

BONE
MCALLESTER
NORTON PLLC

C. David Briley
615.238.6392 Direct Phone
615.986.7869 Direct Fax
dbriley@bonelaw.com

August 14, 2014

Via Certified Mail

Tri Star Transport, LLC
c/o Its Registered Agent for Service of Process
W. Carl Spining
330 Commerce Street, Suite 110
Nashville, TN 37201-1823

Bob Martineau, Commissioner
Tennessee Department of Environment and
Conservation
1st Floor, L & C Annex
401 Church Street
Nashville, TN 37243

Gwendolyn Keyes Fleming,
Regional Administrator
U.S. Environmental Protection Agency
Region IV
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Tisha Calabrese Benton, Director
Tennessee Department of Environment and
Conservation
Division of Water Resources
6th Floor, L & C Annex
401 Church Street
Nashville, TN 37243-1534

Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W
Washington, D.C. 20460

RE: Notice of Intent to File Citizen Suit Pursuant to the Federal Clean Water Act

Dear Mr. Spining:

The purpose of this letter is to notify Tri Star Transport, LLC (“the Company”), that Richland Creek Watershed Alliance (“RCWA”) intends to file suit in sixty (60) days under 33 U.S.C. § 1365(a)(1) of the federal Clean Water Act (“CWA”) in the Federal District Court against the Company for violations of the CWA arising out of the Company’s unpermitted discharge of approximately 8500 gallons of petroleum products into Richland Creek a tributary to the Cumberland River and a 303(d) impaired stream, on Centennial Boulevard near 61st Avenue North in Nashville, Davidson County, Tennessee. This continuing discharge began on or about August 13, 2014.

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Discharging Without a Permit

Section 301(a) of the CWA states:

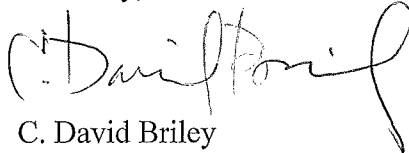
Except in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of This Act [33 U.S.C. §§ 1312, 1316, 1317, 1328, 1342, 1344], the discharge of any pollutant by any person shall be unlawful.

33 U.S.C. § 1311(a). Similarly, the Tennessee Water Quality Control Act ("TWQCA") prohibits the discharge of pollutants into waters without a valid permit. Tenn. Code. Ann. § 69-3-108; Tenn. Code Ann. § 69-3-114.

Thank you for the prompt attention to these violations of state and federal law associated with the aforementioned discharges. Unless the United States Environmental Protection Agency or TDEC commences and diligently prosecutes an action in court to address these violations within sixty (60) days, RCWA intends to file suit in the United States District Court for the Middle District of Tennessee, pursuant to section 505(a) of the CWA for the violation discussed above. In addition to the violations set forth herein, the Notice covers all violations of the CWA evidenced by information which becomes available after the date of this Notice. Pursuant to the CWA, we will seek attorney's fees and costs, as well as an injunction against continued violations.

Any and all communication related to this matter should be directed to C. David Briley or Sharon O. Jacobs, attorneys for RCWA, at the addresses and telephone numbers listed at the top of this letter.

Sincerely,



C. David Briley

CDB

cc: Eric H. Holder, Jr.
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC. 20530-0001