

## Storage Tank Enforcement: Tennessee Department of Environment and Conservation Order Assessing Cleanup Costs Reimbursement



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08/10/2018

The Tennessee Department of Environment and Conservation – Division of Underground Storage Tanks (“TDEC”) issued an August 6th Order and Assessment (“Order”) to Authur Chapman (“Chapman”).

The Order addresses underground storage tanks (“USTs”) stated to be owned by Chapman and located in Bolivar, Tennessee.

TDEC is stated to have received a notification for USTs signed by Chapman as the owner of the referenced USTs on April 25, 2005. The two USTs are alleged to not have cathodic protection. A prior Order was stated to have been issued to permanently close the USTs.

The Order directed Chapman to:

- submit a Permanent Closure Application within ninety (90) days,
- permanently close the two USTs,
- submit a Permanent Closure Report, and
- remit payment for outstanding annual tank fees.

Chapman was stated to have not appealed the prior Order by the required date.

TDEC is stated to have retained a contractor to permanently close the two USTs. The contractor closed the USTs from March 28 through March 31, 2017. Sampling of soil and groundwater was undertaken. Four hundred gallons of fuel was stated to have been removed from the tank excavation area by a vacuum truck and taken to a state-approved facility for disposal.

Analytical results received by TDEC on or about March 31, 2017, are stated to have been reviewed associated with the excavation area and soil stockpile. Such laboratory analysis is stated to have confirmed petroleum contamination concentrations in the soil and water above TDEC’s Initial Screen Levels for residential properties with drinking water status. The Order further notes:

Due to the elevated contaminant concentrations in the water and soil, the Division required installation of monitoring wells onsite in the areas with the highest contaminant concentrations. The Division also require the stockpiled soil from the excavation area be disposed of using a special waste permit at a landfill.

The Order notes installation of two groundwater monitoring wells and laboratory analysis indicating certain groundwater samples detected petroleum concentrations above drinking water Initial Screen Levels. Further, approximately 107 tons of stockpiled soil was stated to have been disposed at a landfill.

On or about June 14, 2017, TDEC is stated to have received the Permanent Closure Report from the contractor that included the analytical results of the soil and water and a water use survey. Such report is stated to have identified impacts to soil and groundwater at the facility and identified private water wells in proximity of the facility.

The contractor provided an invoice to TDEC for closure costs in the amount of \$36,364.72.

The Order alleges the operation of a petroleum UST in violation of certain rules and regulations which include:

- Out of Service UST systems and closure (referencing the requirement to permanently close substandard UST systems by a certain date)
- Failure to cooperate with TDEC (referencing the requirement to cooperate fully with inspections, monitoring, and testing conducted by TDEC as well as requests for document submission, testing and monitoring by the owner, operator, etc.)

Chapman is required to complete certain activities which include:

- Initial Response and Hazard Management Report
- Any additional requirements of the Rule 0400-18-01-.06 based on the results of the Initial Response and Hazard Management Report
- Reimburse TDEC \$36,364.72
- Pay a civil penalty in the amount of \$7,680

The Order provides Chapman certain rights of appeal.

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