure to test line-leak detectors annually.

The Division is stated to have received an application for fund eligibility on January 22, 2024, in regards to the December 13, 2023 release.

The Division is stated to have received documentation of an impressed current cathodic protection testing survey dated February 26th with failing results. Therefore, the following violation was added after the inspection:

- Failure to operate and maintain all corrosion protection systems in according with corrosion expert's design.

Division personnel determined that the Racetrac facility did not meet the requirements for the minimum deductible due to the previous alleged violations. As a result, the deductible for the release is stated to be \$10,000.00.

The Order also provides that Racetrac must perform release investigation remediation activities as required by the timeframes determined by the Division. Further, certain retraining options are provided.

A civil penalty of \$2,000.00 is proposed.

The Proposed Order provides certain appeal rights.

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