

Create Control - Data Entry

Control Number: OCR-14-001-5092 ▼

Alternate Number:

Citizen Information

Citizen/Originator: 1), (b) (6) - Privacy Kendrick, ID 83537 Search Citizen

Constituent: Search Constituent

Committee: ▼

Sub-Committee: ▼

Control Information

Status: Pending ▼ *

Letter Date: Sep 11, 2014 ▼ *

Received Date: Sep 15, 2014 ▼ *

Contact Type: LTR (Letter) ▼ *

Priority Code: Normal ▼ *

Addressee: US/EPA Office of Civil Rights (+)

Addressee Org: 1200 Penn Avenue, NW WD

File Code: 108-025-08_497_a Discrimination Complaints - External Record Copy

Signature: (+)

CC: Search CC

Signature Date: Date ▼ *

Primary Subject: Discrimination Complaint

(+) *

Secondary Subject:

(+)

Instructions: NRN-No Response Necessary

(+) *

Instruction Notes:

General Notes: This control is assigned to title 6 for appropriate action

*: Required field

(+): Lookup field, press space bar for complete list

Save

Continue and Assign

Cancel

Copy for EPA case file

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Complaint

September 11, 2014

#04D-14-R10

Dear Chairman Owsley and board members,

This letter is to let you know that we are not going to stop trying to get you to do your job and inspect the portion of the public sewer collection system in the Averett's Mobile Home park.. We also want you to know that the EPA Civil Rights of Washington, D.C. has answered our pleas for help and they have began an investigation. Please stop ignoring us and refusing to respond! This is a serious public health and safety issue and it is the board's duty to resolve in the district.

Since our unlawful foreclosure and illegal eviction from the property, Steve Laws of Clearwater Realty falsely advertised the property for sale on the INTERNET as **being served by public sewers, which is false**. Averett's testimony under oath verifies that he never put in a new system in 1984. We are trying to prevent another innocent victim from losing their life savings as we did do by purchasing the misrepresented property with so many unusable mobile home rental spaces because no public sewer stubs exist at all. You never would help us find even one stub! We have been billed for years for sewer service we did not receive and the city is still billing us, over a year after the foreclosure.! The sewer district officials are breaching their duty and ignoring the standards that **mandate** the board take us to court LONG AGO over this bill so we may dispute it and resolve. The sewer bill is to be a lien on the land, and Averett's were to pay that bill in full at foreclosure, but did not. Averett's attorneys and title company did not do a proper foreclosure due to that and many other reasons. We will not pay that bill!

Our letters to you begging for help over the years and no response clearly show how you have refused to do your job and locate any stubs, yet you claim in the district's letter to us, that there are (12) twelve hookups/stubs somewhere on the property. Averett had unlawfully abandoned four of the original sixteen (16) spaces, another violation of your district STANDARDS. Averett's attorney claims now in court and in court documents that there were **23 connected to the public sewer** and he easily uncovered sixteen (16) in one hour. That digging up of the collection system is illegal without the boards authorization per district STANDARDS. The board is the only authority to authorize Averett's closure of any rental spaces since 1984, but did not even look into those violations either. The board should, by law, authorize an inspection by the City of Orofino to be performed on the Averett's old septic lines and find the unlawful five septic tanks and illegal overflow tank that lead to the Orofino

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Creek. Averett's testimony under oath disclosed that the illegal original old septic system in the mobile home park was NEVER replaced at all, which is an on going crime since 1984. No public sewer was ever installed, including no mandatory mainline, laterals, clean-outs or stubs within two feet of each residence, including to each of the sixteen (16) mobile home rental lots. Averett was in charge of the district when he violated the STANDARDS and this former long time board chairman still seems to control the board for some unjust reason. Why is the board granting Averett such special privileges? Why won't the board make Averett install public sewers to the seventeen (17) legal 911 county addresses in the mobile home park? We were deceived and robbed by Averett, with the sewer district board's help. Now another buyer will face the same discrimination and loss because you refuse to do your critically important job. Why is the board promoting this crime against the public and the environment? Averett's violations of laws and illegal SSO's are jeopardizing the treatment facility's permit. We hope the EPA cares and makes Michael Camin do his job and get this serious matter lawfully resolved by the DEQ.

We will warn others who may consider purchasing this terrible polluted, seriously defective property from the Averett's and inform everyone of how the district board will not help tenants or purchasers, rather you assist the lawbreakers and don't care that you are violating the laws of the district and State of Idaho that are meant to protect the public and environment.

Please help us be granted protection under the district standards and state statutes that apply. Please stop discriminating against us and our two tenants who remain in our mobile homes in Averett's contaminated property. Please ask the board to at least take a vote to see if the other board members will finally help us have protection under the district laws that are being unconstitutionally denied to us, and authorize an underground inspection immediately. Conduct a smoke test as the Riverside Sewer District is now doing and as the City of Orofino did do. The Orofino Creek Whiskey Creek portion of the collection system needs to be inspected, too, and the violations, such as the Averett's, be remedied by district laws! The district's attorney should advise you to obey the law. Please forward the district's current attorney our complaint....please. We want to hear from him "WHY" you won't do your job and are you following his advise in not performing your duties? We need you to respond at last!

The DEQ official, Michael Camin, was to direct the DISTRICT BOARD to comply with the district STANDARDS when Judge Robinson informed him the **sewer district is the only proper authority in the matter**. Why are you making us hire civil rights attorneys and don't care about the EPA or our disabled tenants in the mobile park? Why won't you enforce the district public health and safety

standards and instead continue to protect and assist the violator and former long time chairman himself, Howard Eugene Averett. The board members are also guilty of misdemeanors by Idaho law for allowing these violations to continue.! Read your own laws and apply them in the district. You shouldn't pick and choose who deserves protection or immunity, as Averett's have been granted. Why are Averetts excused from obeying district, state and federal public health and safety laws in Clearwater County, with the prosecutors blessing?? The human sewage from their commercial property should not be allowed to overflow onto the children's play yards from the mysterious five septic tanks that were never removed and non-code broken septic tank service lines that still remain and were never upgraded in 1984 to a modern public system.

PLEASE STOP DISCRIMINATING AND HELP US GET THE PUBLIC SEWER INSTALLED IN THE MOBILE HOME PARK AS WAS TO BE LAWFULLY DONE IN 1984. STOP HARMING THE DISABLED TENANTS WHO LIVE IN HOMES WE OWN IN THE CONTAMINATED MOBILE HOME PARK BY YOUR APATHY AND BREACH OF DUTY.

Why won't you respond? The City refuses to obey the Laws of Idaho, too, and refuses to even respond to our requests for protection under your laws. We won't give up until laws protect and apply to us also! You are jeopardizing the NPDES permit for the Orofino Sewage Treatment facility by not remedying the serious SSO's (Sanitary Sewage Overflows) in the public sewer collection system portion on Averett's property, **allowing massive amounts of illegal surface and storm water to enter the treatment center.** This causes a great expense to the citizens and is not allowed in the treatment facility. Please finally act and do SOMETHING ! We must subpoena the entire board and City of Orofino officials to be in court for the next hearing, and hopefully, you ALL will have to respond at long last on the witness stand as to why you won't allow us protection under the laws.

Why do we have to start a lawsuit to get you to do your job? This inaction by the board is seriously wrong behavior. Please finally do your job! Enforce Public Health and Safety Laws in your district before someone else is further harmed. Deceased Justin Spencer's mobile home lot is in the worst shape and no one cares. It has never been rent-able since his death and the terrible situation was then discovered. We will never stop seeking justice in this great loss and wrong we are suffering since purchasing the misrepresented, defective property. We have been slandered and libeled for seeking help under good laws, and failed so far but will not give up seeking protection under laws in Clearwater County. Your STANDARDS are meant to protect us, but we are denied every plea for help under those laws. We are sorry you simply won't perform a single job duty the board is required by law to do. You

mock us and mock the district laws for years. WHY? How many others in the district have not connected to the public sewer? Please conduct a Smoke test and find out how many others, like Averett's, did not lawfully connected to the public sewer in 1984. Were others allowed to bypass the district STANDARDS also? Please find out at last with a simple smoke test. We would gladly pay for the test of the Averett's three acre portion of the public sewer collection system.

Sincerely,

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Kendrick, Idaho 83537

Date

Sept 11, 2014

cc: EPA Civil Rights, Washington, D.C. File # 04D - 14 - R10
Governor Butch Otter
Idaho State Attorney General Lawrence Wasden
DEQ Michael Camin
City of Orofino Administer, Rick Laam
Orofino City Council
Mr. Martin, Orofino Sewage Treatment Facility
Lewiston Morning Tribune
Howard Eugene and Betty Averett
Clearwater Tribune

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Kendrick, Idaho

File # 83537
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