UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 2 1 2012

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail# 7004-2510-0004-2241-6886

In Reply Refer to:
EPA File No. 07R-11-R4

Mr. Tim Echols, Commissioner
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334-9052

Re: Re-referral of Administrative Complaint

Dear Mr. Echols:

This letter concerns an administrative complaint Mrs. (b) (6) Privacy, a resident of Fairburn, Georgia, filed with the Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on June 6, 2011, alleging violations of Title VI of the Civil Rights Act of 1964 by the re-opening of the J.C. Larmore Probation Detention Center in Fairburn, Georgia. Mrs. (b) (6) complaint also expresses concerns regarding exposure from power lines placed through citizens' property. On January 3, 2012, OCR referred the power lines issue in Mrs. (b) (6) PI's complaint to the Federal Communications Commission (FCC) for review and action. On January 18, 2012, the FCC informed OCR via letter, that although it is familiar with related issues, it does not regulate exposure from, or the placement of, power lines. However, it expects such issues to be handled locally by the Georgia Public Service Commission (GPSC). Therefore, OCR is referring this complaint to GPSC for processing. A copy of (b) (6) PI's complaint and FCC's letter to OCR are both enclosed with this letter. Additionally, (b) (6) PI is copied on this letter acknowledging that her complaint has been referred to another agency.

If you have any questions regarding this letter, please contact Karen Randolph of the External Compliance and Complaints Program by telephone at (202) 564-0732, via e-mail at Randolph.Karen@epa.gov, or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460

Sincerely,

Rafael Deleon

Rafael Deleon
Director

CONGRESSMAN DAVID SCOTT
13th CONGRESSIONAL DISTRICT OF GEORGIA

Privacy Release Form

The Privacy Act of 1974 prohibits government from revealing any information from personal files of individuals without the express written permission of the person involved. Disclosure of personal records to a Congressman who is acting on behalf of a constituent is prohibited, unless the individual to whom the record pertains has consented. I, the undersigned, hereby authorize the release of all pertinent information to and by Congressman Scott to make an inquiry on my behalf.

(Please Print)
May 13th, 2011

Name: (b) (6) Privacy

Street Address: (b) (6) Privacy

City: (b) (6)
State: (b) (6)
P I

Zip Code: (b) (6)
P I

Phone: (b) (6)
P I

Types of benefits you are seeking:

1. Permanent Relief from the Georgia Department of Juvenile Justice or ANY group that plans to place any type of permanent destructive bodies in our community. We are asking for re-consideration in the re-opening of the Juvenile Detention Center at J. C. Larmore.

2. Federal protection of ALL 20 acres of land from any building or extenuating circumstances. As of August 2, 2010, 11, 75 acres of land behind J C Larmore Probation Detention Center have been placed under conservation easement with the Upper Chattahoochee Riverkeepers.

3. Development of a wild life sanctuary or preserve for the property at the J. C. Larmore PDC site that is placed under conservation easement by the Upper Chattahoochee Riverkeeper's.

4. Fines levied for violations of the Title VI of the Civil Rights Act of 1964 (under Executive Order 12250) violations, enforcement of Title VI of the Civil Rights Act of 1964 and Fourteenth Amendment - **Rights Guaranteed Privileges and Immunities of Citizenship, Due Process and Equal Protection that is guaranteed by the US Constitution for "Just Compensation".**

5. The Georgia Department of Juvenile Justice to return the building on the site of the J. C. Larmore PDC site to Fulton County.

6. We feel that we have several issues pertaining to trespass, negligence and nuisances because we are carrying a **"disproportionate"** amount of burden for the State of Georgia, thusly creating a **"disparate impact"** on our

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community, hence an issue of **Environmental Justice,** with a disregard to our 5th and 14th Amendment Rights under the United States Constitution.

7. Establish a community (within the surrounding community) based group that oversees the usages of the JC Larmore PDC working in conjunction with Georgia Department of Juvenile Justice with true and legitimate LEGAL power to work on behalf of the community.

8: Work with the community regarding the implementation of the South Fulton Penultimate Academy proposal for the J C Larmore PDC. Hence, replacing the Youth Development/Detention Center of Department of Juvenile Justice with an Alternative Education Facility, becoming a proactive entity verse a reactive cohort to a problem that plaques the community.

Date and Place claim was filed: 5-19-04 Environmental Protection Department, 11-21-04 Congressman David Scott's office in Jonesboro. (Largest file in that office to date)

Any other number associated: **139043659**

Federal agency involved:

Office of Juvenile Justice, Department of Juvenile Justice (Georgia), Department of Justice (Juvenile Justice). Each one has contributed to the 7 million dollars that the Child and Youth Coordinating Council has set aside for the re-opening of the JC Larmore PDC. Through OJJDP Formula Grant Funds, the Child and Youth Coordinating Council , Title V projects Grants and the Juvenile Accountability Block Grants these are the dollars that are supporting this effort to re-establish the site.

Brief description of problem: (Attach additional sheets if necessary)

The issue is simply that our community does not want nor need a prison of any type placed at its door step. The issue also consists as **Environmental Justice issues such as power lines being placed through citizen's property, prisons being placed within the community without community knowledge, an inert landfill being placed off of South Fulton Parkway when there are already 7 within a 10 mile radius of one another. With the creation of another destructive entity being placed in our community, our communities have now been subjugated to being in a toxic donut. This is Environmental IN-Justice at its best form.** Under the laws of our land, the communities that are directly impacted we demand that these issues be addressed without any hesitation for the betterment of the community.

During the time of the heinous action taken against these communities, (see previous complaints filed with this office) we did not know about the re-opening of the J. C. Larmore Probation Detention Center (PDC). We were not asked, alerted, told, consulted, written and never given notice of the intent to convert the site from an adult facility into a youth facility within our community. Even after our meeting with Dr. Coleman of the department of Juvenile Justice in September of 2008, and the representatives of our district, there has not been continued communication regarding the re-opening of the juvenile facility.

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Although, we are now at another point where we were not being informed once again regarding this facility, it is very important to note that this action was once stopped by Senator D. James and the community. The time was 1996. Then as time moved forward and the political bodies changed, the idea once again reared its heinous head and was once again attempted in 2003-2005. The jail expansion was stopped by the community members and certain political bodies.

Now, here is 2010, and it has once again raised its head, trying to become a Youth Development Center. The situation has had or will have a "***disproportionately high adverse impacts and environmental effects***" on our community (i.e.: economic obsolescence, inverse condemnation and Environmental Justice) The basis for this action is to contest the Georgia Department of Corrections and the Child and Youth Coordinating Council and Department of Juvenile Justice involvement in re-opening the J. C. Larmore Probation Detention Center within our community; which will create a ***disproportionate, disparate, negative economical impact on our minority community.***

1964 Civil Rights Act of 1964 Title VI: 1) Prohibits discrimination based upon race, color and national origin in federally assisted programs, including public housing.

2) Authorizes withholding of federal funding from state or local grantees engaging in discriminatory activity.

Fifth Constitutional Amendment - Trial and Punishment, Compensation for Takings.
No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the lend or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

Fourteenth Constitutional Amendment - Citizenship Rights
1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. **No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive (deprive v. 1. To take something away from; divest. 2. To keep from the possession of something. [<Med. Lat. Deprivare]) person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States,

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Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Environmental Justice embraces the principle that all people and communities are entitled to equal protection of environmental and public health laws and regulations. The environmental justice movement emerged in response to industry and government practices, policies, and conditions that many people judged to be unjust, unfair, and illegal. Some of these practices, policies, and conditions include (1) **unequal enforcement of environmental, civil rights, and public laws**, (2) differential exposure of some populations to harmful chemicals, pesticides, and other toxins in the home, school, neighborhood, and work place, (3) **faulty assumptions in calculating and assessing risks**, (4) **discriminatory zoning and land-use practices, and (5) exclusionary policies and practices that limit some individuals and groups from participating in decision-making.**

Under Executive Order 12250, the Coordination and Review Section coordinates and ensures consistent and effective enforcement of Title VI of the Civil Rights Act of 1964. *Title VI* is equivalent to the analysis of "**disparate treatment**" under the ***Equal Protection Clause of the Fourteenth Amendment which states:***

U.S. Constitution: Fourteenth Amendment - Rights Guaranteed Privileges and Immunities of Citizenship, Due Process and Equal Protection: **Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property,**

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without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. As sited in Findlaw.com: http://caselaw.lp.findlaw.com/data/constitution/amendment14/index.html) December, 2004

Environmental Justice means fair treatment of people of all races, cultures, and incomes with respect to the development, implementation and enforcement of all environmental laws and policies and their meaningful involvement in the decision making processes of the government. Application of these existing statutory provisions is an important part of this Agency's effort to prevent those communities from being subject to "***disproportionately high and adverse impacts and environmental effects***".

Fair treatment means that no group of people, including a racial, ethnic, or social economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial municipal, and commercial operations or the execution of federal, state, local and tribal programs and policies: **"Environmental justice is achieved when everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work,"**

As sited in Findlaw.com: http://caselaw.lp.findlaw.com/data/constitution/amendment14/index.html) December, 2004.

Evidence of discriminatory intent may be "direct or circumstantial" and may be found in various sources, including "statements by decision makers", the "historical background of the events in issue", the sequence of events leading to the decision in issue, a departure from standard procedure (e.g., failure to consider factors normally considered), "legislative or administrative history" (e.g., minutes of meetings), a past history of discriminatory or segregated conduct, and evidence of a substantial disparate impact on a protected group. "Title VI" is equivalent to the analysis of disparate treatment under the Equal Protection Clause of the Fourteenth Amendment.

The second theory, a recipient, in violation of agency regulations, uses a neutral procedure or practice that has a disparate impact on individuals of a particular race, color, or national origin, and such practice lacks a "substantial legitimate justification Evidence of discriminatory intent may be direct or circumstantial and may be found in various sources, including statements by decision makers, the historical background of the events in issue, the sequence of events leading to the decision in issue, a departure from standard procedure (e.g., failure to consider factors normally considered), legislative or administrative history (e.g., minutes of meetings), a past history of discriminatory or segregated conduct, and evidence of a substantial disparate impact on a protected group. Pursuant to such regulations, all entities that receive Federal funding organizations entered into standard agreements or provide assurances that require certification that the recipient will comply with the implementing regulations under *Title VI. Guardians, 463 U.S. 582, 642 n.*

The Supreme Court has held that these regulations may validly prohibit practices having a disparate impact on protected groups, even if the actions or practices are not intentionally discriminatory. Guardians, 463 U.S. at 582, Alexander v. Choate, 469 U.S. at 293.

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CONGRESSMAN DAVID SCOTT
13th CONGRESSIONAL DISTRICT OF GEORGIA

We wish to file a formal administrative complaint and ask that your department or office does a factual investigation of the **Georgia Department of Corrections (GDOC)**, and its usage of the V.O.I.T.I.S. Federal Grant, the **Department of Juvenile Justice in the State of Georgia (GDJJ)**, as well as its inter-contractual agreement between **All** parties and **All** funding sources with regards to said agreement with Fulton County, GDOC and GDJJ. It is also pertinent that the enforcement of **Executive Order 12250**, the **Constitutional Civil Rights Act of 1964**, the **5th and 14th Amendments of the United States Constitution**, the regulations of **Environmental Justice** be enforced on behalf of the citizens **of this community and the constituency of the 13th Congressional District of the State of Georgia.**

April 19th, 2011
Honorable Congressman David Scott,

Environmental racism can be defined as the intentional sitting of hazardous waste sites, landfills, incinerators, and polluting industries in communities inhabited mainly by African-American, Hispanics, Native Americans, Asians, migrant farm workers and the working poor. Minorities are particularly vulnerable because they are perceived as weak and passive citizens who will not fight back against the poisoning of their neighborhoods in fear that it may jeopardize jobs and economic survival.

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies. Meaningful involvement means that: (1) people have an opportunity to participate in decisions about activities that may affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) their concerns will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected. **Evidence of discriminatory intent may be direct or circumstantial and may be found in various sources, including statements by decision makers, the historical background of the events in issue, the sequence of events leading to the decision in issue, a departure from standard procedure (e.g., failure to consider factors normally considered), legislative or administrative history (e.g., minutes of meetings), a past history of discriminatory or segregated conduct, and evidence of a substantial disparate impact on a protected group.**

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Fulton County, Georgia is a county and a political subdivision of the state of Georgia, created, organized and existing for civil and political purposes, including for the purpose of administering locally the general power and policies of the state.

In the summer of 2000, discussions began between Fulton County, the Governor's office, and the GDC about the construction of a 500 bed Probation Detention Center ("PDC") in Fulton County. The proposed $10.9 million facility, to be used for the confinement of felony offenders who violate the terms of their probation, would be constructed with a combination of federal funds and state matching funds. It would be operated by GDC as part of the statewide probation system for felony offenders. Fulton County officials viewed the construction of the facility in Fulton County as a means to alleviate severe overcrowding at the Fulton County jail.

A series of meetings began between GDC and Fulton County Executive staff. By mid-2001, two potential sites in Fulton County were under discussion, one on Cochran Road off Cascade-Palmetto Road, and one on Fulton Industrial boulevard. In November, 2001 two additional potential sites were identified: one in Alpharetta at the intersection of Hickory Flat Road and Old Bullpen Road, and one in south Fulton adjacent to the existing Larmore PDC.

The property adjoining the existing Larmore PDC was already under county ownership. According to GDC, the parties selected this site because they agreed that the pre-existence of the Larmore PDC and ample utility infrastructure made it a better choice. Residents of the community surrounding the existing Larmore PDC, remained completely unaware of the proposal to build an additional PDC facility on the county land adjacent to the existing facility.

This was not the first time that the site was targeted for construction of an additional detention facility. In 1995, the State Department of Children and Youth Services proposed to build a 100 bed juvenile detention center at the same location. The community was informed of the proposal. Due to strong community opposition, another location was found for the juvenile facility. This occurred through the support of state Sen. Donzella James, who told the Atlanta Journal-Constitution that "South Fulton seems to be the dumping spot for Fulton, period." On February 18, 2002, Fulton County and GDC representatives held a meeting concerning the proposed expansion of the Larmore Detention Facility. A small group of ten to twelve prominent Fulton County citizens, none of whom reside anywhere near the site, were invited to the meeting as members of a "Citizens Advisory Board." At the meeting, one of the

items discussed was the creation of a community board to monitor progress of the facility. No residents of the neighborhoods adjacent to the J C Larmore Probation Detention Center facility were informed of or invited to the meeting. No records or minutes were kept of this meeting or any other meetings with this advisory board. We have letters of opposition from them now.

On February 20, 2002, the Fulton County Board of Commissioners approved a "Resolution to express intent to enter into an intergovernmental contract with the State of Georgia, Department of Corrections for the construction of a detention center to house approximately 500 probation violators on property to be conveyed by the County to the State. It was approved after little or no discussion by unanimous vote of the Board members present.

The Resolution approved on February 20, 2002 provided that Fulton County would convey approximately 25 acres to GDC for the construction of the new PDC pursuant to an intergovernmental agreement, the specific terms of which would be negotiated by the County Manager with the state officials "after appropriate surveys, environmental and other necessary investigations have been completed for this mutual public undertaking." The resolution also recited that "...the State of Georgia, through the Commissioner of Corrections, has agreed to the establishment by Fulton County of a 'Community Relations Board' to be comprised of community members from the area...."

In March of 2002, the Georgia General Assembly approved funding for the project, to include 90%federal funds from the V.O.I.T.I.S program and 10% state matching funds. In March 2002, GDC began design development for the project. Between March 2002 and August 2003, the Fulton County Manager and GDOC engaged in negotiation of the intergovernmental agreement.

On April 30, 2002, Public Notice of Intent to conduct an Environmental Assessment was published in the Fulton County Daily Report. The notice stated that the GDOC "proposes to construct and operate a 192 bed Probation Detention Center" on the 25 acre tract adjoining the Larmore PDC. The Fulton County Daily Report is a legal newspaper, not a newspaper of general circulation, and it is rarely subscribed to or read by members of the general public outside of the legal community. None of the communities read the Fulton County Daily Report regularly, and none of the plaintiffs saw the notice published therein, or any other notice of the intent to conduct an environmental assessment. None of the community members saw any notices posted on the property, even though they live adjacent, or in very

close proximity, to the site. None of the communities or their neighbors had any opportunity to submit public comment concerning the proposed project.

On September 30 and October 1, 2002, a Notice of Availability of the Environmental Assessment for the project was published in the Atlanta Journal-Constitution. This notice indicated that the proposed action was one to construct a 500 bed PDC on the site. The notice included a "Finding of No Significant Impact" under the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4332, et seq.

On December 4, 2002 the Fulton County Board of Commissioners approved an Agreement For Fulton County Probation Detention Center. " The Agreement reiterated that "the State, acting through the Commissioner of Corrections, has agreed to the establishment by Fulton County of a 'Community Relations Board' to be comprised of community members from the area..." The Agreement further provided that "state agrees to adopt construction plans therefore that take into consideration comments from the surrounding communities that address the creation of adequate buffers for said site that are compatible with security and site line requirements of the facility. The County shall establish a Community Relations Board for purposes of soliciting and receiving input from the surrounding communities for the creation of adequate buffers for the facility." The December 4, 2002 version of the Agreement was apparently never executed by GDOC.

On August 6, 2003, GDC and Fulton County executed a substantially similar agreement entitled an Intergovernmental Agreement For Fulton County Probation Detention Center. The August 6 agreement contained all of the same provisions regarding formation of and consultation with a Community Relations Board. The Community Relations Board had been convened after GDOC was taken to court by the South Fulton Partners Against Larmore Expansion organization. It was disbanded upon the termination of the plan to re-open the PDC.

A land disturbance permit was issued in October of 2003 and, according to GDC, an inmate construction crew was mobilized in November 2003 to begin site construction. However, other neighbors observed no unusual activity on the property until late February or early March of 2004, when a tree buffer was cut down within 150 feet of the property line of some Valley Lakes homes. Some residents who inquired about the activity were told that the land was being cleared for construction of new homes. As Fulton County citizens, the citizens acknowledge the need to relieve overcrowding at the Fulton County jail and support governmental efforts to address this need. This does not mean, however,

the communities should be forced to acquiesce to the infringement of their property rights and the compromise of their security and peace of mind. That was a short while ago…

In April 2005, Upper Chattahoochee Riverkeeper (UCR) filed suit against the Georgia Department of Corrections (GDOC) in federal court for violations of the Clean Water Act. The violations arose in connection with GDOC's expansion of the Larmore prison facility in South Fulton County. In October of 2005, UCR and GDOC reached a settlement of the claims whereby GDOC would remove at least 70 truckloads of sediment from the impacted wetlands; plant 225 large trees, thousands of native seedlings and 150 trees and shrubs in the wetlands; and commit to using best efforts to establish a conservation easement to protect approximately nine acres of the site from future development. In order to establish the conservation easement, GDOC had to coordinate with Fulton County and the State Properties Commission. This rather elaborate coordination effort was necessary since the subject property was in GDOC ownership contingent upon the building of the prison expansion. Since the expansion was halted, the property must pass through the State Properties Commission, be approved by the legislature and then revert back to Fulton County.

Both the Fulton County Commission and the GDOC Board approved resolutions in favor of establishing this easement. The easement package was then passed along to the State Properties Commission to present to the General Assembly for approval. The Properties Commission moved forward in good faith on this effort, yet a last minute error caused the Larmore Conservation Easement to be left off of the list, and thus not approved by the Legislature. UCR, GDOC, State Properties Commission, Fulton County, Southern Conservation Trust who plans to hold the easement and the affected Valley Lakes and Littleton Woods Communities are all eager to obtain legislative approval for the conservation easement to ensure protection to this vital area, therefore completing the terms of the Settlement Agreement.

The Environmental Justice issues such as power lines being placed through citizen's property, prisons being placed within 100 steps of our neighborhoods, an inert landfill being placed off of South Fulton Parkway when there are already 7 within a 10 mile radius of one another. This is Environmental IN-Justice at its best form. During the time of the heinous action taken against our communities, we did not know about the re-opening of the JC Larmore Probation Detention Center (PDC) as the new Atlanta Youth Development Center (AYDC) once again. . We were not asked, alerted, told, consulted,

written and never given notice of the intent to convert the site from an adult facility into a youth facility within our community until February 2007, by Commissioner William Edwards. Although, we are now at another point where we were not informed once again regarding this facility, it is very important to note that this action was once stopped. The time was 1995 -1996. As time moved forward and the political bodies changed, the idea once again reared its heinous head and was once again attempted in 2003-2005. The jail expansion was stopped by the Upper Chattahoochee Riverkeepers (UCR), Congressman David Scott, State Senator Kasim Reed, and community members. The prison expansion was halted due to the loss of funding, the fact that Commissioner James Donald stated that "there was no need for the facility to be re-opened, the fact that the entire expansion had caused major erosion and sediment issues in the wetlands and lakes of Valley Lakes subdivision which encompassed several Clean Water Act violations hence the fact that UCR is placing 11.75 acres of land under conservation easement to date. The conservation easement will be held in trust by the Americas Watershed Landkeeper, Inc. and will move through the General Assembly during the 2007-2008 legislative years. Hence, our environmental concerns have been noted since the very first complaint regarding the sediment issues was filed with the Environmental Protections Agency, Army Core of Engineers, Fulton County Sediment and Erosion department and the Sierra Club in the previous and following years of the actions of Georgia Department of Corrections and Georgia Department of Juvenile Justice. So, ladies and gentlemen it is a blatant mis-representation of our position on the environmental issues that affect our communities. This is the history to date:

1. Filed another complaint regarding J C Larmore Probation detention Center, Georgia Department of Corrections with Congressman David Scott's office. **(September 8th, 2006).**

2. Spoke with Mayor Moore of Union City about annexing Larmore PDC into Union City. He stated that it was in "Fulton counties hands but they would not relieve themselves of the facility because of the court order they are under."**(September 10th, 2006)**

3. Received letter from Harris Hodges, Director Administration Division Department of Corrections, regarding V.O.I.T.I.S. grant funding source, bed space and the fact that "the grant runs out at this time". Also stated that "There are NO current plans for the land or the Larmore PDC." **(September 21, 2006).**

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4. Emailed a formal complaint to George J. Mazza, Senior Counsel Office of Civil Rights, Office of Justice Programs, U.S. Department Of Justice, 810 7th Street, N. W. Washington D.C. 20531 **(September 27, 2006)**

5. Conservation Easement Plans go into effect with UCR (Upper Chattahoochee Riverkeeper's) and sediment and erosion removal begins with inmate labor. (October) Also, during this time the plans go forward for replanting the wetlands and upper plateaus

6. .John C Lavelle Land Administrator for Fulton County writes a letter to Commissioner Donald of GDOC stating that Larmore PDC is representative of an "attractive nuisance."**(January 8th, 2007)**

7. Spoke with Commissioner Edwards lets community members know about Department of Juvenile Justice wanting J C Larmore PDC for Youth Detention/ Development Center. **(February 10th, 2007)**

8. Suzanne Alliegro and she stated that the Community Relations Board was disbanded due to the fact that the expansion was halted. To date no one has been officially notified. **(March, 2007).**

9. Filed another complaint through Congressman Scott's office regarding the J C Larmore PDC site and another landfill being placed in our area. Complaint states facts regarding Environmental Justice issue with Larmore creating a situation for the residents. **(March 3rd, 2007)**

10. Met with Congressman at a town hall meeting and discussed issues regarding landfills and Larmore being placed in our community. **(March 3, 2007)**

11. Received letter of support from Congressman Scott on **(March 19th, 2007)** regarding his opposition of the appropriations for the site.

12. Met with Representative Bob Holmes and the (House side) Fulton Delegation asked them not to support the funding for the Youth Detention Center. **(March 28th, 2007)**

13. Met with Sandra Hardy and South Fulton Concerned Citizens group as well as Robb Pitts in his office at 141 Pryor Street at 10:00 asking for his support to stop Youth Detention/ Development Center. **(April 3rd, 2007)**

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14. Protest March regarding the landfills and J C Larmore held in Mayors Park Union City Georgia. (**April 17th, 2007)**

15. Wrote a letter to the Governor to be presented by David Johnson from Congressman Scott's office regarding the Conservation Easement not being signed off on during session. The conservation easement was never signed off on during the 2006-2007 Legislative session and is being presented in the 2007-2008 session. **(May 7th, 2007)** As of **August 2, 2010**, the easement has been established and signed off on by the Governor. UCR are they holders for 11.75 acres of land adjacent to the Larmore PDC. The other 32 acres of land has been conveyed back to Fulton County but, without the building.

16. Met with Chairman John Eaves and Aaron Johnson of Fulton County Board of Commissioners regarding the Youth Detention/ Development Center. Fulton County in our efforts to keep J C Larmore PDC closed. **(June 4th, 2007)**

17. During my six week absence from our community, I keep in touch via emails and phone calls.

18. Meeting with Congressman Scott, Kasim Reed, Commissioner William Edwards and Dr. Coleman of the Department of Juvenile Justice. Presented a 'South Fulton Penultimate Academy' a 60 page proposal to the group regarding the J C Larmore Probation Detention Center. **(September 10th, 2007).**

19. Requested that we be allowed to present the communities position regarding the A.Y.D.C. at J. C. Larmore PDC to the Board of Juvenile Justice through Congressman David Scotts office. **(November 3rd, 2007)**

20. A stop work order was placed on site by Fulton County construction because they tore out trees without permits and also because they had no site plans in place. **(December 20th, 2007).**

21. Reply from BJJ received December 24th, 2007. BJJ would not allow community to come before them to explain our concerns. **(December 24th, 2007).**

22. Found BJJ minutes stating that "Community has no real Environmental concerns" regarding PDC or AYDC. It (the last letter we received from Chairman Shuman of Board of Juvenile Justice)

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states that we are "only 3" and that is not true. It states that we just do not want this in our community, which is not true. The community is concerned about the Environmental Justice issue that it will have or has affected the communities home values, qualities of life and our communities as well.

23. As of **October 19th, 2010**, we now have the a letter of support from Mayor Ralph Moore and the support of Councilman Vince Williams of Union City in opposition to the re-opening of this facility as a Atlanta Youth Detention Center.

24. As of **November 1, 2010** we received a letter from J.M. (Bob) Plemons, Assistant Director of Engineering and Construction Services for GDOC stating" that they have no intention of re-acquiring or re-opening the Larmore facility."

25. Lastly, as of **December 1, 2010** we received a letter from Mr. Garland R Hunt, Esq. stating that "GDJJ maintain the building and property and are awaiting allocation of operating funds. He goes on to state that the facility will be an 80 bed facility and that it will serve juvenile offenders, many of whom will come from the metropolitan Atlanta area. He goes on to state that prior to its opening he plans to inform the local government and neighbors in the area."

The situation has had or will have a "***disproportionately high adverse impacts and environmental effects***" on our community (i.e.: economic obsolescence, inverse condemnation, Environmental Justice and Environmental Impact (i.e.; Clean Water Act violations) The basis for this action is to contest the Georgia Department of Corrections, Georgia Department of Juvenile Justice and the Children and Youth Coordinating Council and the Criminal Justice Coordinating Council involvement in re-opening the J. C. Larmore Probation Detention Center within our community; which has created ***disproportionate, disparate, negative economical impact on our minority community*** which is protected by **the Environmental Justice regulations** and the **1964 Civil Rights Act of 1964 Title VI:1) Prohibits discrimination based upon race, color and national origin in federally assisted programs, including public housing.2) Authorizes withholding of federal funding from state or local grantees engaging in discriminatory activity. Fifth Constitutional Amendment - nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. Fourteenth Constitutional Amendment - Citizenship Rights- No State shall**

make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive hence meaning 1. To take something away from; divest. 2. To keep from the possession of something. person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Lastly, Environmental Justice embraces the principle that all people and communities are entitled to equal protection of environmental and public health laws and regulations. The environmental justice movement emerged in response to industry and government practices, policies, and conditions that many people judged to be unjust, unfair, and illegal. Some of these practices, policies, and conditions include (1) unequal enforcement of environmental, civil rights, and public laws, (2) differential exposure of some populations to harmful chemicals, pesticides, and other toxins in the home, school, neighborhood, and work place, (3) faulty assumptions in calculating and assessing risks, **(4) discriminatory zoning and land-use practices, and (5) exclusionary policies and practices that limit some individuals and groups from participating in decision-making.**

Under **Executive Order 12250, the Coordination and Review Section** coordinates and ensures consistent and effective enforcement of **Title VI of the Civil Rights Act of 1964. Title VI** is equivalent to the analysis of **"disparate treatment"** under the **Equal Protection Clause of the Fourteenth Amendment which states:** U.S. Constitution: Fourteenth Amendment - **Rights Guaranteed Privileges and Immunities of Citizenship, Due Process and Equal Protection**: Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Although the closing of the facility has happened since 2007, the fact still remains that there are plans to re-open it as a Juvenile facility once again without the knowledge of the surrounding community. With the facility being re-opened it will and has had a negative impact on the residential communities that are within the same area. It is imperative that this facility not be re-opened within our community. There has to be a better place for it. It is also imperative that the surrounding community be alerted to what is happening in our communities. **South Fulton County Georgia, has a disproportionate burden of landfills, power lines, gas pipe lines and waste transfer stations in it**

already. We do not need nor want any other negative entities in our communities. We deserve to live in a clean, stable and prosperous environment, free of negatively impacting facilities.

Ladies and Gentlemen our community has not had such treatment under any of these statues, laws or regulations that govern our civil liberties as citizens of Georgia or the United States of America. Dr. King's message that "injustice anywhere is a threat to justice everywhere."

(b) (6) Privacy

[redacted]

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