



Cookeville Environmental Field Office

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

1221 SOUTH WILLOW AVENUE

COOKEVILLE, TENNESSEE 38506

(931)432-4015

STATEWIDE 1-888-891-8332

FAX (931)432-6952

October 7, 2009

CERTIFIED MAIL

91 7108 2133 3933 6973 2167

Mr. Kenny Stout
5150 East Victory View Dr.
Cookeville TN 38506

RE: Release Response
Anderson's Market
2170 South Grundy Quarles Hwy.
Gainesboro TN 38562
Facility ID 4-440003

Mr. Stout:

On May 29, 2009 this office received a Permanent Closure Report (PCR) from Bank East, the holder of said property. The PCR analytical results confirmed release of petroleum from the Underground Storage Tanks (UST) at the above referenced site. Mr. Stout, d.b.a. Andersons Market has been identified as the last known operator of the above mentioned UST system.

Rule 1200-1-15-.06 of the Tennessee Petroleum Underground Storage Tank (UST) Rules requires that Mr. Kenny Stout, d.b.a. Andersons Market take immediate action to prevent any further release of petroleum into the environment and to identify and manage any human health hazards such as fire, explosion, petroleum vapors, impacted drinking water, and/or free product.

Rule 1200-1-15-.06(3) states, in part:

"Initial response.

Upon confirmation of a release in accordance with rule 1200-1-15-.05(3) or after a release from a UST system is identified in any other manner, owners and/or operators

shall, unless directed to do otherwise by the division, perform the following initial response actions:

- (b) Take immediate actions to prevent any further release of the petroleum into the environment including, but not limited to:
 - 1. Removing as much of the petroleum from the UST system as is necessary to prevent any further release;
 - 2. Taking the UST system out of service until piping or ancillary equipment associated with the release are replaced or repaired; and/or
 - 3. Preventing the placing of petroleum product into the leaking UST system;
- (c) Take immediate action to identify fire, explosion, and/or vapor hazards. Report and manage any hazards identified in accordance with paragraph (4) of this rule;
- (d) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the petroleum into surrounding soils and/or ground water; and
- (e) Perform a water use survey in accordance with guidance provided by the division. All drinking water supplies, including both wells and springs, located within one-tenth (0.1) mile of the petroleum site shall be investigated and sampled for the presence of a release. The division may require additional investigation and sampling of drinking water supplies in the area, based on hydro-geological conditions or other physical characteristics in the area. Impacted drinking water shall be reported in accordance with subparagraph (4)(a) of this rule and addressed as required in part (4)(b)1. of this rule.”

Rules 1200-1-15-.06(4)(a) and (c) state:

- “(a) Notification. Report the discovery of impacted drinking water, petroleum vapors, free product, and/or other hazards to the division within seventy-two (72) hours using a Hazard Notification Report form established by the division. The form shall be completed in accordance with guidance provided by the division. The form may be submitted by facsimile machine or electronic mail.
- (c) Reporting. Tank owners and/or operators shall submit a Hazard Management Report detailing the actions that have been taken to address the hazards discovered at or in the vicinity of the petroleum

site. Hazard Management Reports shall be submitted in a format and in accordance with a schedule established by the division and shall be completed in accordance with guidance provided by the division.”

A Hazard Notification Report form shall be submitted within seventy-two (72) hours of the discovery of any human health hazard(s) in the vicinity of the petroleum site.

An Initial Response and Hazard Management Report (IRHMR) shall be prepared in accordance with the 2006 IRHMR Guidelines and submitted by **November 29, 2009**. The IRHMR shall include but not be limited to, response activities relative to any health hazard, if encountered, the results of the water use survey, and the soil source investigation.

Rule 1200-1-15-.09(10) states, in part:

“An eligible owner and/or operator or petroleum site owner conducting UST corrective actions is entitled to coverage of reasonable costs from the fund, subject to the provisions set forth in this paragraph....

- (c) Effective December 22, 1998, upon confirmation and reporting of a release in accordance with the requirements of rule 1200-1-15-.05(1) through rule 1200-1-15-.05(3), the owner and/or operator shall submit documentation to the division verifying that the tanks are in compliance with the upgrading and performance standards set forth in rule 1200-1-15-.02(3)(a) and (4)(a) and (b). On or after April 20 1998, upon confirmation and reporting of a release in accordance with the requirements of rule 1200-1-15-.05(1) through rule 1200-1-15-.05(3), the owner and/or operator shall submit documentation to the division verifying the performance of release detection as required by rule 1200-1-15-.04 at the time of the release. The owner and/or operator shall submit this documentation to the division within thirty (30) days of the date the release is confirmed.”

If the tank contained product for any portion of the last 12 months, then the release detection records for the active portion of the last year will be required. A signed notarized statement is required from any tank owner and/or operator whose tanks have been temporarily out of service (TOS) and empty for any portion of the last 12 months. The notarized statement shall contain a list of the TOS tanks and the following statement:

I certify under penalty of law, including but not limited to penalties of perjury, that one (1) inch or less of product or residue was contained in the tank(s) listed above. I further certify that an approved method of release detection was used on these tanks

Mr. Kenny Stout
Andersons Market
4-440003
October 7, 2009
Page 4

when they were in service and that all available release detection records (12 month maximum) have been submitted. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for intentional violations.

The required Release Detection and Release Prevention (upgrading and performance standards) Records shall be submitted by **November 29, 2009**. **Failure to provide these records to the division may result in denial of fund coverage for this release.**

Environmental assessment activities and evaluation of the subsurface investigation shall be directed by a licensed professional geologist under the Tennessee Geologist Licensure Act of 2007 (*T.C.A. §62-36-101 et seq.*), or a registered professional engineer under the Tennessee Architects, Engineers, Landscape Architects, and Interior Designers Law and Rules (*T.C.A. §62-2-101 et seq.*).

All assessment activities shall be conducted in accordance with the September 2006 Environmental Assessment Guidelines.

All fund eligible work must be conducted and/or overseen by an UST Approved Corrective Action Contractor (CAC) to be eligible for reimbursement from the fund.

T.C.A. 68-215-111(e) states, in part:

“(5) If there is evidence of a suspected or a confirmed release on or after July 1, 2004, in order for the tank owner, tank operator, or petroleum site owner to receive reimbursement from the fund, an Application for Fund Eligibility shall be filed:

(B) Within sixty (60) days of a release which was identified in any manner other than the process for confirmation of a suspected release stated in the rules promulgated pursuant to this part.

The tank owner or tank operator shall send notification to the petroleum site owner by certified mail, return receipt requested, within seven (7) days of confirmation of a release. Failure to comply with this applicable deadline of subdivision (e)(5)(A) or (e)(5)(B) shall make the release ineligible for reimbursement from the fund.”

The Application for Fund Eligibility shall be completed and submitted to the UST Nashville Central Office. You will receive correspondence from the Fund Eligibility Coordinator, Michelle Pruett providing additional details.

Rule 1200-1-15-.09(15)(b)2.(v-vi) states:

- “(v) If the CAC is not the owner and/or operator of the tank that caused the release or the petroleum site owner, the CAC shall have a written contract with the UST owner and/or operator or petroleum site owner, and the contract shall contain the following sentence conspicuously located on the first page of the contract:

The corrective action contractor will/will not (mark one) use the division’s reasonable rate schedule when invoicing the owner and/or operator or petroleum site owner for the expenses incurred in the investigation and cleanup of this site.

- (vi) If the CAC is the owner and/or operator of the tank which caused the release or petroleum site owner, the CAC shall have a written contract with all contractors/subcontractors, and the contract shall contain the following sentence conspicuously located on the first page of the contract:

The contractor/subcontractor (mark one) will/will not (mark one) use the division’s reasonable rate schedule when invoicing the owner and/or operator or petroleum site owner for the expenses incurred in the investigation and cleanup of this site;”

Therefore, in accordance with Rule 1200-1-15-.09(15)(b)2.(v-vi) a copy of the referenced contract shall be submitted to the UST Nashville Central Office Reimbursement Section before reimbursement of costs, which are determined to be reasonable and fund eligible, can be considered.

Rule 1200-1-15-.06(5)(b) states, in part:

“Initial Site Characterization Report. A report shall be prepared and submitted to the division in a format and in accordance with a schedule established by the division. Data collection, risk analysis and report completion shall be done in accordance with guidance provided by the division.”

The ISCR shall include as stated in Rule 1200-1-15-.06(5)(b)5.:

“A Risk Analysis Report (RAR) spreadsheet completed in accordance with guidance and instructions provided by the division and using computational software provided by the division. The RAR shall be used to determine cleanup levels, either Risk Based Cleanup Levels (RBCLs) or Site Specific Cleanup Levels (SSCLs), for the site based on risk to human health, safety and the environment.”

An Initial Site Characterization Report (ISCR) shall be prepared in accordance with the September 2006 ISCR Guidelines and must contain all data gathered during the field activities, establish the applicable clean-up levels at the site, and determine the next action to be taken by completion of an Exposure Assessment (ExA) and Risk Analysis Report (RAR). The ExA shall be completed in accordance with both the current Technical Guidance Document (TGD)-017 and the RAR. The ISCR, ExA and RAR shall be submitted by **December 29, 2009**.

Rule 1200-1-15-.09(10) states, in part:

"An eligible owner and/or operator or petroleum site owner conducting UST corrective actions is entitled to coverage of reasonable costs from the fund, subject to the provisions set forth in this paragraph. ...

- (a) Upon confirmation of a release in accordance with rule 1200-1-15-.05(3) or after a release from the UST system is identified in any other manner, owners and/or operators or petroleum site owners shall comply with the requirements of rule 1200-1-15-.06 as necessary to investigate the release, characterize the site and control any hazards posed by the release in order to stabilize the site, prevent significant risk to human health and safety, and/or continuing damage to the environment.
- (k) Any corrective action which is carried out in response to any discharge, release, or threatened release of petroleum from an UST shall be conducted in accordance with the requirements of rules 1200-1-15-.06 and subparagraphs (a) through (e) of this paragraph."

If a fund eligible owner and/or operator or petroleum site owner fails to comply with the provisions of Rule 1200-1-15-.09(10), then the owner and/or operator or petroleum site owner may not be entitled to coverage of reasonable costs. If an owner and/or operator or petroleum site owner loses fund coverage, then the owner and/or operator or petroleum site owner would be responsible for the entire cost of assessment and remediation of the release without assistance from the fund.

Rule 1200-1-15-.06(1) states, in part:

"(b) Field activities and environmental data. During the course of responding to the release, conducting remediation, and/or managing risk, a tank owner and/or operator shall comply with the following:

1. Notice of Field Activities.

Mr. Kenny Stout
Andersons Market
4-440003
October 7, 2009
Page 7

- (i) Tank owners and/or operators shall notify the division at least one (1) working day in advance of any routine field activity. Routine field activities include, but are not limited to, placement of soil borings, construction of monitoring wells, sample collection events, field surveys, such as water use surveys or land use surveys, installation and/or start-up of treatment systems.
- (ii) Tank owners and/or operators shall notify the division by no later than one (1) working day after any non-routine field activity, such as emergency response activities.”

Submit an original of all correspondence and reports to this field office and a copy to:

Division of Underground Storage Tanks
Tennessee Department of Environment and Conservation
4th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1541

All forms and guidance are available at www.state.tn.us/environment/ust.

If you have any questions concerning this correspondence, call (931) 423-7628.

Sincerely,

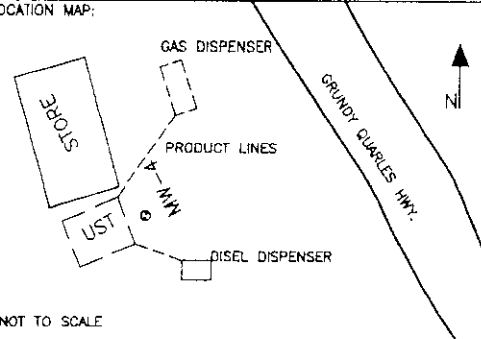


Dennis E. Smith
Division of Underground Storage Tanks

Enclosure: Application For Fund Eligibility

c: Nashville UST Central Office - Technical File
Nashville UST Central Office - Fund Eligibility Coordinator
Cookeville FO Case File 4-440003

FO-004 073008 FINAL

FACILITY NAME: ANDERSON'S MARKET		TN FAC. ID#: 4-440003	WELL #: &/or BORING#: MW-4	pg 1 of 1
LOCATION MAP: 		START DATE & TIME: 07/01/09 09:40	PROJECT #:	
NOT TO SCALE		COMP. DATE & TIME: 07/01/09 10:25	FORMER ANDERSON'S MARKET	
		LOGGED BY: T. Maynard TN LIC#: 5278	2170 South Grundy Quarles Hwy.	
		DRILLER: ESA	GAINESBORO, TN	
		DRILLING METHOD: HSA		
		ELEV (MSL): 1009 T.D. (MSL): 989		
		COMMENTS: 6.25" DIA. BOREHOLE 2" DIA. WELL		

MSL	COMPLETION DIAGRAM BOREHOLE DIAMETER: 8.5"	WATER LEVEL	PENETRATION RATE	DEPTH	GRAPHIC LITHOLOGY	OVD	SAMPLES & CORES			DESCRIPTION (Color, Texture, Structure, etc...)
							TYPE	IN./REC	ANAL	
				0	[Cross-hatched pattern]					Asphalt
					[Horizontal lines pattern]					Fill Material
					[Horizontal lines pattern]	36	SS			Bn, gy CL, ms H
				5	[Horizontal lines pattern]	161	SS	BTX GRO		Bn CY, chert fragments, ms st, H
					[Inverted triangles pattern]					Chert Lense
				10	[Horizontal lines pattern]	143	SS			L bn, cherty Cl, ms fm H
					[Inverted triangles pattern]					Chert Lense
				15	[Horizontal lines pattern]	175	SS	BTX GRO		L bn cherty Cl, ms fm H
					[Inverted triangles pattern]					Chert Lense muddy
				20	[Inverted triangles pattern]					
				25	[Inverted triangles pattern]					
				30	[Inverted triangles pattern]					



ENVIRONMENTAL
SCIENCE CORP.

12065 Lebanon Rd.
Mt. Juliet, TN 37122
(615) 758-5858
1-800 767-5859
Fax (615) 758 5859

Tax I.D. 62 0814289

Est. 1970

REPORT OF ANALYSIS

Mr. Mark Harper
Compliance Engineering
PO Box 7
Hartsville, TN 37074

July 12, 2009

Date Received : July 07, 2009
Description : Andersons Market
Sample ID : MW-4 23.20 FT
Collected By : Mark Harper
Collection Date : 07/06/09 15:45

ESC Sample # : L410886-04

Site ID : 4-440003

Project # : 1710001

Parameter	Result	Det. Limit	Units	Method	Date	Dil.
Benzene	7.2	0.10	mg/l	8260B	07/11/09	100
Toluene	23.	0.50	mg/l	8260B	07/11/09	100
Ethylbenzene	2.2	0.020	mg/l	8260B	07/10/09	20
Total Xylenes	9.2	0.060	mg/l	8260B	07/10/09	20
Methyl tert-butyl ether	2.1	0.020	mg/l	8260B	07/10/09	20
Naphthalene	0.31	0.10	mg/l	8260B	07/10/09	20
Surrogate Recovery						
Toluene-d8	105.		% Rec.	8260B	07/10/09	20
Dibromofluoromethane	99.2		% Rec.	8260B	07/10/09	20
4-Bromofluorobenzene	103.		% Rec.	8260B	07/10/09	20

BDL - Below Detection Limit

Det. Limit - Practical Quantitation Limit (PQL)

Note:

The reported analytical results relate only to the sample submitted.

This report shall not be reproduced, except in full, without the written approval from ESC.

Reported: 07/12/09 12:02 Printed: 07/12/09 12:02

MAY 29 2009



DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF UNDERGROUND STORAGE TANKS

PERMANENT CLOSURE REPORT

The UST system tank owner/operator shall complete and submit the **original** Permanent Closure Report (PCR) to the appropriate Division of Underground Storage Tanks (division) Environmental Field Office (EFO) within 60 days of collecting samples during the UST system closure assessment. T.C.A. §68-215-114(b) states that the tank owner/operator shall be liable to the state for costs of investigation, identification, containment and cleanup, including monitoring and maintenance.

Date: 27 May 09

Facility Name: Anderson's Market
Facility I.D. Number: 4-440003

THIS REPORT IS NOT COMPLETE UNLESS THE FOLLOWING DOCUMENTS ARE ATTACHED IN AN APPENDIX:

ATTACHED: (Check appropriate answer)

- A. **The original laboratory analysis sheets** Yes Not Applicable
(The laboratory analysis sheets shall include all items specified in the current UST Closure Assessment Guidelines)
- B. **Documentation for treatment of soil** Yes Not Applicable
(i.e. Application to Treat Petroleum Contaminated Soil)
- C. **Disposal Manifest(s) for soil** Yes Not Applicable
(i.e. Solid Waste Permits, Landfill Disposal Manifests, etc.)
- D. **Disposal Manifest(s) for sludge** Yes Not Applicable
- E. **Disposal Manifest(s) for liquid/ product** Yes Not Applicable
- F. **Disposal Manifest(s) for tanks and/or piping** Yes Not Applicable
- G. **Monitoring Well Information** Yes Not Applicable
(i.e. boring log, monitoring well construction diagram, etc.)
- H. **Water Use Survey Information** Yes Not Applicable
- I. **Updated Site Map** Yes Not Applicable

An updated, post-closure site map shall be attached showing buildings, roads, utilities, former or existing UST Systems, product lines and dispensers, areas of over-excavation, areas of encountered bedrock, borings, surface water within 200 feet of the site, and sample points. The map shall also include the location(s) of the soil stockpiles, their dimensions in feet, and the location of screening and sampling points within each stockpile (If due to size constraints, the location of stockpile screening and sampling locations cannot be accurately depicted, then a separate map depicting a layout of the stockpile shall be provided). A measurement shall be included from one corner of each tank excavation zone to a permanent structure (i.e. building, power pole, fire hydrant, etc.). Based on Question 14, identify the location of observed releases. The site map shall include a north arrow.

- J. **Copy of the Amended Notification Form.** Yes Not Applicable

Send the original Amended Notification Form to the UST Nashville Central Office.

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market Facility I.D. Number: 4-440003

SECTION I GENERAL INFORMATION

1. Facility Name: Anderson's Market
Street Address (no P.O. Boxes): 2170 South Grundy Quarles Hwy
City: Garnesboro, TN Zip Code: 38562

2. Were UST personnel at the appropriate Environmental Field Office (EFO) notified at least one working day prior to collecting soil samples for the UST system closure assessment? Yes No

If yes, person contacted: Dennis Smith

EFO contacted: Cookeville Date contacted: 29 April 09

Reported by: E. J. Parker

If no, explain: _____

SECTION II UST CLOSURE PREPARATION

3. Were the tank atmosphere and work zone regularly tested with a combustible gas indicator in accordance with UST Regulations Appendix 6? Yes No

If no, explain: _____

4. Were the tank(s) purged prior to closure?
Yes No Not Applicable

If yes, identify the method used to purge the tank atmosphere:

Carbon dioxide gas _____ Nitrogen _____ Eductor-type air movers _____

Diffused air blower _____ Dry ice (1.5 lb/100 gal.)

Other: _____

If no, explain: _____

5. Was product piping drained into the tank? Yes No

If no, explain: _____

6. Was product piping removed? Yes No

If no, explain: _____

7. Were all dispensers removed? Yes No

If no, explain: _____

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market Facility I.D. Number: 4-440003

8. Were all liquids and/or sludge removed from the UST system(s)?
Yes _____ No _____ Not Encountered X

If no, explain: _____

9. Method of liquid and/or sludge storage: N/A

10. Method of liquid and/or sludge disposal: N/A

SECTION III TANK REMOVAL

Only complete Section III if the tank and/or piping were removed during closure.

11. Was the tank(s) labeled in accordance with the UST Regulations Appendix 6? Yes X No _____

If no, explain: _____

12. Method of UST system storage/disposal:

Cut up for Disposal _____ Stored on Site _____ Stored off Site _____

Other Removed Ends and Sold for other use

UST systems stored on site or off site are subject to Rules 1200-1-15-.07(2)(e), (f), (g), and Appendix 6.

13. Location of UST system storage/disposal: N/A

Not Applicable X

14. If contamination above any initial screening level (ISL) was encountered, then based on visual inspection of the UST components during removal, which component(s) appears to have failed causing the contamination? (Check all that apply):

Piping (including joints) _____ Vent Lines (including joints) _____ Tanks _____

Spill/Overfill Equipment _____ Dispensers (including flex connectors) _____

Line Leak Detectors _____ Submersible Pump Heads _____ Unknown _____

None _____ Not Applicable X

Provide specific details about what was observed:

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market Facility I.D. Number: 4-440003

15. Based on the response to Question #14, what action or process appears to have caused the contamination? (Check all that apply):

Spill(s) _____ Overfill(s) _____ Pipe and/or Joint Failure _____
Human Error (i.e. accident, improper installation/repair, etc.) _____ Corrosion _____
Mechanical Failure (Line leak detector/submersible pump head, dispenser equipment, etc.) _____
Unknown _____ Not Applicable Other (specify) _____

16. Amount of backfill material initially removed during UST system closure: 60 cubic yards.

17. Total amount of material over-excavated after removal of the UST system: 40 cubic yards.

18. If more than 100 cubic yards of material was over-excavated, were Division personnel in the appropriate EFO contacted? Yes _____ No _____ Not Applicable

If yes, person contacted: _____

EFO contacted: _____ Date contacted: _____

Reported by: _____

If no, explain: _____

19. Check all that apply regarding the management of the excavated material:

Thermal Treatment _____ Aeration _____ On Site Off Site _____ Landfill _____
Other _____ Not Applicable _____

20. After over-excavation, was free product present in the tank pit or line trench(es)?

Yes _____ No

21. After tank removal, what material was used to backfill the excavation?

Gravel/Crushed Rock Clean Soil Fill _____ Excavated Soil Pile
Other (Describe) _____ Not Applicable _____

All excavations shall be backfilled with material containing petroleum contaminant levels below the Initial Screening Levels (ISLs).

22. If the excavated soil pile was used as backfill, was the material screened and sampled in accordance with TGD-005 and found to be below the ISLs prior to use as backfill?

Yes No _____ Not Applicable _____

If no, explain: _____

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market Facility I.D. Number: 4-440003

23. Was water encountered during excavation of the UST system?

Yes _____ No Not Applicable _____

If yes, what was the amount of the water removed from the tankhold? _____ gallons
A maximum of only 500-gallons may be removed without prior division approval)

Did the water recharge within 24 hours? Yes _____ No _____

Was the recharge water sampled? Yes _____ No _____

If no, explain: _____

Method of water disposal: _____

24. If more than 500 gallons of water was removed, were Division personnel in the appropriate EFO contacted?

Yes _____ No _____ Not Applicable

If yes, person contacted: _____

EFO contacted: _____ Date contacted: _____

Reported by: _____

If no, explain: _____

25. Was bedrock encountered during UST system removal?

Yes _____ No

26. Were soil samples collected from the depths specified in the current UST Closure Assessment Guidelines?

Tank(s): Yes No _____ Not Applicable _____

Product Line Trench(s): Yes _____ No _____ Not Applicable

Dispenser(s): Yes No _____ Not Applicable _____

If no, explain: _____

27. Was all contaminated material above the applicable ISL excavated?

Yes No _____ Not Applicable _____

If no, explain: _____

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market Facility I.D. Number: 4-440003

SECTION IV CLOSURE-IN-PLACE

Only complete Section IV if the tank and/or piping were not removed during closure.

28. What inert solid material was used to fill the tank(s):

Sand _____ Sand/Soil _____ Concrete _____ Concrete/ Bentonite _____

Other (specify - liquid/foam materials are not acceptable) _____

29. Were soil samples collected from the boring depths specified in the current UST Closure Assessment Guidelines?

Tank(s): Yes _____ No _____ Not Applicable _____

Product Line Trench(s): Yes _____ No _____ Not Applicable _____

Dispenser(s): Yes _____ No _____ Not Applicable _____

If no, explain: _____

30. Was water encountered in the soil boring(s) during closure-in-place?

Yes _____ No _____

31. Was bedrock encountered during UST system closure-in-place?

Yes _____ No _____

SECTION V SURFACE WATER INFORMATION

32. Is surface water located within 200 feet of the site?

Yes _____ No

If yes, was the surface water visibly impacted by a petroleum product?

Yes _____ No _____

SECTION VI SAMPLING AND REPORTING

33. Were all samples placed directly into the appropriate containers immediately after collection?

Yes No _____ If no, explain: _____

34. Were all samples immediately placed on ice after collection and maintained at 4°C until delivered to a laboratory?

Yes No _____ If no, explain: _____

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market Facility I.D. Number: 4-44 0003

35. Was the contaminant concentration for any soil sample collected after removal, closure-in-place, or over-excavation above the ISL for any Chemical of Concern (COC) in Table 1 of the PCR?

Yes _____ No X

36. Was the contaminant concentration for any tankhold recharge water sample above the ISL for any COC listed in Table 2 of the PCR?

Yes _____ No _____ Not Applicable X

37. In accordance with Rule 1200-1-15-.06, was laboratory confirmation of petroleum contamination above the applicable ISL or discovery of free product reported to the division within 72 hours?

Yes _____ No _____ Not Applicable X

If yes, person contacted: _____

EFO contacted: _____ Date contacted: _____

Reported by: _____

If no, explain: _____

SECTION VII MONITORING WELL INSTALLATION, ANALYTICAL RESULTS AND WATER USE SURVEY INFORMATION

Only complete Section VII if a monitoring well was installed during UST closure.

38. In accordance with the current UST Closure Assessment Guidelines, was a monitoring well installed for any of the following situations? (Check all that apply)(Include a boring log/monitoring well diagram in Appendix G)

A. Following over-excavation, free product was present. Yes _____

B. Soil contamination exceeded the ISL for one or more COC and could not be over-excavated or was in contact with bedrock. Yes _____

C. Bedrock was encountered before completing the sampling requirements in the current UST Closure Assessment Guidelines. Yes _____

D. An analytical result from the recharge water sample collected from the tank excavation exceeded the drinking water ISL for one or more COC. Yes _____

E. Water was encountered in one or more tankhold soil boring before completing the sampling requirements in the current UST Closure Assessment Guidelines. Yes _____

F. Surface water located on or near the petroleum site was visibly impacted by petroleum product. Yes _____

39. Did the contaminant concentration in groundwater from the monitoring well sample exceed the drinking water ISL for any COC listed in Table 2 of the PCR? Yes _____ No _____

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market

Facility I.D. Number: 4-440003

40. If the answer to #39 was yes, was a Water Use Survey performed in accordance with the current Environmental Assessment Guidelines?

Yes _____ No _____

41. If the answer to #40 was yes, was a drinking water supply or wellhead protection area discovered within a one-half (0.5) mile radius of the site? (Include Water Use Survey information in Appendix H)

Yes _____ No _____

42. If a Water Use Survey was performed and no drinking water supplies or wellhead protection areas were discovered within a one-half mile radius of the site, did the contaminant concentration in groundwater from the monitoring well sample exceed the non-drinking water ISL for any COC listed in Table 2 of the PCR?

Yes _____ No _____

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market Facility ID Number: 4-440003

TABLE 1 – INITIAL SCREENING LEVELS (ISLs) AND ANALYTICAL RESULTS

SOIL*

All field screening and laboratory analytical results shall be reported in parts per million

Chemical of Concern	Soil Residential (mg/kg)	Soil Commercial (mg/kg)	Sample/Boring # (Tank, line, dispenser)	Sample Date	Sample Depth (feet)	Field Screening Results	Laboratory Analytical Results mg/kg
ORGANICS	(mg/kg)	(mg/kg)			(feet)		mg/kg
Benzene	0.0729	3.8	Tank Pit SE	4/30/09	14	4.2	<0.005
Toluene	6.78	62.2	Tank Pit SE	4/30/09	14	4.2	<0.025
Ethylbenzene	143	1310	Tank Pit SE	4/30/09	14	4.2	0.042
Xylenes (Total)	9.60	88.0	Tank Pit SE	4/30/09	14	4.2	0.260
MtBE	39.6	364	Tank Pit SE	4/30/09	14	4.2	<0.005
Naphthalene	135	403	Tank Pit SE	4/30/09	14	4.2	0.12
EPH	500	500	Tank Pit SE	4/30/09	14	4.2	<4.0
Benzene	0.0729	3.8	Tank Pit SW	4/30/09	15	9.7	0.010
Toluene	6.78	62.2	Tank Pit SW	4/30/09	15	9.7	0.095
Ethylbenzene	143	1310	Tank Pit SW	4/30/09	15	9.7	0.10
Xylenes (Total)	9.60	88.0	Tank Pit SW	4/30/09	15	9.7	1.70
MtBE	39.6	364	Tank Pit SW	4/30/09	15	9.7	<0.005
Naphthalene	135	403	Tank Pit SW	4/30/09	15	9.7	0.33
EPH	500	500	Tank Pit SW	4/30/09	15	9.7	110
Benzene	0.0729	3.8	Tank Pit NE	4/30/09	10	149	0.39
Toluene	6.78	62.2	Tank Pit NE	4/30/09	10	149	12
Ethylbenzene	143	1310	Tank Pit NE	4/30/09	10	149	16
Xylenes (Total)	9.60	88.0	Tank Pit NE	4/30/09	10	149	44
MtBE	39.6	364	Tank Pit NE	4/30/09	10	149	<0.10
Naphthalene	135	403	Tank Pit NE	4/30/09	10	149	8.1
EPH	500	500	Tank Pit NE	4/30/09	10	149	110
Benzene	0.0729	3.8	Tank Pit NW	4/30/09	10	191	0.78
Toluene	6.78	62.2	Tank Pit NW	4/30/09	10	191	16
Ethylbenzene	143	1310	Tank Pit NW	4/30/09	10	191	12
Xylenes (Total)	9.60	88.0	Tank Pit NW	4/30/09	10	191	9.9
MtBE	39.6	364	Tank Pit NW	4/30/09	10	191	<0.10
Naphthalene	135	403	Tank Pit NW	4/30/09	10	191	7.2
EPH	500	500	Tank Pit NW	5/20/09	12	191	17

*Attach additional sheets as necessary

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market Facility I.D. Number: 4-440003

TABLE 1 – INITIAL SCREENING LEVELS (ISLs) AND ANALYTICAL RESULTS

SOIL*

All field screening and laboratory analytical results shall be reported in parts per million

Chemical of Concern	Soil Residential	Soil Commercial	Sample/Boring # (Tank, line, dispenser)	Sample Date	Sample Depth	Field Screening Results	Laboratory Analytical Results
ORGANICS	(mg/kg)	(mg/kg)			(feet)		mg/kg
Benzene	0.0729	3.8	Dispenser Pit	4/30/09	5.5	226	<1.0
Toluene	6.78	62.2	Dispenser Pit	4/30/09	5.5	226	8.8
Ethylbenzene	143	1310	Dispenser Pit	4/30/09	5.5	226	15
Xylenes (Total)	9.60	88.0	Dispenser Pit	4/30/09	5.5	226	69
MtBE	39.6	364	Dispenser Pit	4/30/09	5.5	226	<1.0
Naphthalene	135	403	Dispenser Pit	4/30/09	5.5	226	7.6
EPH	500	500	Dispenser Pit	4/30/09	5.5	226	16
Benzene	0.0729	3.8					
Toluene	6.78	62.2					
Ethylbenzene	143	1310					
Xylenes (Total)	9.60	88.0					
MtBE	39.6	364					
Naphthalene	135	403					
EPH	500	500					
Benzene	0.0729	3.8					
Toluene	6.78	62.2					
Ethylbenzene	143	1310					
Xylenes (Total)	9.60	88.0					
MtBE	39.6	364					
Naphthalene	135	403					
EPH	500	500					
Benzene	0.0729	3.8					
Toluene	6.78	62.2					
Ethylbenzene	143	1310					
Xylenes (Total)	9.60	88.0					
MtBE	39.6	364					
Naphthalene	135	403					
EPH	500	500					

*Attach additional sheets as necessary

PERMANENT CLOSURE REPORT

Facility Name: Anderson's Market Facility I.D. Number: 4-440003

TABLE 2 – INITIAL SCREENING LEVELS (ISLs) AND ANALYTICAL RESULTS

GROUND WATER*

All laboratory analytical results shall be reported in parts per million

Chemical of Concern	Drinking Water	Non-Drinking Water	Sample/Monitoring Well #	Sample Date	Laboratory Analytical Results
ORGANICS	(mg/l)	(mg/l)			
EPH	NA	NA			
Benzene	0.005	0.072			
Toluene	1.0	4.31			
Ethylbenzene	0.700	10.3			
Xylenes (Total)	10.0	3.57			
MtBE	0.020	175			
Acenaphthene	0.939	NA			
Acenaphthylene	0.939	NA			
Anthracene	0.0434	NA			
Benzo(a)anthracene	0.00117	NA			
Benzo(a)pyrene	0.0002	NA			
Benzo(b)fluoranthene	0.00117	NA			
Benzo(g,h,i)perylene	0.0007	NA			
Benzo(k)fluoranthene	0.0008	NA			
Chrysene	0.0016	NA			
Dibenzo(a,h)anthracene	0.000117	NA			
EDB	0.00005	NA			
EDC	0.005	NA			
Fluorene	0.626	NA			
Fluoranthene	0.206	NA			
Indeno(1,2,3-c,d)pyrene	0.00117	NA			
Naphthalene	0.020	9.81			
Phenanthrene	0.469	NA			
Pyrene	0.135	NA			
METALS					
Cadmium	0.005	NA			
Chromium	0.100	NA			
Lead	0.015	NA			
Silver	0.100	NA			
Zinc	5.0	NA			

*Complete one table per sampling point

NA – Not Applicable

PERMANENT CLOSURE REPORT

Facility Name: Anderson Market

Facility I.D. Number: 4-440003

We, the undersigned, certify under penalty of law, including but not limited to penalties for perjury, that the information contained in this report form and on any attachments, is true, accurate and complete to the best of our knowledge, information, and belief. We are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for intentional violations.

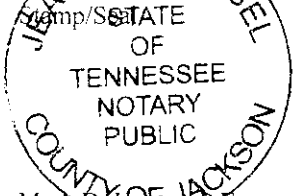
Jay R. Cassety
UST System RP or RP's authorized representative (Print name)
REGIONAL PRESIDENT
Title (Print)

Jay R. Cassety Signature 5-29-09 Date

STATE OF Tennessee COUNTY OF Jackson

Sworn to and subscribed before me by Jeanette Hansel on this date 5-29-09. My commission expires 6-6-11.

Jeanette Hansel Notary Public (Print Name) Signature Jeanette Hansel Date 5-29-09



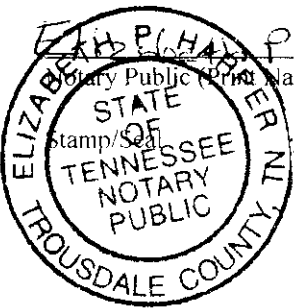
Mark D. Haper P.E. P.E. or P.G. (Print name) Signature [Signature] Date 5/27/09

TN Registration # 022937 CAC Company: Compliance Engineering Company of the South, LLC

STATE OF Tennessee COUNTY OF Trousdale

Sworn to and subscribed before me by Mark D. Haper on this date 5/27/09. My commission expires 5/6/12.

Elizabeth P. Haper Notary Public (Print Name) Signature [Signature] Date 5/27/09



68-215-203. Operating a petroleum underground storage tank or UST prior to or after foreclosure. —

(a) Operating a Petroleum Underground Storage Tank or UST System Prior to Foreclosure. A holder, prior to foreclosure, as defined in this part, for purpose of compliance with underground storage tank technical standards, corrective action requirements and financial responsibility, is not an "operator" of a petroleum underground storage tank or UST system; provided, that, after April 12, 1996, the holder is not in control of or does not have responsibility for the daily operation of the petroleum underground storage tank or UST system.

(b) Operating a Petroleum Underground Storage Tank or UST System After Foreclosure. The following provisions apply to a holder who, through foreclosure, acquires a petroleum site or petroleum underground storage tank or UST system.

(1) A holder is not an "operator" of a petroleum underground storage tank or UST system if there is an operator, other than the holder, who is in control of or has responsibility for the daily operation of the petroleum underground storage tank or UST system, and who can be held responsible for compliance with applicable petroleum underground storage tank requirements.

(2) If another operator does not exist, as provided for under subdivision (b)(1), a holder is not an "operator" of the petroleum underground storage tank or UST system, for purposes of compliance with applicable petroleum underground storage tank requirements; provided, that the holder:

(A) Empties all of its known petroleum underground storage tanks or UST systems within sixty (60) calendar days after foreclosure or within sixty (60) calendar days after April 12, 1996, whichever is later, or another reasonable time period specified by the department, so that no more than two and one half centimeters (2.5 cm.) (one inch (1")) of residue, or three tenths of one percent (0.3%) by weight of the total capacity of the petroleum underground storage tank system, remains in the tank; leaves vent lines open and functioning; and caps and secures all other lines, pumps, manways and ancillary equipment; and

(B) Empties those petroleum underground storage tanks or UST systems that are discovered after foreclosure within sixty (60) calendar days after discovery or within sixty (60) calendar days of April 12, 1996, whichever is later, or another reasonable time period specified by the department, so that no more than two and one half centimeters (2.5 cm.) (one inch (1")) of residue, or three tenths of one percent (0.3%) by weight of the total capacity of the petroleum underground storage tank system, remains in the tank; leaves vent lines open and functioning; and caps and secures all other lines, pumps, manways and ancillary equipment.

(3) If another operator does not exist, as provided for under subdivision (b)(1), in addition to satisfying the conditions under subdivision (b)(2), the holder must either:

(A) Permanently close the petroleum underground storage tank or UST system in accordance with applicable petroleum underground storage tank requirements; or

(B) Temporarily close the petroleum underground storage tank or UST system in accordance with applicable petroleum underground storage tank requirements:

(i) Continue operation and maintenance of petroleum underground storage tank corrosion

protection requirements:

(ii) Report suspected releases to the department; and

(iii) Conduct a site assessment if the petroleum underground storage tank system is temporarily closed for more than twelve (12) months and the petroleum underground storage tank system does not meet either the applicable performance standards for new petroleum underground storage tank systems or the petroleum underground storage tank upgrading requirements, except that the spill and overfill equipment requirements do not have to be met. The holder must report any suspected releases to the department. For purposes of this provision, the twelve-month period begins to run from April 12, 1996, or from the date on which the petroleum underground storage tank system is emptied and secured under subdivision (b)(2), whichever is later.

(4) The petroleum underground storage tank system can remain in temporary closure until a subsequent purchaser has acquired marketable title to the petroleum underground storage tank or UST system or petroleum site. Once a subsequent purchaser acquires marketable title to the petroleum underground storage tank or UST system or petroleum site, the purchaser must decide whether to operate or close the petroleum underground storage tank or UST system in accordance with applicable petroleum underground storage tank requirements.

[Acts 1996, ch. 733, § 4.]

Chronology

Date: December 28, 2009

From: Dennis Smith

To: Randall Mann / Enforcement Section

Reference: Mr. Kenny Stout
5150 East Victory View Drive
Cookeville TN 38506

Facility Info: Anderson's Market
2170 South Grundy Quarles Hwy.
Gainesboro TN 38562
Facility ID 4-440003

September 5, 2007 Kenny Stout notified division he was owner of tanks.

January 9, 2009 Division conducted RED tag inspection. Dennis Smith and Linda Main fixed red tags. During inspection we determined facility was out of service. One tank the red unleaded was holding 2.5 inches of product. The other two tanks were less than one inch.

March 20, 2009 Bank East the Holder of the property paid tank fees.

April 21, 2009 Bank East has application for closure approved.

April 29, 2009 Tank pull free product noted and one leaking tank found.

June 10, 2009 Division sent letter to Bank East asking for one well to check groundwater for contamination.

June 14, 2009 Groundwater well indicates contamination above action levels.

July 29, 2009 Release Response letter sent to Mr. Stout.

August 19, 2009 Certified mail release response letter returned unclaimed.

October 7, 2009 Remailled Release Response letter. This time letter was signed for by Doyle McClain at Mr. Stouts residence.

November 29, 2009 Release Detection records due, never received.

November 29, 2009 IRHMR due, never received.

December 29, 2009 ISCR and Exa due.

December 28, 2009 No response from Mr. Stout.

BANKRUPTCY FILING RECORD

DEBTOR INFORMATION

Name: **KENNETH EVERETTE STOUT**
5150 E VICTORY VIEW DR
COOKEVILLE, TN 38506

AKA Name(s): **ALSO KNOWN AS: KENNY STOUT**
DOING BUSINESS AS: COOKEVILLE AUTOMOTIVE LLC
FORMERLY DOING BUSINESS AS: ANDERSON'S MARKET INC

Attorney: **HARRY GUST LASSER, IV**
548 N WILLOW AVE STE J2
COOKEVILLE, TN 38501

Phone: 931-372-9988
Fax: 931-372-2426

Name: **ANGELA DAWN STOUT**
5150 E VICTORY VIEW DR
COOKEVILLE, TN 38506

AKA Name(s): **ALSO KNOWN AS: ANGIE STOUT**
ALSO KNOWN AS: ANGIE MCCLAIN STOUT

Attorney: **HARRY GUST LASSER, IV**

FILING INFORMATION

Filing Office: U.S. BANKRUPTCY COURT MIDDLE DISTRICT OF TENNESSEE
(COOKEVILLE)

Judge: MARIAN F HARRISON

Filing Number: 2:08-BK-10776

Filing Chapter: CHAPTER 13

Filing Date: 11/17/2008

Filing Type: BANKRUPTCY

TRUSTEE INFORMATION

Name: HENRY EDWARD HILDEBRAND, III

OFFICE OF THE CHAPTER 13 PO BOX 190664

NASHVILLE, TN 37219-0664

615-244-1101

Name:

US TRUSTEE

OFFICE OF THE UNITED STATES 701 BROADWAY STE 318

NASHVILLE, TN 37203-3966

615-736-2254

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)
to order copies of documents related to this or other matters.
Additional charges apply.

END OF DOCUMENT