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September 8, 2006

Via Certified Mail - Return Receipt Requested

Mr. Victor Jernigan, President/Developer
Murphy Road Partnership, LLC
815 Sunnysdale Road
Knoxville, TN 37923

R. Scott Elmore, Registered Agent
Murphy Road Partnership, LLC
5301 Kingston Pk
Knoxville, TN 37919

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Bldg.
1200 Pennsylvania Ave., NW
Mail Code: 1101A
Washington, DC 20460

James I. Palmer, Jr., Regional Administrator,
U.S. Environmental Protection Agency – Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Alberto Gonzalez, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

James H. Fyke, Commissioner

Tennessee Dept. of Environment & Conservation
L & C Annex, 1st Floor
401 Church Street
Nashville, TN 37243

Paul E. Davis, Director
Tennessee Dept. of Environment & Conservation - Division of Water Pollution Control
L & C Annex, 6th Floor
401 Church Street
Nashville, TN 37243-1534

**RE: SUPPLEMENTAL 60-DAY NOTICE OF INTENT TO FILE SUIT UNDER THE
CLEAN WATER ACT—KNOX COUNTY, TENNESSEE**

Dear Sirs,

The purpose of this letter is to supplement the 60-Day Notice of Intent letter dated August 31, 2006 regarding Murphy Road Partnership, LLC's (I.D. No. 0439864) violations of its National Pollution Discharge Elimination ("NPDES") Construction General Permit ("CGP") No. TNR 131644, issued by the Tennessee Department of Environment and Conservation ("TDEC"). That notice was submitted by this office, on behalf of the Tennessee Clean Water Network, Inc. ("TCWN"), and on behalf of Mr. Charles S. McMillan and Mr. James A. McMillan et al. (collectively referred to as the "McMillans").

At this time, TCWN and the McMillans serve notice of the following complete and full names, addresses, and telephone numbers of the persons giving notice, pursuant to the requirements of 40 C.F.R. § 135.3. Accordingly, we again place you on notice, pursuant to Sections 505(a)(1) and 505(b)(1)(A) of the Federal Clean Water Act ("CWA"), 33 U.S.C. § 1365(a)(1) and (b)(1)(A), that Murphy Road Partnership, LLC has violated and continues to violate the CWA, the TN WQCA, and the terms and conditions of its NPDES CGP, No. TNR 131644, by failing to adhere to certain terms and conditions of its permit, by causing pollutants to be discharged into a tributary of Love Creek and Murphy Creek, and by failing to obtain a NPDES CGP for certain construction activity and storm water discharge into impaired waters. These violations have occurred and continue to occur at or near the construction site, also known as "Washington Square Condominiums," and were specifically described in the August 31, 2006 notice letter.

As required by EPA regulations, 40 C.F.R. § 135.3, this notice is provided on behalf of the following:

Tennessee Clean Water Network
706 Walnut Street, Suite 200
Knoxville, TN 37902
865-522-7007

Charles S. McMillan
4715 McCampbell Drive
Knoxville, TN 37918
865-689-1502

James A. McMillan
4715 McCampbell Drive
Knoxville, TN 37918
865-689-1502

TCWN is a statewide, Tennessee non-profit corporation, domiciled and headquartered in Knox County, Tennessee, whose individual and/or organizational members use and enjoy the local waters that are directly injured by the unauthorized discharge of pollutants to waters of the State and waters of the United States by Murphy Road Partnership, LLC. Both Charles S. McMillan and his son James A. McMillan are members of TCWN, as well as property owners in Knox County, that are directly affected by discharges of contaminated storm water and/or unpermitted non-storm water discharges originating from the Washington Square construction site, as under the ownership and direct supervision of Murphy Road Partnership, LLC. Legal counsel for TCWN and the McMillans are at all times:

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All correspondences should be directed to the attention of the above listed legal counsel.

We believe that this letter, along with the August 31, 2006 letter provides you sufficient notice of our concerns, and of our intent to file suit under the Clean Water Act. During the 60-day notice period TCWN and the McMillans are willing to discuss effective remedies for the violations noted in these letters. However, if Murphy Road Partnership, LLC wishes to pursue such discussions in the absence of litigation, we suggest that discussions be initiated within the next 20 days so that they may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Should you or your legal counsel have any questions about this Notice of Intent or should you wish to discuss any issue or possible solutions to the issues raised, please contact us.

Respectfully Submitted,

Joe W. McCaleb

Emily H. Yao

CC: Mike Ragsdale, Knox County Major
John West, Manager, TDEC-Knoxville EAC
Clients