



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

# Diesel Spill/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Tennessee Tanker Truck Fleet Operator Enter into Consent Agreement and Final Order

## Arkansas Environmental, Energy, and Water Law Blog

01/31/2017

The United States Environmental Protection Agency (“EPA”) and Tri Star Transport, LLC (“Tri Star”) entered into a January 24th Consent Agreement and Final Order (“CAFO”) addressing an alleged violation of Section 311 of the Clean Water Act.

The CAFO states that Tri Star is the owner and operator (within the meaning of Section 311(a)(6) of the Clean Water Act) of a fleet of tanker trucks that deliver gasoline, fuel, and liquid asphalt throughout the Southeast United States.

The CAFO alleges that on August 13, 2014, a Tri Star tanker truck was involved in a single vehicle traffic accident in Nashville, Tennessee. The tanker truck was stated to be transporting diesel and gasoline. The accident allegedly caused:

. . . a discharge of gasoline and diesel fuel from its Facility at the accident location.

The CAFO is applying the Clean Water Act term “Facility” to the referenced tanker truck.

The CAFO states that

“On the same day, there was reported to be a sheen upon and discoloration of the surface of Richland Creek and its adjoining shorelines, approximately 0.6 miles from the accident location.”

The Clean Water Act definitions of “onshore facility” (Tri Star’s tanker truck), “navigable waters” (Richland Creek), “gasoline and diesel fuel” (oil) are applied to the alleged release of diesel and gasoline in the previously referenced accident.

The CAFO alleges that the accident caused the discharge of approximately 166 barrels of oil (as defined in Section 311(a)(1) of the Clean Water Act from its Facility (i.e., the transport truck) into or upon Richland Creek and/or its adjoining shorelines. The alleged discharge of oil is stated to have caused a sheen and discoloration of the surface of Richland Creek and its adjoining shorelines, and, therefore, was in a quantity that has been determined may be harmful under 40 C.F.R. § 110.3, in violation of Section 311(b)(3) of the Clean Water Act.

Tri Star is therefore alleged to have violated Section 311(b)(3) of the Clean Water Act.

The CAFO assesses a civil penalty of \$62,200.

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