

Graham  
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IN THE UNITED STATES OF AMERICA  
U.S. ENVIRONMENTAL PROTECTION AGENCY; FEDERAL PROGRAMS

IN THE MATTER OF ) Action No: **EPA-HQ-OAR-2004-0505**;  
US EPA, Gina McCarthy's, Final Rulemaking ) Related No. **EPA-HQ-OAR-2014-0828**;  
(EPA ADMINISTRATOR) ) based on FAR Part 150.21(e) consultations,  
Non-Attainment Area, Toxic Leaded-Avgas Air ) see 49 USC §§ 44714, 44704, 48103;  
Pollution from Aircraft Engines 42 USC § 7545) see 40 CFR part 63 subparts F, R. "lead",  
) Also see 40 CFR §§ 87.6, 1068.31(e)(2) & (f);  
) **PETITION FOR RECONSIDERATION**

IN THE MATTER OF ) Action No: **FRL 1316-4**;  
The City of Columbus, Ohio, Dept. of Dev. ) Related No. **44 FR 53761, at 53762, at #2**;  
(FAA's AIRPORT SPONSOR) ) based on false FAR Part 150.21(e) consultation,  
Noncompliance with "State Preemption" for ) see 49 USC §§ 44714, 44704, 48103; [40 CFR,  
Air Pollution Controls 42 USC § 7407(d)(1)(C)) parts §§ 52, 63, 87, 1068; 63.99(a)(36), 87.3(d)]  
) (For assessment of penalty, 42 USC § 7420(a))

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**NOTICE OF INTENTION TO SUE FOR EPA ADMINISTRATOR'S FAILURE TO  
PERFORM MANDATORY DUTY [42 U.S.C.A. § 7604(b), (f)(3); 40 C.F.R. § 54.3(a)]**

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To: *Gina McCarthy*, Administrator  
Environmental Protection Agency  
Washington, D.C. 20460

1. Pursuant to Sections 112(c)(6), 231(a)(2)(B), 304 of the Clean Air Act, as amended in 1990, 42 U.S.C.A. §§ 7604, 7412(c)(6), 7571(a)(2)(B) Yvonne D. Lewis and Sidney T. Lewis, in personam, gives notice that they will commence a civil action against the Administrator of the Environmental Protection Agency for failure to perform the following nondiscretionary acts or duties under such Act:

DESCRIPTION OF FAILURES

- A) Intentionally withholding "legislative rulemaking", "**EMINENT DOMAIN** Powers" and "endangerment findings" for toxic lead compound emissions and "**reserved delegated authority**" for Ohio's "non-attainment areas" [Id. 7407(d)(2)(A)(ii)] (see: 40 CFR §§ 52.1892(b), 63.99(a)(36)<sup>1</sup>) for sources of toxic HAP's absent leaded-avgas emission

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<sup>1</sup> (**Explained By:** United States v. 67.59 Acres of Land, 415 F. Supp. 544, 547 (M.D. Pa. 1976) citing UNITED STATES v. 64.88 ACRES OF LAND, etc., 144 F. Supp. 29 (W.D. Pa. 1956), rev'd on other grounds, 244 F.2d 534 (3d Cir. 1957)), ("While the power of **EMINENT DOMAIN** is an inherent attribute of *sovereignty* as limited by the *just compensation clause* of the *fifth amendment*, the exercise of **THIS POWER IS GOVERNED BY EXPRESS LEGISLATIVE AUTHORIZATION WITHIN WELL-DEFINED CONGRESSIONAL**

standards after the statutory deadline on Nov. 15, 2000 [Id. § 7412(c)(6)] for §§ 112(c)(6), 231 of the Clean Air Act, as amended in 1990 (aircraft and aircraft engine emission) in six mile zone near Port Columbus International Airport (PCIA)[see 49 FR 371], as Non-Compliance with Consultations with FAA pursuant to Notice and Comment for “Advance Notice of Proposed Rulemaking” (ANPR) [see 58 FR 67752, Dec. 22, 1993; 77 FR 36342 eff. July 18, 2012; and EPA-HQ-OAR-2014-0828, on June 10, 2015 ]

- B) Aiding and abetting “Securities Fraud Scheme” by GMAC’s 2001 “Allonge” (ASMO, dated Oct. 4, 2001) as encumbering 1992 FAA Permanent Easement for “Land Use Controls” under FAA’s Sept. 11, 1987 ROD for “Public Use” in non-compliance with the National Environmental Policy Act of 1969, the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (amended in 1987) [see 42 USC 4601 et seq., 4621]; the Clean Air Act of 1977(amended in 1990), and Aviation Safety and Noise Abatement Act of 1979, after the statutory 1990 amendments (by “operation of law”). “EPA failed its legislative rulemaking & consultation duties for regulation of non-road (aviation) fuels and fuel additives under the Clean Air Act of 1990, amended [see 42 USC §§ 7412(c)(6), 7407(d)(2)(A)(ii), 7571(a)(2)(B)(i), 7545; 49 USC §§ 44704, 44714]” in aforesaid Non-attainment area at PCIA [see 53 FR 2800, 8859; and EPA-HQ-OAR-2014-0828, on June 10, 2015; and 80 FR 31470] while aiding and abetting in a “Mortgage Fraud Scheme” on July 18, 2012<sup>2</sup> Non-Compliance with Notice and Comment for “Advance Notice of Proposed Rulemaking (ANPR)” [see 77 FR 36342, eff. 7-18-2012]
- C) Non-Compliance with NEPA, and 5<sup>th</sup> Amend., U.S. Const., for Statutory Consultations subject to Notice and Comment for “Final Rule” as Proposed Rulemaking (ANPR) [see 77 FR 36342; 80 FR 31470] without “costs” data nor “delegated authority” in Ohio all as set forth in the 2015 “Petition for Reconsideration”. Said 2015 Petition is incorporated by reference.

(Compare: **EXHIBIT 1**, 40 CFR § 63.99(a)(36); Compare To: **EXHIBIT A**, 80 FR 31470).

2. Such action will be commenced not prior to 60 days after this notice.

“As discussed above, a plaintiff may add supplementary claims once additional violations of the CAA are discovered so long as those violations are contemplated by the language of the notice letter. *Bosma Dairy*, 305 F.3d at 953.”

(See: **Sierra Club v. Portland GE**, 663 F. Supp. 2d 983, 1000-1001 (D. Or. 2009))

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**POLICIES WHICH NECESSARILY MUST BE STRICTLY CONSTRUED.** Accordingly, before the power can be exercised by any officer of the government it must plainly appear that the power has been **DULY DELEGATED** and that the officer is properly authorized.”);

<sup>2</sup> (See and Compare: **EXHIBIT 2**, EVICTION **July 18, 2012**, by GMAC’s “Allonge” as “RMBS”; Compare With: **EXHIBIT 3**, at 77 FR 36342 eff. **July 18, 2012**, “Final Rule” for “Control of Aircraft and Aircraft Engine Emission Standards” by EPA’s “Reserved Powers”);

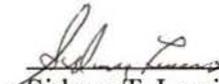
3. The full name and address of the party giving this notice is

A) *Yvonne D. Lewis, a prospective plaintiff, 1875 Alvason Ave., Columbus, Ohio 43219;*

B) *Sidney T. Lewis, as prospective plaintiff, 1875 Alvason Ave., Columbus, Ohio 43219.*

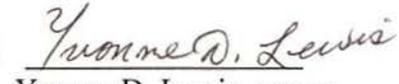
Respectfully Submitted,

Dated: 7-7-15

  
Sidney T. Lewis, pro se  
1875 Alvason Avenue  
Columbus, Ohio 43219  
(614-940-3306)

P. O. Box 247916  
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Dated: 7-7-15

  
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Copies To:

Office of the Administrator, Gina McCarthy  
(Petition for Reconsideration),  
U.S. EPA,  
Room 3000, EPA WJC West Building,  
1200 Pennsylvania Ave. NW.,  
Washington, DC 20460,

Mr. Nathan Topham  
Office of Air Quality Planning and Standards;  
Sector Policies and Programs Division,  
Metals and Inorganic Chemicals Group (D243-02);  
Environmental Protection Agency;  
Research Triangle Park, NC 27111;

Associate General Counsel for the  
Air and Radiation Law Office,  
Office of General Counsel (Mail Code 2344A),  
U.S. EPA,  
1200 Pennsylvania Ave. NW.,  
Washington, DC 20460.

REGULATIONS

- (1) 14 CFR 150.21(e), CREAM. ACT
- (2) 17 CFR 240.106-5, SEC. FRAUD
- (3) 17 CFR 240.36-12(a), MORTG. FRAUD
- (4) 26 CFR 49.4261-1, FED. TAX
- (5) 40 CFR 52.1892(b), 63.99(a)(36)
- (6) 40 CFR 87.2, 87.3(d), 87.6
- (7) 49 CFR 1.47(g)