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## RE: Seeking open public meeting dealing with fraud, abuse of power, violations of Georgia's DNR's Rules & Corresponding laws

**From:** "Cooley, James" <James.Cooley@dnr.ga.gov>  
**To:** "Jerry Lee" <filez1@mail.com>, "Cook, William" <William.Cook@dnr.ga.gov>  
**Cc:** "Rplbr549@bellsouth.net" <Rplbr549@bellsouth.net>  
**Date:** Jan 25, 2019 12:52:10 PM

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EPD has investigated all of the complaints referenced your emails of January 17<sup>th</sup> and January 29<sup>th</sup>, and in the preceding emails (Complaint Numbers 77489, 81276, 78929, 78930, 78390 or 78928). Violations found during EPD's investigations of these complaints have been addressed. At EPD's request and on EPD's direction, the City of Atlanta has conducted multiple cleanups in the areas described in these complaints, including cleanup of the solid waste in their right of way and hosting amnesty days for the local residents that have been victims of the dumping. Based on the City of Atlanta's response to these complaints, no enforcement actions were necessary.

Unfortunately, it not uncommon that when solid waste is removed from a site, more solid waste is illegally dumped later at the same location. Please know that EPD will continue to investigate any new complaints in this area and address them appropriately. EPD has closed Complaint Numbers 77489, 81276, 78929, 78930, 78390 and 78928, and will not be taking any further actions on those closed matters. For any new complaints in the area we can help you with, please contact Brian Boutelle or Patrick Brand with EPD's Mountain District-Atlanta Office at 404-362-2671.

Thank you

James Cooley

Director of District Operations

404-651-7807



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**From:** Jerry Lee [mailto:filez1@mail.com]  
**Sent:** Sunday, January 20, 2019 8:56 AM  
**To:** Cook, William; Cooley, James  
**Cc:** Rplbr549@bellsouth.net  
**Subject:** Seeking open public meeting dealing with fraud, abuse of power, violations of Georgia's DNR's Rules & Corresponding laws

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Seeking a public forum with the DNR board to address fraud, violation of DNR's policies,& procedures, abuse of power and blatant disregard to uphold the Solid Waste laws, Rules and Procedures/

§ 1-3-6. When laws become obligatory; effect of ignorance

After they take effect, the laws of this state are obligatory upon all the inhabitants thereof. Ignorance of the law excuses no one. City of Atlanta cannot be above the law nor can the DNR condone and ignore fraud and deception.

Please review emails sent to EPD Solid Waste Program Manger Mr. Cook and other DNR staff members: since 2015

"Mr. Smith, it was a pleasure meeting you and seeing you again Mr. Cook on Friday, September 21, 2018,

How would public trust be considered in this situation! Every EPD employee knows the laws, rules and procedures as it applies to illegally dumped waste in the State of Georgia.

It appears that there are numerous concerns with regards to the following complaints:

CTS#S: 77489, 81276, 78929, 78930, 78390 AND 78928

It "might" be contemplated that 1 EPD complaint might fall thru the cracks and not get properly completed as to illegally dumped waste and tires in accordance with State Law of the removal from specific location(s) in the City of Atlanta (NW) limits. But when there are 6 EPD complaints that have been improperly closed, these complaints date back to 2015 it appears or demonstrates there may be fraud, dishonest practices and or out right failure of disclosure from another government agency. That the waste outlined in these complaints still exists in violation as it was originally reported back to 2015, and has not been properly removed in accordance with State and Federal laws.

Documentation inspected from your office on 9-21-2018 reveals that there may be a double standard in implementing Notice of Violations (NOV) between the private sector and the City, that special considerations have been offered to the City that the private sector (Private Property Owners) do not receive. This is documented in a Notice of violation issued to a private property owner just days after the EPD received a complaint notice of waste in place (illegal dumping) on a NW ATL property September 4, 2015, the EPD inspected the waste in place and within a week issued a NOV to the private property owner. Upon receipt of the NOV, the private property owner was officially in writing required to clean up illegally dumped waste that was not on his property, the threat of fines and possible incarceration and costs associated with the clean up induced the private property owner to respond back to the EPD to confirm the exact location of the waste in place was not in fact on his property, thus causing an additional EPD inspection, upon the EPD verifying the illegally dumped waste was in actuality not on this private property owner's land, the EPD later rescinded the NOV on November 16, 2015.

On numerous complaints of locations the EPD verified waste in place on City's properties including but not limited to the City's Public Right of Ways (ROW) and City's Park Property being used as open waste dump sites, not one (1) NOV was issued to the City for these violations as the years passed since the complaints and inspections occurred. There should be no inaccurate reporting on circumstances regarding illegal dumping which may lead to criminal prosecution, that waste may pose an imminent and substantial endangerment to health and the environment in addition to the devaluation of public or private property. This exact concept is outlined within NOV language " If there is evidence of solid waste that has been buried on site, the property deed should be updated to indicate that it is present."

Abundant aforementioned complaints clearly lack documentation that precludes that the complaint could be closed, in fact, according to the EPDs process notes, these areas were noted as cleaned. However, all complaints are closed and no further action was taken by the EPD; It appears or possibly demonstrates that the EPD was either forced or assisted in the concealment of the ongoing open illegal waste dump sites contained in the aforementioned complaints. It also appears potential fraud may have been committed as to ongoing violations of State and Federal laws as to waste in place reported ( In many instances the EPD issues daily fines which accrue against private property owners until the waste is properly cleaned up).

The detailed notes contained in Complaint 78928 demonstrating City property containing waste, no NOV was issued to the City! There were no email copies associated with any of the complaints, including any email communications between the complainant and the EPD, yet there were multiple communications between the EPD and the City, in Fact several meetings were conducted with EPD employees regarding these complaints, yet no documentation from any of these meetings are in any file as to where the meetings were held, who all attended and what was the formal written conclusion of the meetings as required by the rules and procedures in investigating EPD complaint(s) regarding illegally dumped waste/hazardous waste and tires as officially reported to the EPD/DNR dating back to 2015. Verbal comments in your office from other employees were made that the possibility exists that emails may have been deleted or notes may have been destroyed over the course of the investigation of these complaints, therefore they are not in any file.

Under complaint 78930 as to Page 2, Author, EPD Investigator Karen Stone: February 1, 2016 - Other "Meeting with City of Atlanta Public Works, along with Jamie Lancaster, EPD, STC UNIT manager, & Mtn District-Atlanta, to notify/discuss about this and other scrap tire/solid waste dumps in the close vicinity" . It appears from these few notes that special considerations were in fact provided to the City to avoid them from receiving multiple NOV's as to the multiple open waste dumps located in the City's ROWs and or directly on their properties. The concealment of this nature falls in suit with a "total lost of trust in government". There are no records, no notes, no emails, no information as to the City of Atlanta disclosing to the EPD about any such "other" concealed open waste dump sites in the vicinity or on any of their properties they control.

We discovered in a EPD email dated 5-23-2016 on another completed "unrelated" EPD complaint refers to "Manifests" no manifests could be located in any complaint file at the EPDs office under the GORA request on 9-21-2018 in any of the aforementioned complaints file(s).

In conclusion, I would hope the DNR and all of its departments will 100% operate in transparency from this point forward, to avoid any future possibilities that they may unknowingly assisting in any type what so ever concealment on behalf of any other government agency, that all municipalities will be held to the exact same provisions under the same laws as a private property owner, that no special treatment or double standard would be offered to a municipality as to no follow up or silence, especially one that may be engaged in fraud, concealment and or other violations of the law. Any and all ethical considerations should also be considered. That there should be in no way any retaliation due to the reporting of illegal dumping either by issuance of

improper NOVs or any other means.

That a principal notion should be acknowledged by all government employees, that just because illegally dumped waste is not on their personal front yard, that the waste illegally dumped in other areas would receive the same attention to be properly removed as if the waste was on their own private property. That the Right of Ways in any municipality should receive the exact same treatment if it contains illegally dumped waste as if government employees owned homes or private properties on those streets even if the area is of a minority, low income or black community.

I would ask that all future DNR & EPD site visit(s) and meetings with the City of Atlanta associated with the aforementioned complaints be communicated in advance to my email to assure 100% transparency, and that no future "off the record" communications be conducted with the City of Atlanta as to any possibility of future concealment actions associated with the aforementioned complaints. This will assure there will be no potential over looking into the full and complete removal of all the illegal waste/hazardous waste dump sites, tires & their content, and the proper and complete closure of all complaints are obtained and would be fully available under any GORA request.

If need be, I am requesting a full investigation into the facts and circumstances that caused five (5) EPD complaints to be incomplete, inaccurate and outright fraudulent, that the reported waste exists in the exact same areas as reported back in 2015 as to hazardous/solid waste/tires. In addition, added illegally dumped waste and tires or fill dirt has been observed recently on top of the waste originally reported in the aforementioned complaints.

Thank you for your time and consideration in this matter

Jerry Brow"

"Dear Mr. Brow,

In January 2016 three complaints were referred to the Tire Management Unit in the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources (DNR) related to the City of Atlanta rights of way and property. Each of these sites was inspected in January 2016. Approximately 345 scrap tires were identified along Sizemore Ave. NW, approximately 300 scrap tires were identified at the Alvin Dr. NW, and approximately 180 scrap tires were identified at the Mack Dr. NW location. On February 1, 2016, EPD Personnel met with the City of Atlanta to discuss the cleanup. The City elected to clean up the tire dumps in cooperation with a City of Atlanta-wide Tire Amnesty/Clean-up event sponsored by Liberty Tire Recycling. On May 23, 2016, EPD received correspondence confirming that the tires had been cleaned up at all three locations.

In October 2018, you came to our office to review files and told us that the tires were still in place at all three of the locations mentioned above. On October 18, 2018, an EPD inspector met with City officials at these three locations. No tires were observed on Alvin Drive. Tires were observed along Sizemore Drive and at the end of Mack Drive. Officials with the City of Atlanta stated that they would have the tires removed and processed. The EPD Inspector performed a follow up inspection on 12/17/2018 and noticed the tires were still present at the location on Mack Drive. City of Atlanta officials were contacted immediately after the inspection, and the City representative said that he would investigate the matter. EPD will continue to follow up with the City to confirm that the tires have been removed.

If you would like to request a formal public investigation of EPD or DNR related to these complaints, you may contact the Georgia Office of the Inspector General (OIG) and file a complaint. The OIG's website can be found at: <https://oig.georgia.gov/>.

Please let me know if you have any further questions about these sites.

William Cook

Solid Waste Program Manager

Georgia Environmental Protection Division

4244 International Pkwy., Ste 104

Atlanta, GA 30354

Phone: 404-362-4500

E-mail: [William.cook@dnr.state.ga.us](mailto:William.cook@dnr.state.ga.us)"

Please contact me via email to arrange a public meeting to address these issues [preventing the protection of Georgia's environment. Protection of the Public

2/11/2019

mail.com - RE: Seeking open public meeting dealing with fraud, abuse of power, violations of Georgia's DNR's Rules & Corresponding laws

It appears that Mr. Cook's email dated 12-20-2018 does not reflect any accurate information, as a FACT all tires and waste STILL REMAINS in the same locations as indicated in: CTS#S: 77489, 81276, 78929, 78930, 78390 AND 78928.

There is and has been obvious GA EPD double standard of operation dealing with the City of Atlanta since private meetings were and are being held with City officials to continue to conceal the violations of Solid Waste Rules, procedures and state laws.

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**Attachments**

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