



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
Division of Underground Storage Tanks  
Davy Crockett Tower  
500 James Robertson Parkway, 7<sup>th</sup> Floor  
Nashville, Tennessee 37243

June 18, 2025

Diamond Investments of TN Inc.  
c/o Officer or Managing Agent  
471 E. Woodlawn Ave  
Brighton, TN 38011

Served via Private Process Server

Re: Director's Order UST24-0256  
C-Mart  
955 Hwy 51 North  
Covington, TN 38019  
Facility ID # 8-840155

Dear Kassam Mohamed:

Enclosed is a Director's Order and Assessment ("Order") for violations of the Tennessee Petroleum Underground Storage Tank Act and relevant rules. This Order is issued by the State of Tennessee, Department of Environment and Conservation, Division of Underground Storage Tanks. A civil penalty of \$4,560.00 has been assessed against Diamond Investments of TN Inc. based on the stated violations.

Please read the Order carefully and pay special attention to the **Notice of Rights** section. Please note that the required due dates in the Order are based on the date the Respondent receives the Order, not the date that it was signed by the Director. Any appeal must be made in writing and be received by the Department within thirty days after your receipt of the Order.

Documentation establishing the facility's return to compliance shall be submitted to the Department by the due date established in the Order. Because there is outstanding noncompliance from the May 10, 2024, inspection, if the Respondent fails to fully comply with the Order, or if the Order becomes final due to the Respondent's failure to file a timely appeal, the facility will be placed on (or remain on) the petroleum **Delivery Prohibition List**. Red tags will be installed at the facility's fill ports and dispensers.

If you have any questions about this matter, please contact Jeff Mann at 615-812-0770 or Jeff.Mann@tn.gov.

Sincerely,

Stanley R. Boyd  
Director

cc: Enforcement File  
Memphis Environmental Field Office

**STATE OF TENNESSEE**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

<b>IN THE MATTER OF:</b>	)	
	)	<b>DIVISION OF UNDERGROUND</b>
	)	<b>STORAGE TANKS</b>
	)	
	)	
<b>DIAMOND INVESTMENTS OF TN</b>	)	<b>CASE NO. UST24-0256</b>
<b>INC.</b>	)	
	)	
	)	
<b>RESPONDENT.</b>	)	<b>FACILITY: C-MART</b>

**ORDER AND ASSESSMENT**

Stanley R. Boyd, Director of the Division of Underground Storage Tanks, states:

**PARTIES**

**I.**

David W. Salyers, P.E., is the duly appointed Commissioner of the Department of Environment and Conservation ("Department") and is charged with administering and enforcing the Tennessee Petroleum Underground Storage Tank Act ("Act"), Tenn. Code Ann. §§ 68-215-101 to -204. Stanley R. Boyd is the duly appointed Director of the Division of Underground Storage Tanks ("Division") and has received written delegation from the Commissioner to administer and enforce the Act.

**II.**

Diamond Investments of TN Inc. ("Respondent") is a corporation created in Tennessee and is registered to conduct business in Tennessee. The Respondent is the registered owner of three underground storage tank ("UST") systems, one 12,000 gallon tank and two 8,000 gallon tanks, located in Tipton County at 955 Hwy 51 North, Covington, TN 38019. Service of process may be made on the Respondent's Authorized Representative, Kassam Mohamed, at 955 Hwy 51 North, Covington, TN 38019.

**JURISDICTION**

**III.**

When the Commissioner finds that the Act is being violated or that effective measures are not in place to comply with the Act, the Commissioner may issue an order for correction to the responsible party and assess civil penalties of up to \$10,000.00 for each day a violation exists. Tenn. Code Ann. §§ 68-215-114 and -121. If this Order becomes final, the Commissioner may affix a notice of petroleum delivery prohibition

(also known as a “red tag”) to the facility fill ports or dispensers or give notice on the Department’s website of petroleum delivery prohibition. Tenn. Code Ann. § 68-215-106(c). Rules governing USTs have been promulgated and are effective as Tenn. Comp. R. & Regs. 0400-18-01-.01 to -.17 (“Rules”) pursuant to Tennessee Code Annotated section 68-215-107(f).

#### **IV.**

The Respondent is a “person,” Tenn. Code Ann. § 68-215-103(11), a “responsible party,” Tenn. Code Ann. § 68-215-103(17)(A), and has violated the Act.

#### **FACTS**

#### **V.**

On March 12, 2024, the Division received a Notification for Underground Storage Tanks form, listing the Respondent as the owner of the three UST systems located at 955 Hwy 51 North, Covington, TN 38019 (the “Facility”). The Facility ID number is 8-840155.

#### **VI.**

On May 10, 2024, Division personnel performed a compliance inspection at the Facility. The inspector discovered several violations. The following violation has not been addressed:

- Failure of a facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators in accordance with Rule 0400-18-01-.16(2)(a). Specifically, at the time of inspection, no A or B operators were designated for the facility.

#### **VII.**

Division personnel sent a Results of Compliance Inspection – Action Required letter to the Respondent on May 13, 2024. The letter cited the violations discovered during the inspection and required the Respondent to submit documentation to the Division by June 12, 2024, to document correction of the violations.

#### **VIII.**

Between May 13, 2024, to September 20, 2024, the Division sent the Respondent multiple letters that cited the violations discovered during the inspection and the Respondent’s failure to return to compliance. These letters explained how to address each violation and extended the deadline to return to

compliance multiple times. The Division set three deadlines—June 12, 2024, July 15, 2024, and October 20, 2024—for the Respondent to return to compliance and provide the Division with documents proving the facility had returned to compliance.

The Respondent violated Rule 0400-18-01-.03(2) when it failed to meet the deadlines.

## **IX.**

To date, the Respondent has not cooperated fully and remains in non-compliance with the Division.

## **VIOLATIONS**

As stated herein, the Respondent committed the following violations:

### **X.**

By failing to operate a UST in compliance with the Act, the Respondent violated Tennessee Code Annotated section 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[.]

### **XI.**

The Respondent violated Rule 0400-18-01-.16(2)(a), which states:  
0400-18-01-.16 Certified Operator Program.

- (2) Operator Designation Requirements.
  - (a) Effective August 8, 2012, every facility having one or more petroleum UST systems subject to the requirements of Chapter 0400-18-01 must have one or more persons who have been designated by the tank owner as Class A, Class B, and Class C Operator(s).

### **XII.**

The Respondent violated Rule 0400-18-01-.03(2) which states:  
0400-18-01-.03 Notification, Reporting, and Record Keeping.

- (2) Reporting and record keeping.

Owners, operators, and/or other responsible parties of UST systems shall cooperate fully with inspections, monitoring and testing conducted by the Division, as well as requests for document submission, testing, and monitoring by the owner, operator, and/or other responsible parties in accordance with the Tennessee Petroleum Underground Storage Tank Act T.C.A. §§ 68-215-101 et seq. [...]



## **ORDER AND ASSESSMENT**

### **XIII.**

Pursuant to sections 68-215-107, -114, and -121 of the Act, the Respondent is issued the following Order and Assessment ("Order"):

1. If the Respondent fails to comply with this Order or file an appeal within the timeframes stated below, **the above referenced facility will be placed on the Delivery Prohibition List and the fill ports or dispensers will be red tagged until compliance is achieved.** Tenn. Code Ann. § 68-215-106(c).

2. **Civil Penalty:** The Respondent(s) shall pay a total civil penalty of \$4,560.00 on or before the thirty-first day after receipt of this Order. This amount consists of:

- i. One violation assessed at \$3,800.00 per Class A/Class B operators for a total of \$3,800.00 for failure of a facility having one or more petroleum UST systems to have one or more persons designated as Class A, Class B, and Class C Operators.
- ii. One violation assessed at 20% per outstanding violation for a total of \$760.00 for failing to cooperate with the Division.
- iii. All payments should be sent to the following address:

**Treasurer, State of Tennessee  
Division of Fiscal Services – Consolidated Fees Section  
Davy Crockett Tower  
500 James Robertson Parkway, 6th Floor  
Nashville, Tennessee 37243**

3. **Remedial Action:** The Respondent shall perform all actions necessary to correct the outstanding violation and to bring the facility into full compliance with regulatory requirements. The Respondent shall provide the Division with documentation of the remedial action performed; the documentation shall be sufficient to establish a return to full compliance.

- i. On or before the thirty-first day after receipt of this Order, the Respondent shall designate Class A and Class B operators by choosing one of the two following options:
  - a. Complete online training (Tennessee Tank Helper) using this link:
    - I. <https://www.tn.gov/environment/ust/operator-training/tank-helper.html>. If the Respondent does not already have an account, the Respondent must create one and complete all relevant trainings for the site.

- b. Complete virtual training (Tennessee Tank School) by registering for the upcoming class using this link:
    - l. <https://www.tn.gov/environment/ust/operator-training/tank-school.html>. Tank school classes are held on the second Wednesday of the month. The Respondent must register to attend the class at least one week prior to the class and complete the pre-test. A post-class test score of 70 or above is required.
- 4. Failure to comply with any of the requirements of this Order could lead to further enforcement actions which may include additional civil penalties, assessment of damages, and recovery of costs.
- 5. With the exception of the deadline for filing the appeal of this Order, the Department may extend the compliance dates contained within this Order for a fixed time period for good cause shown by the Respondent. To be eligible for this time extension, the Respondent shall submit a written request to be received in advance of the compliance date. The written request must include sufficient detail to justify such an extension and include at a minimum the anticipated length of the delay. The Department will reply to the Respondent's request in writing, establishing a new deadline for compliance with this Order. Should the Respondent fail to meet the requirements of this Order by the new deadline, then any associated civil penalty shall be due within thirty days after that deadline. The request for an extension of time does not change the deadline to submit an appeal. See Notice of Rights.

### **RESERVATION OF RIGHTS**

In issuing this Order, the Department does not implicitly or expressly waive any provision of the Act or the regulations promulgated thereunder or the authority to assess costs, civil penalties, or damages incurred by the State against the Respondent. The Department expressly reserves all rights it has at law and in equity to order further corrective action, assess civil penalties or damages, and to pursue further enforcement action including, but not limited to, monetary and injunctive relief. Compliance with this Order will be considered as a mitigating factor in determining the need for future enforcement action(s).

### **NOTICE OF RIGHTS**

The Respondent may appeal this Order. Tenn. Code Ann. § 68-215-119. To do so, a written petition setting forth the reasons for requesting a hearing must be received by the Commissioner within thirty days of the date the Respondent received this Order or this Order will become final.

If an appeal is filed, an initial hearing of this matter will be conducted by an Administrative Judge as a contested case hearing. Tenn. Code Ann. § 68-215-119; Tenn. Code Ann. §§ 4-5-301 to -326 (the Uniform Administrative Procedures Act); and Tenn. Comp. R. & Regs. Chapter 1360-04-01 (the Department of State's Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies). Such hearings are legal proceedings in the nature of a trial. Individual Respondents may represent themselves or be represented by an attorney licensed to practice law in Tennessee. Artificial Respondents (corporations, limited partnerships, limited liability companies, etc.) cannot engage in the practice of law and therefore may only pursue a contested case through an attorney licensed to practice law in Tennessee. Low-income individuals may be eligible for representation at reduced or no cost through a local bar association or legal aid organization.

At the conclusion of any initial hearing, the Administrative Judge has the authority to affirm, modify, or deny the Order. Furthermore, the Administrative Judge on behalf of the Board has the authority to assess additional damages incurred by the Department including, but not limited to, all docketing expenses associated with the setting of the matter for a hearing and the hourly fees incurred due to the presence of the Administrative Judge and a court reporter.

Any petition for review (appeal) must be directed to the Commissioner of the Tennessee Department of Environment and Conservation, c/o Jenny L. Howard, General Counsel, Department of Environment and Conservation, Davy Crockett Tower, 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243. The petition may be mailed or delivered to this address, or it may be sent to TDEC.Appeals@tn.gov. Payments of the civil penalty and/or damages shall be made payable to the "Treasurer, State of Tennessee" and sent to the Division of Fiscal Services – Consolidated Fees Section, Department of Environment and Conservation, Davy Crockett Tower, 500 James Robertson Parkway, 6th Floor, Nashville, Tennessee

37243. Technical questions and other correspondence involving compliance issues should be sent to Jeff Mann, Division of Underground Storage Tanks, Nashville Environmental Field Office, 711 R. S. Gass Boulevard, Nashville, Tennessee 37216. Attorneys should contact the undersigned counsel of record. **The case number, UST24-0256, should be written on all correspondence regarding this matter.**

Issued by the Director of the Division of Underground Storage Tanks, Tennessee Department of Environment and Conservation, on this 18th day of June, 2025.



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Stanley R. Boyd, Director  
Division of Underground Storage Tanks  
TN Department of Environment and Conservation

Reviewed by:



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Payton M. Bradford  
BPR# 035053  
Associate Counsel  
Department of Environment and Conservation  
500 James Robertson Parkway, 5th Floor  
Nashville, Tennessee 37243  
(615) 981-7480  
Payton.bradford@tn.gov