2/11/99

COMPLAINT
to the Environmental Justice Division of the EPA

Where as [redacted] is a citizen of the United States of America, a resident of the State of Georgia, a resident of Thomas County, Georgia and a resident of the City of Meigs, Georgia;

Where as the Scruggs Company, P. O. Box 2065, Valdosta, Georgia 31604 having first attempted to locate its asphalt plant at 190 Burdette Land, Thomasville, Georgia and that permit was rejected, but did obtain a permit in or around November 2000 to operate an asphalt plant on Nine Dime Doctor Road, Meigs, Georgia in close proximity to the residence of [redacted], other Citizens of Thomas County, Georgia, and Citizens of the City of Meigs, Georgia;

Where as Thomas County, Georgia in and thru its Board of County Commission has entered into a written conditional use agreement for the purpose of granting a permit to operate in close proximity to the residence of [redacted], other Citizens of Thomas County, Georgia, and Citizens of the City of Meigs, Georgia;

Where as the Scruggs Company is required to obtain additional permits under State and Federal Regulations in and thru the Georgia Environmental Protection Division and the Environmental Protection Agency, respectively;

Where as the Scruggs Company receives revenues from City, County, State and Federal resources;

Where as William J. Clinton, President of the Unites States, in and thru Executive Order dated February 11, 1994, has ordered Federal Actions To Address Environmental Justice In Minority Populations and Low-Income Populations;

Where as the City of Meigs, Georgia and surrounding North Thomas County, Georgia area has a disproportional minority and low-income population in relation to the City of Thomasville, Georgia and South Thomas County, Georgia area;

Where as the Environmental Justice Division of the Environmental Protection Agency has the authority to investigate this matter;

And Where as the Office of Civil Rights has the authority to implement legal action in such matters;

Comes now [redacted] submitting this complaint and supporting documents as a Formal Written Complaint to the Environmental Protection Agency:

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The History:

In or around the fall of 1999 the Scruggs Company decided it would be in their best interests to relocate its operation from the Thomas County Prison Farm in South Thomas County from which it had been operating for some period of time by agreement with the Thomas County Board of County Commissioners. A parcel of land was located at 190 Burdette Lane, Thomasville, Georgia of which the Scruggs Company deemed appropriate for their interests.

On October 18, 1999, a hearing was held on Application #99-9-1 before the Planning and Land Use Standards Commission in Thomas County, Georgia, that application being the afore mentioned property at 190 Burdette Lane. Ferrell Scruggs, Jr. represented the property owner as his agent and the Scruggs Company stating that his business would be no more intrusive than the current junk yard presently occupying the land. Various citizens in the area brought forth their objection stating five basic objections (Location, Air Quality, Property Values, Truck Traffic, Church and School proximity) The Planning and Land Use Standards Commission approved the request to rezone the property from CG to I-CU.
(SEE EXHIBIT A, B, C)

On October 25, 1999, a public hearing was held for permit #99-9-1 before the Board of County Commissioners with property owners of the Cassidy Road area, a residential area near the proposed location on Burdette Lane, in attendance. They were represented by their attorney Jack Morse. Mr. Morse as well as others of the area presented the same basic five reasons for objections. Mr. Scruggs stated the same reasons as that presented to the Planning and Land Use Standards Board previously, but added that this site was chosen because the railroad line was excellent for his business and stated lower freight rates as a deciding factor. In the rebuttal Mr. Scruggs stated that his company would be willing to greatly improve the proposed site. On motion the Thomas County Board of Commissioners by a 7-1 vote, denied the land use request permit #99-9-1 under the auspices of the Zoning Policies, Procedures and Standards of Thomas County #4, 7, 10 and 11.
(SEE EXHIBIT D, E)

I became aware that the Nine Dime Doctor Road, Meigs Georgia location was being considered as a new site for the Scruggs Asphalt Plant when a meeting was announced to be held at the River Wind Subdivision to discuss action that might be taken. At that meeting we were informed that little could be done to stop the plant from using this site, since the county was at risk to a suit by the Scruggs Company for their costs and actions preparing for the Burdette Lane site, and that Kelstone, Inc. was therefore moving to improve their situation by entering into a special agreement with the commission and the Scruggs Company to reduce the risk to their investment and property.

On February 22, 2000, the Scruggs Company represented by its legal counsel Doug Silvis again appeared before the Thomas County Board of Commissioners under a new permit #00-1-2 seeking to relocate the Scruggs Company plant to another location, that being in North Thomas County in close proximity to the South Side of the City of Meigs on Nine Dime Doctor Road. Attending the meeting was property owners and land developers for the Kelstone, Inc. "River

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Wind" Subdivision on the East side of the property in question and in opposition were representatives of the property owners on the West side of the property in question. [redacted] among others of the West Side Property Owners speaking in opposition to the use of this location, stated the same basic complaints as stated by the property owners in the 1999 hearings (Location, Air Quality, Property Values, Truck Traffic, School Buses proximity) [redacted] also said, *"Yes, there are trailers there, but they have families in them with children . . . "* the presence of mobile homes in the area makes the area no more compatible with industrial uses than if all neighboring homes were site-built. Kelstone, Inc. representatives' presented to the commission a list of requirements that the Scruggs Company would have to accomplish if this site is approved, which was incorporated into the resolution that followed. The commission subsequently tabled the motion to approve or deny the application until March 14, 2000. Noticeably absent from the meeting was any representation from the Meigs City Council or Mayor of the City of Meigs, Georgia. Also, noticeably absent was any representation of State EPD or Federal EPA. The Thomas County Board of Commissioners relied solely on the Scruggs representatives for technical advice relating to Health, Safety and Nuisance issues.
(SEE EXHIBIT F, H)

On March 14, 2000, the Thomas County Board of Commissioners without a fanfare or additional headlines granted the Scruggs Company its Conditional Use Permit for the Nine Dime Doctor Road Site as recorder in the Thomas County Courthouse on April 7, 2000 at 11:43 A.M. in Deed Book 762 Page 256 -258 and more particularly described as "A Resolution Scruggs Asphalt Plant Conditional Use Permit." Incorporated in this resolution was an agreement with Kelstone, Inc. (Land Developers of the Affluent River Wind Subdivision).
(SEE EXHIBIT G, H)

The March 15,2000 Thomasville Times Enterprise newspaper accounting of the activities of the March 14th meeting made no reference to the passing of the conditional use permit, but the headlines tell the complete story of why the asphalt plant was granted its application. According to the newspaper, *"Thomas county commissioners voted unanimously Tuesday to put in motion a schedule leading to a July vote on a special purpose local option sales tax"* (SPLOST) The bulk of the moneys would be used to meet matching state and federal funds in road improvements within the county, particularly in the South Thomas County area.
(SEE EXHIBIT I)

Subsequently the SPLOST tax was passed in the July voting.
(SEE EXHIBIT J, K, L, M)

11/29/2000

The Complaint

1. **The Environment Protection Agency has not considered underlying factors in the process of granting this permit to the Scruggs Company requesting to operate an asphalt plant on Nine Dime Doctor Road, Meigs, Georgia and in so doing has resulted in the creation of an Environmental injustice to the citizens of North Thomas County and to the citizens of Meigs, Georgia more particularly.**

2. **The Thomas County Board of Commissioners, ACTED IN BAD FAITH failing to protecting the Health, Safety and Well-being of disproportional minorities and lower income Citizens of North Thomas County and more so the Citizens of the City of Meigs, Georgia, while fully protecting the wealthier non-minority citizens of South Thomas County and more so the Citizens around 190 Burdette Lane, Thomasville, Georgia and those of the City of Thomasville, Georgia.**

3. **The Thomas County Board of Commissioners DISCRIMINATED against the minority and lower income Citizens of North Thomas County and more so the Citizens of the City of Meigs, Georgia by entering into and incorporating a resolution between Kelstone, Inc. and the Scruggs Company titled "A Resolution Scruggs Asphalt Plant Conditional Use Permit." In executing this resolution the Thomas County Board of Commissioners discriminated against minorities and lower income Citizens of North Thomas County and more so the Citizens of the City of Meigs, Georgia, by being a party to the construction of special berms for the affluent property owners to the East while diverting the sound in an "amphitheater effect" to the lower income and minorities within and around the City of Meigs, Georgia.**

4. **The Thomas County Board of Commissioners had a CONFLICT OF INTEREST and MISUSED its authority to maintain a continued supply of cheap and readily available asphalt to the determent of the public with regards to Health, Safety, or Nuisance risks relating to the asphalt plant location. The Scruggs Asphalt Plant at the Nine Dime Doctor Road Meigs, Georgia location will be the primary supplier of asphalt for the Thomas County, Georgia SPLOST project and other matched state and federally funded road projects. The projected road projects identified in the SPLOST tax plan show a disproportional amount of dollars are to be spent in South Thomas County for the expressed benefit of the City of Thomasville, Georgia area, while North Thomas County shall be granted an asphalt plant which provides no local employment opportunities and gets to endure the Health, Safety and Nuisance risks associated with asphalt plant operations and receive a token amount of the dollars for the risk.**

5. **A CONFLICT OF INTEREST exists between the attorney for Thomas County and the City of Meigs (both being one in the same) resulting in a misinformation to residence and city officials as to asphalt plant risk to those in close proximity, resulting in the Citizens of Meigs, Georgia being excluded from the process or lulled into a sense of false security. No public hearings were ever held on this matter within the City of Meigs and no information is available to the public with regards to Health, Safety, or Nuisance risks relating to the asphalt plant's presence.**

Therefore, I request;
that all Federal permits issued to the Scruggs Company Plant on Nine Dime Doctor Road Meigs, Georgia be immediately suspended,

that all Federal dollars allocated for Thomas County, Georgia SPLOST and other Federally-funded projects within the Thomas County, Georgia area receiving asphalt from the Scruggs Company Plant on Nine Dime Doctor Road Meigs, Georgia be immediately frozen,

that the Environment Justice Division begin a full and complete investigation of this entire matter,

and that the Office of Civil Rights prosecute to the fullest extent of the law any wrong doings in this matter,

Respectfully Submitted this 29th Day of November 2000

[redacted]
P. O. Box 3
7060 SW Railroad Street
Meigs, Georgia 31765-0003
Phone: [redacted]

Attachments:
Exhibit A: Minutes of Oct. 18 1999 Planning & Land Use Standards Commission Meeting
Exhibit B: Thomasville Times Enterprise article of Oct. 20, 1999 "Plant Causes A Stink"
Exhibit C: Thomasville Times Enterprise Your Opinions article of Oct. 23, 1999 "Residents' concerns haven't been addressed"
Exhibit D: Page 2, 3, and 4 of the Minutes of Oct. 25, 1999 Thomas County Board of Commissioners
Exhibit E: Thomasville Times Enterprise Newspaper coverage of the Thomas County Board of Commissioners Meeting of Oct. 25, 1999 article dated of Oct. 26, 2000 "Residents win asphalt battle"
Exhibit F: Thomasville Times Enterprise Newspaper coverage of the Thomas County Board of

Commissioners Meeting of Feb 21, 2000 article dated of Feb 23, 2000 "Asphalt Plant"
Exhibit G: Thomasville Times Enterprise article of March 12, 2000 "Commission Meeting"
Exhibit H: Thomas County Courthouse recording Apr. 7, 2000 Deed Book 762 Page 256-257-258
Exhibit I: Thomasville Times Enterprise Newspaper coverage of the Thomas County Board of Commissioners Meeting of Mar. 14, 2000 article dated of Mar. 15,2000 "County pushes on with tax"
Exhibit J: Thomasville Times Enterprise article of Mar. 28, 2000 "County promotes sales tax"
Exhibit K: Thomasville Times Enterprise article of Jul. 18, 2000 "Sales tax to be decided"
Exhibit L: Thomasville Times Enterprise article of Jul. 18, 2000 "Local officials unite in promoting sales tax"
Exhibit M: Thomasville Times Enterprise article of Jul 19, 2000 "Sales tax passes"

cc:
Attorney General for the State of Georgia
Director for the State of Georgia Environmental Protection Division
Office of Civil Rights