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Storage Tank Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Addressing Bartlett Facility

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The Tennessee Department of Environment and Conservation (“TDEC”) issued a November 22nd proposed Order and Assessment (“Order”) to Diamond Investment LLC (“DI”). See Case No. UST23-0151.

The Order provides that DI is the registered owner of two underground storage tanks (“UST”) systems in Bartlett, Tennessee.

TDEC Division of Underground Storage Tanks (“Division”) personnel are stated to have performed a compliance inspection at the DI facility on January 20th. The inspection allegedly identified certain violations.

Division personnel are stated to have sent a Results of Compliance Inspection – Action Required to DI. Such letter is stated to have required that DI submit documentation to the Division by March 6 to document correction of the violations. Operator re-training was also required to be completed by May 8th.

No response is stated to have been received and DI was so notified.

A follow-up letter and Enforcement Action Notice is stated to have been subsequently sent to DI. A Notice of Violation is stated to have been subsequently sent to DI citing the violations allegedly discovered during the inspection and requiring documentation by June 8th indicating correction of the violations. Operator re-training was required to be undertaken by August 7th.

The Order provides that DI’s failure to meet the June 8th and August 7th guidelines violates Rule 0400-18-01-.03(2) and Rule 0400-18-01-.16(4). Therefore, DI is alleged to have violated Tennessee Code Ann. § 68-215-104(2) which states:

It is unlawful to: construct, alter, or operate a petroleum underground storage tank in violation of this chapter or the rules or regulations established pursuant thereto.

Violations alleged include:

- Failure to designate a Class B operator
- Failure to install an adequate overfill prevention device

- Failure to successfully complete retraining to the appropriate level of operator class within a timeframe determined by the Division when a significant operational compliance violation is discovered
- Failure to cooperate with the Division by failing to provide documents, testing or monitoring records to the Division

The Order provides that if DI fails to comply or file an appeal within the relevant timeframes, the facility will be placed on the delivery prohibition list. Further, a total civil penalty of \$8,400 is proposed to be assessed.

The Order also requires that DI perform all actions necessary to correct the outstanding violations.

The proposed Order provides certain appeal rights.

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