

COMPLAINT  
OFFICIAL REQUEST A TITLE VI INVESTIGATION

Received  
MON 01 2018  
F. Hernandez

Official Communication to:

Administrator, Lisa Perez Jackson and or acting Administrator

Gwendolyn Keys Fleming, Regional Administrator

A. Stanley Meiburg, Deputy Regional Administrator

Jerome Balter Director Environmental Law Project

10/23/18

EPA Administrative Law Judge

EPA Administrator Haylan Ford

EPA Millan Hupp

EPA Lynnette Horner

Major General Todd Semonite, Deputy commanding general of the US Army Corps of Engineers South Atlantic Region

RE: IN CONSIDERATION OF THE FREEDOM OF INFORMATION REQUEST ACT (FOIA) OR THE MANDATED PROCESS OF THE OFFICE OF HEADQUARTERS AND REGIONAL DIVISION AND OR THE GEORGIA OPEN RECORDS ACT (GORA)

I **(b) (6) Privacy, (b) (7)(C) Enforcement Privacy** Pascagoula, Mississippi 39567 U.S.A, a CITIZEN OF THE UNITED STATES OF AMERICA **(b) (6) Privacy, (b) (7)(C) Enforcement Privacy** Officially request a title VI investigation against:

1. State of Georgia  
C/o Governor Nathan Deal
2. Georgia Department of Natural Resources  
C/o Commissioner Mark Williams
3. City of Atlanta  
C/o Mayor Keisha Lance Bottoms
4. City of Atlanta  
C/o Chair Public Safety Committee Dustin R. Hills
5. City of Atlanta  
C/o City Council President Felicia A. Moore
6. City of Atlanta  
C/o City Attorney Nina Hickson
7. City of Atlanta  
C/o Department of Public Works Commissioner James A. Jackson jr.

Violations under Title VI: AIR, WATER, LAND, HAZARDOUS WASTE, And  
WASTE ENDANGERMENT TO PUBLIC SAFETY & HEALTH & FRAUD

8. Environmental Protection Division of Georgia Department of Natural Resources  
C/o Director Richard Dunn

VIOLATIONS UNDER TITLE VI AIR, WATER, LAND, HAZARDOUS WASTE,  
WASTE AND ENDANGERMENT TO PUBLIC SAFETY & HEALTH & FRAUD

9. Fulton County, Georgia Board of Commissioners  
C/o Natalie Hall District 4
10. Georgia Senate Natural Resources Committee  
C/o Committee Chair Tyler Harper
11. Georgia Committee on State Institutions and Property  
C/o Committee Chair Ed Harbison
12. Georgia Environmental Protection Division Chief Watershed Protection Branch  
C/o James Capp

**Reference Points for this Complaint:**

Office of Environmental Accountability  
Office of Policy and Management  
Office of External Affairs  
Resource Conservation and Recovery Act Division  
Science and Ecosystems Support Division  
Emergency Planning and Community Right-to-Know Act  
Environmental Protection Agency Air Emissions  
18 U.S.C. 4  
Superfund Division  
Water Protection Division

- The Georgia Environmental Protection Division is under the Georgia Department of Natural Resources. There is and has been an amalgamated cabal effort of discrimination based on race, color and financial ability of residents and property owners in Northwest Atlanta adjacent the Gun Club Landfill and in close proximity to the City of Atlanta's New Atlanta's West Side Park at Bellwood Quarry where the two (2) Billion water reservoir will hold Atlanta's drinking water, the Procter Creek which is the tributary to our nations waterway Chattahoochee River Atlanta, Georgia 30318 and its tributaries which provide water for human consumption, agriculture, fish and game etc. *are intentionally being contaminated by a local government the City of Atlanta Municipality*. United States Citizens properties are intentionally being contaminated by the same in continuous efforts that allow unlawful solid and hazardous waste to remain in violation of State of Georgia Law and the Laws under the United States Environmental

Protection Agency. This group effort has been systematically perpetuated by and through the double standards or two sets of rules practiced by the Georgia Environmental Protection Division as to punitive and notification measures taken against private individuals, private companies and or private citizens in comparison to the same set of rules and laws in place the practices and or actions as to punitive or notification procedures taken against a local government agency (Municipality City of Atlanta). This scheme and the blatant causatum are against the protected activities of the United States Citizens and are in complete violation of Civil Rights & Liberties, United States Constitutional Rights and the Constitution of the State of Georgia.

- The discrimination, double standard and blatant disregard to Public Safety and Health is depicted driving down the City of Atlanta's streets (b) (6) Privacy, (b) (7)(C) Enforcement Privacy and (b) (6) Privacy, (b) (7)(C) Enforcement Privacy by the Municipality City of Atlanta and the Georgia Department of Environmental Protection Division as to allowing such blatant violations of State and Federal Laws in as much as this area is predominately populated by low income black residents, which have never had their voice considered, it is obvious that this section within the City of Atlanta adjacent the non compliant Gun Club Landfill is just an extension to the landfill as to allow so many open illegal hazardous and toxic waste dump sites. The local Atlanta Police Department just turns a blind eye, the employees of the City of Atlanta just turn a blind eye as if these conditions of public endangerment are not only allowed continuously but are acceptable as normal. The only foreseen motive is one of two obvious reasons, the City of Atlanta is corrupt and has abandoned this area for reasons of driving out the remaining few black residents and private property owners or for LIABILITY reasons as to not being caught and having to defend themselves in court from their inability to follow the laws in place to protect the public, protect the environment and property.

Various United States of America Grants and Funding(s) are presented and issued to the State of Georgia for the assurance and use in as much that violations of Federal and State environmental protection laws will not be tolerated but enforced, in addition the State of Georgia is also the recipient of other federal agencies funding such as NOAA, SUPERFUND, Emergency Planning and Community Right-to-Know Act Awards etc..... In Accumulation of following the money, the City of Atlanta Municipality (Local government) is the recipient of Numerous State of Georgia and Federal Fund awards as example the Scrap tire program, Procter Creek revitalization, Brownfield's Awards etc..... These meliorations are and have been misappropriated by the Local government City of Atlanta and by the State of Georgia along with other agencies within the State for years and have not been used to assure enforcement, complete and full disclosure and allowing ethical violations and professional misconduct to be the measurable action that controls the outcome as to protection of the Public, Environment and Property.

To the point, each level of the Government actual goal is the protection of another level of government with the systematic approach that governs investigations, enforcement and produces deception and non transparency as example, The State of Georgia Environmental Protection Division receives a Waste in Place violation complaint CTS# 78390, the first re-action by the State Government EPD is to immediately investigate and verify actual illegal waste in place, a BIASED determination is made first, whether the Violation is on private property or on government property, if the illegal waste is on private property immediately without any form of communication a Notice of Violation is issued to the private individual without any direct communication effort or meeting, YET, if there is verifiable illegal waste in place on a government property as a Municipality property or City Streets Right of Ways (City of Atlanta for example), every effort and action is in contrary as to how the private citizen was treated in the issuance of a WRITTEN Notice of Violation, phone calls are made to the City, multiple conversations take place with the City , multiple meetings take place with the City and yet still NO NOTICE OF VIOLATION IS ISSUED TO THE CITY even though there is verifiable illegal waste in place in violation of State and Federal Laws so that continuous and repeated contamination of the environment, nuisance to the public and the destruction of the environment and property is allowed by the State of Georgia as well as the City of Atlanta government.:

Georgia Department of Natural Resources, Department of Transportation, Department of Revenue etc...

The lack of enforcement of Federal and State laws, Policies and Procedures Management by the State of Georgia and the City of Atlanta, Fulton County agencies as to Public Health, Safety and our Environment in Georgia concerning absolutely all federally funded programs through the EPA and other federal funding sources under the prognostication of the EPA and by the State of Georgia, County and local government are and have been in violation in the City of Atlanta Northwest Sector adjacent the Gun Club Landfill permit # ( 060-026D (SL) Fulton County, City of Atlanta, Georgia 30318 USA daily.

The Act as Resource Conservation and Recovery Act, Comprehensive Environmental response Compensation and Liability Act does not nor has invariably received the proper appropriated funding for the abundance of violations of federal and state environmental laws in Northwest Atlanta adjacent the non compliant Gun Club Landfill where huge numbers of illegal open waste dumps are and have been operated for years by the City of Atlanta in the City of Atlanta's Streets right of ways, on City of Atlanta's properties and on City of Atlanta Park property called the Baby Gun Club Park on any level toward the protection of our countries natural resources and or the environment surrounding the City of Atlanta's owned and operated Gun Club Landfill and its illegal open dump sites surrounding it.

Federal **open records laws**, such as the Freedom of Information Act (FOIA), provide access to government documents and public **records**. State "sunshine" **laws** and the

Georgia open records Act (GORA) also provide the means by which the public can gain access to government documents and scrutinize the behavior of public officials.

On September 2018 an official Georgia Open Records Act request to the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) in which Linda Weglewski, Georgia open records Act Coordinator responded in an official letter dated September 20, 2018 that “these files were available for inspection.” On 9-21-2018 inspection of the partial files offered by the GA EPD, emails, notes, photos, text messages, recordings etc were not provided, the inspection did reveal only seven (7) complaints (Thousands of TONS of illegally dumped waste remains in illegal open dump sites surrounding the non compliant Gun Club Landfill that demonstrated has been in place for years) only seven (7)) complaints exist in the GA EPD office as to the GORA request as Complaint Tracking System CTS#: 78929, 79508, 78390, 78930, 81276, 77489, 78928 as all opened, Approved/Closed cleaned. These complaints do not reflect the actual real accurate and trustworthy complaints from the black residents who are forced to live in the squalor as to the abundance of tons of Solid, hazardous waste and the longevity these illegal open dump sites have existed after being brought to the attention of the Georgia Department of Natural Resources Environmental Protection Division regarding the City of Atlanta’s Right of Ways, Sizemore Ave NW, Gun Club Road NW, Alvin Drive NW, Ruth Drive NW Mack Drive NW, City of Atlanta’s properties and City of Atlanta’s Park Property Gun Club Park as example. It demonstrates that the Georgia Department of Natural Resources is in desperate need of direct federal occupation since the current laws in place do not afford the proper protection as to the environment and public safety health and protection of property.

The Georgia GAEPD Land Division under the GORA request did not provide emails, Meeting Notes, Field Notes, Text messages, Photos etc as it related to the aforementioned complaints, that an additional request provided to GAEPD employee Esther Alexander on 9-21-2018 stamped RECEIVED ON SEP 21 2018 as to the complaints regarding the GAEPD employees: Larry Castelberry, Brian Boutelle, Russell Nix, Angel White, William Cook, Karen Buerki, Wallace Reid, Jerry Campbell, Jim Cooley, Tammy Smith, Karen Stone and Jamie Lancaster along with any communications relating to the aforementioned complaints in contact with City of Atlanta employees: Carla Lipscomb, City of Atlanta Commissioner, City of Atlanta City Attorney (s), City of Atlanta Mayor Reed and City of Atlanta Mayor Bottoms. The Georgia GAEPD did not provide the full and complete records as required by law since each and every complaint aforementioned was opened, investigated and closed there would be absolutely no reason why all records would not be available under GORA. There was a verbal disclosure by employee that emails and notes may have been deleted or destroyed.

What motives exist for the non-disclosure of public records unless fraud, abuse and or illegal activities are being concealed?

The Water protection and Land protection in Northwest Atlanta that impacts our nations Waterway Chattahoochee River which multitudes of the public depend on this water

way's quality as for use of human consumption, use in agriculture needs fish consumption and wildlife habitat all depends on the protection of the environment.

On this day Wednesday October 24, 2018 I, (b) (6) Privacy, (b) (7)(C) Enforcement Privacy a United States Citizen request an immediate and through investigation concerning the quality of life as to the Environment, Public Safety, Health and Property in the City of Atlanta, northwest section area code 30318 area surrounding the Gun Club Landfill as to Title VI as a process of remediation as covered by State and Federal Constitution.

CC:

- US EPA, Office Civil Rights (1201A) 1200 Pennsylvania Ave NW Washington, DC 20460 202-564-7272 Fax 202-565-0196
- U.S. Environmental Protection Agency Office of Administrative Law Judges Franklin Court, Suite 350 1099 14<sup>th</sup> St NW Washington DC, 20005

Reverentially,

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

  
Pascagoula, Mississippi 39567

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

(b) (5) - Privacy, (b) (7) - (C)

Pascagoula MS  
39567

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Washington DC 20460

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