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Trust Fund Eligibility/Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order Addressing Monteagle Facility

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The Tennessee Department of Environment and Conservation (“TDEC”) issued an August 7th Proposed Order and Assessment (“Order”) to Pilot Travel Centers, LLC (“Pilot”) addressing alleged violations of the Tennessee Underground Storage Tank (“UST”) Regulations. See Case No. FDA 24-0045.

The Order provides that Pilot is the property owner and registered owner of four USTs in Monteagle, Tennessee.

The TDEC Division of Underground Storage Tanks (“Division”) is stated to have received a report of a suspected release from Atlas Technical Consultants (“Atlas”) on April 30th. Atlas is stated to be the Corrective Action Contractor.

The Atlas correspondence is stated to have indicated that 4.75 inches of fuel was observed in the Under Dispenser Containment (“UDC”) sump located at Dispenser 21, from a dripping filter which had been repaired.

Division personnel are stated to have performed a compliance inspection at the facility on May 10th. A violation is stated to have been identified which was addressed by Pilot. However, the Order states that it impacts the UST trust fund deductible as set forth in Rule 0400-18-01-.09.

The alleged violation is stated to consist of:

...failure of piping installed after July 25, 2017, to be 100% double walled or to be secondarily contained with a second wall that ends in sumps...

Pilot is stated to have submitted an application for fund eligibility from Atlas for the April 23rd release.

The Division received an email from Spatco on June 24th that detailed the repairs made to the UDC sump located at Dispenser 21. The email is also stated to have indicated a new “passing” hydrostatic integrity test report for this sump which was reportedly conducted on May 3rd.

The Division is stated to have added additional violations after an Enforcement Review which include:

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

Division personnel determined that the facility did not meet requirements for the minimum deductible for the release due to the previously referenced alleged violations. As a result, the deductible for the release is placed at \$30,000.00.

The Order requires that Pilot perform release investigation and remediation activities of the relevant rule within the timeframes determined by the Division. If there is a failure to comply, the Order indicated that the facility will be placed on the Delivery Prohibition List. In addition, Pilot is required to perform all actions necessary to correct outstanding violations.

Pilot is required to conduct a system test for Tank 9A and the UDC sump located at Dispenser 23.

A civil penalty of \$20,000.00 is assessed.

The Order provides certain appeal rights.

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