



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

Nashville Environmental Field Office
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Nashville, TN 37216

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August 26, 2022

Mr. James Osborne
Eastern Environmental Manager
e-copy: james.osborne@loves.com
Love's Travel Stops & Country Stores, Inc.
PO Box 26210
Oklahoma City, OK 73126

RE: Compliance Evaluation Inspection and Notice of Violation

Love's Travel Stops & Country Stores #429
130 West Trinity Lane
Nashville, Davidson County, Tennessee
NPDES Permit # TN0065536

Dear Mr. Osborne,

On August 3, 2022, Ms. Jenny Strobel, with the Division of Water Resources (Division), conducted a Compliance Evaluation Inspection (CEI) of the Love's Travel Stops & Country Stores #429 to determine compliance with the National Pollutant Discharge Elimination System (NPDES) Permit #TN0065536, which became effective on November 1, 2020, and will expire on October 31, 2025. While onsite, Ms. Strobel met with Kristi Rainwater, the General Manager, and Charles Coleman, the Maintenance Manager. Thank you and your associates for your collective time and courtesy shown during the inspection.

Records and Reports

A current copy of the permit was not on file at the facility. It is imperative that site personnel are familiar with the permit and its requirements. The previous inspection indicated the importance of documents required by the NPDES Permit always being readily accessible to facility personnel. Love's Travel Stops & Country Stores, as a whole, has received multiple violations for this issue and therefore should be familiar with this requirement. In addition, Dynamis, which is the environmental consulting company that conducts the sampling and records management for the facility, is well aware of this requirement.

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A violation summary report for the facility pulled from the EPA's Integrated Compliance Information Systems and review of the facility's Discharge Monitoring Reports (DMRs) indicates that the following effluent violations were reported for the period of June 2019 to June 2022:

- 1 Settleable Solids daily max – May 2020
- 3 Total Suspended Solids (TSS) daily max – May 2020, January 2021, July 2021
- 4 Total [as Zn] Zinc – May 2020, July 2021, September 2021, April 2022

DMRs were submitted on time. Sampling is occurring as outlined in the permit. While files were not available at the facility, Mr. Alan Fass, Environmental Program Manager of Dynamis, Inc., provided several requested documents on August 17, 2022. These files included lab reports, pH meter calibration logs, monthly inspection logs, and the Spill Prevention, Control, and Countermeasure Plan (SPCC)/Best Management Practice (BMP) for Stormwater.

No transcription errors were noted between lab reports and DMRs. pH Calibration was included on the Chain of Custody (COC) included in the lab reports and additional pH calibration logs were reviewed. Initial calibration verification (ICV) of the pH meter should occur the same day the pH sample is taken. The COCs and calibration logs indicate that pH buffers of 4.0, 7.0, and 10.0 are used, but the results of those calibrations are not written down on the log, just a check box to demonstrate it was calibrated. pH calibration records should include the method used, date, the individual who performed the calibration, buffers used, results of the ICV for each buffer, and results of the continuing calibration verification.

Lab reports for 2020 indicated that the permittee sampled for ammonia total [as N] nitrogen 4 times: February (3.1 mg/l), October (5.31), November (27.9), and December (18.6), however, the lowest value was reported. Per the effluent limitations and monitoring requirement of permit, the maximum value (daily maximum) should have been reported. Resubmit the Outfall 001 Annual DMR with the correct value.

Flow is measured using a 5-gallon bucket and a timepiece measuring device. No discharge was reported for August 2019, September 2019, November 2019, April 2020, July 2020, August 2020, and June 2022. However, daily site inspections are not being performed to adequately determine that no discharge has occurred.

Records indicate the oil/water separator (OWS) was cleaned out on November 1, 2019, where a total of 10,000 gallons of water and oil and 315 gallons of sludge solids were removed from the OWS for proper disposal. Also, starting in late July 2021, beneficial ammonia reduction treatment microbes were placed in the OWS chambers on a weekly basis, in order to lower the nitrogen, ammonia total (as N) concentration. The OWS is serviced by a Loves OWS cleanout and maintenance contractor three times a year. In February and June, the OWS maintenance contractor skims the accumulated oil off the chambers in the OWS and cleans out the grit traps. In October, the entire OWS is cleaned out.

The monthly inspection logs are quite thorough and occur more than the required semi-annual frequency; however, they do not include a section specific to the NPDES Permit which should require observation of Outfall 001 to check for adverse impact to the receiving stream and the condition of the absorbent "booms" placed around the outfall. Records indicate that "as part of the Best Management

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Plan for Storm Water Pollution Prevention for this facility, monthly visual inspections are performed on the auto and diesel fueling islands dispensers, hoses, nozzles, drains, and pavement, and the dumpsters, auto parking and truck parking areas, the oil/water separator, fuel delivery area, and the supply of available spill absorbent materials. Quarterly visual inspection of the under-dispenser containment is performed." The BMP indicates the separator is to be visually inspected monthly for sludge and damage. However, the OWS was inspected 5 of 7 required times in 2019, 7 of 12 required times in 2020, 1 of 12 required times in 2021, and 0 of 5 required times in 2022.

The SPCC/BMP includes the appropriate information as required by the permit. UST Operator employee training dates were within the last year, however, the SPCC certification page was last updated in 2010. No employee training specific to the NPDES permit was apparent or current. The site map identified Outfall 001.

Site Review

Flow consists of stormwater runoff and fueling bay wash down water. The treatment structures at this facility consist of grit removal and an OWS. Any water collected from the diesel fuel islands and trench drains flows through the OWS and is discharged to the permitted outfall. The final OWS manhole was not able to be opened at the time of the inspection, but the Division was able to peer through the slots in the catch basins. A considerable amount of debris was observed within the catch basins, and what appeared to be absorbent mats were black and must be changed.

Outfall 001 was observed. The wet weather conveyance was dry. However, debris and a significant amount of petroleum-stained sediments were observed in the soil directly after the outfall. The absorbent booms were black and covered in algae and must be changed. A sign was observed at the outfall with the correct information.

Conclusion

Adequate records are not maintained on site and site personnel are not sufficiently aware of the permit requirements or trained to conduct activities on site to maintain compliance. Failure to maintain a copy of the permit and pertinent records on site and exceedances of permit effluent limitations constitute violations of the NPDES Permit and the *Tennessee Water Quality Control Act*. Therefore, this letter serves as a **Notice of Violation**.

Action Items and Recommendations

- Keep a current copy of the permit and documents required by the permit on site. Site personnel must be familiar with the NPDES Permit and its requirements. Yearly training must occur and be documented.
- Resubmit the Outfall 001 Annual DMR for 2020 with the correct value.
- ICV should occur the same day the pH sample is taken, and pH calibration records should include the method used, date, the individual who performed the calibration, buffers used, results of the ICV for each buffer, and results of the continuing calibration verification.
- Monthly inspection logs should include Outfall 001, visual inspection of the receiving stream, and condition of the absorbent booms, at a minimum.

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- Catch basins should be cleared of debris and if absorbent material is placed in the basins, it should be changed on a regular basis.
- In order to accurately report no discharge on DMRs, daily checks of the outfall and receiving stream should be performed and documented.
- The petroleum-stained sediment observed at Outfall 001 must be sampled and removed according to local, state, and federal regulations.

Compliance with NPDES Permit TN0065536 requirements helps ensure discharges that are protective of downstream fish and aquatic life and water quality. The Division requests that you develop and submit a detailed action plan and proposed implementation schedule addressing the Action Items and Recommendations by **October 31, 2022**. The plan should be submitted by email to Ms. Christina Wingett at her email address below. Thank you for your efforts to ensure permit compliance and to protect state water quality. If I may be of assistance in matters concerning this report, please contact Mrs. Wingett via telephone at (615) 961-3875, or via e-mail at Christina.Wingett@tn.gov.

Sincerely,



Michael Murphy
Program Coordinator
Division of Water Resources

e-copy: Alan Fass, Dynamis Inc. – alanfass@dynamis-inc.com

Christina Wingett, DWR NEFO – Christina.Wingett@tn.gov

Jessica Murphy, DWR Compliance and Enforcement – Jessica.murphy@tn.gov