



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# Storage Tank Enforcement: Tennessee Department of Environment & Conservation Proposed Order/Assessment Addressing Denmark Truck Stop

11/15/2023

The Tennessee Department of Environment & Conservation (“TDEC”) issued a November 9th Proposed Order and Assessment (“Order”) to OM SAI RAM 1, LLC (“OM”) addressing alleged violations of the Tennessee Underground Storage Tank (“UST”) regulations. See Case No. UST22-0123.

The Order provides that OM’s truck stop located in Denmark, Tennessee is the registered owner of three USTs in Denmark, Tennessee.

TDEC Division of Underground Storage Tanks (“Division”) personnel are stated to have conducted a compliance inspection at the Facility on February 11, 2022. The inspection allegedly identified the following violations:

- Failure to conduct annual line tightness tests or do monthly monitoring on pressurized underground piping
- Failure to test line leak detectors annually
- Failure to inspect containment sumps as part of the required annual walk-through inspection
- Failure to monitor spill prevention equipment for UST systems no less frequently than walk-through inspections are conducted or to test spill prevention equipment at least once every three years
- Failure to have overfill prevention equipment that will automatically shut off the flow into the tank when the tank is no more than 95% full
- Failure to ensure that electronic and mechanical components are tested annually
- Failure to have one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C operators

Division personnel are stated to have sent a “Results of Compliance Inspection” letter on February 23, 2022, to OM addressing the alleged violations and asking for documentation regarding correction.

The Order provides that Division personnel received on March 4th compliance documentation addressing some violations discovered at the time of the inspection. Such received documentation is described in the Order.

Subsequently, Division personnel sent a “Results of Compliance Inspection Follow-Up” letter to OM requiring additional documentation to demonstrate correction of violations.

An additional follow-up letter and a subsequent Notice of Violation were provided to OM.

OM submitted an extension request and on August 26, 2022, Division personnel received an email from Compliance Associates, LLC, regarding the status of flapper valves that had been ordered for the Facility. Such equipment was stated to be on backorder. Further, Division personnel received an email regarding an invoice regarding the installation of flapper valves as well as a new UST Overfill Prevention Operability Test dated September 14, 2022.

OM is stated to have to date failed to address designation of Class A and Class B operators.

An additional violation is cited by the Order regarding failure to cooperate with the Division.

The Order proposes a civil penalty of \$4,560. Further, because there is allegedly outstanding noncompliance from the inspection, the Order provides that if it is not appealed and becomes final the Facility will be placed on the Petroleum Delivery Prohibition List.

The order provides certain appeal rights.

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