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COMBUSTION ENVIRONMENTAL JUSTICE COMMITTE

RE: TO PROPOSED CHANGES BY THE E.P.A. ENVIRONMENTAL JUSTICE GUIDELINES WITH THE 60 DAY COMMENT

O.C.R.
OFFICE OF CIVIL RIGHTS
TITLE VI GUIDANCE COMMENTS, US ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF CIVIL RIGHTS (1201A), 1200 PENNSYLVANIA AVENUE NW, WASHINGTON, DC, 20460

O.C.R.
OFFICE OF CIVIL RIGHTS

RE: To proposed changes by the E.P.A. environmental justice guidelines with the 60 day comment:

On behalf of the COMBUSTION ENVIRONMENTAL JUSTICE COMMITTEE

A. It is our finding, through experience, that in cases of ongoing discrimination that 180 days are insufficient under EPA guidelines. There are also two additional categories that in the interest of justice we feel should be added.

1.

ABUSE OF THE PUBLICS TRUST BY STATE AGENCIES AND OFFICIALS AND FEDERAL AGENCIES AND OFFICIALS REGUARDING THE RELATIONSHIPS WITH THE PEOPLE.

2.

VIOLATIONS OF THE PUBLICS TRUST BY STATE AGENCIES AND OFFICIALS AND FEDERAL AGENCIES AND OFFICIALS .(we are not including the E.P.A. in this formal complaint.)

B. In the case of COMBUSTION INC. (MDL4000) in the Federal Court system, We believe that our case was and is a case of ongoing discrimination due to gag-Orders, deceit and misrepresentation that brought us from 1976 to present. We would like to lodge a complaint against the Louisiana State Department of Environmental Quality (D.E.Q.) and the Federal District court for the Western District of Louisiana, which we believe violated our civil rights and abused it's relationship with the people. We have attempted to include a clear view of the facts through the enclosed record excerpts of what happened at the COMBUSTION INC. HAZARDOUS WASTE SITE.

For an account of why we consider this to be an ongoing case Of discrimination by the State and Federal Government we have provided our version of events.

1. Violation of our rights began in 1976 on MAY 17th wherein the state issued a discharge Permit through the Wildlife and Fisheries (now D.E.Q.) to COMBUSTION INC.(there was very little or no notification of the discharge permit hearing provided to area residents .....SEE EXHIBIT 1.)

A. The D.E.Q. failed to adequately monitor the discharge coming from the site.
B. The D.E.Q. failed to test sediments downstream and or offsite.
C. The D.E.Q. failed to complete the testing of fish as requested by the dept. of Public Health as well as other flora and fauna those hazardous chemicals can Accumulate in.....(SEE MERCURY EXHIBIT 2.)
D. In seventeen years the D.E.Q. only tested the small fish one time and that was on AUGUST 19th and 20th of 1986. The larger fish downstream of the

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COMBUSTION site were never collected , sampled or tested for MERCURY contamination. "MERCURY BIO-ACCUMULATES IN FISH."

We believe that this was done to protect the State from liability concerning the discharge permit that was issued on MAY 17th, 1976. We further feel this was a violation of the "public trust of the people."

E. There was a court gag order imposed and class members were not allowed to view the evidence at QUALITY LITIGATION SUPPORT - (Q.L.S.) as Q.L.S. was for attorneys only.

Without being an attorney our only way to get to review evidence at Q.L.S. was to file pro-se and represent ourselves in an appeal....(SEE EXHIBIT 3- KAREN HOLMES TRANSCRIPT DEC.9TH 1997)

2.In the rulings of the Federal District Court of JUDGE RICHARD HAIK, of the Western Court of Louisiana, the court discriminated against all the females in the class action litigation by not providing a GYNOCOLOGIST as an expert witness as the GYNOCOLOGIST Provided had altered credentials (SEE EXHIBIT 4.) There was discrimination against all the children of the class action litigation by not providing a PEDIATRICIAN as an expert witness.(We feel these were violations of our civil rights – by violation of the" public trust of the people".)

3.There were numerous conflicts of interest, lack of expert testimonies, incorrect data and misrepresentation as well as discrimination .We attempted to bring forth these deficiencies .The Federal Judge, in this case however provided a "war chest" totaling over 3 million dollars to legal counsel for plaintiff and defendant attorneys, as we could not obtain counsel to go up against such a huge legal "war chest". We feel this act constituted a violation of our civil rights and should be considered "abuse of the trust of the people" (SEE EXHIBIT 5.)

A. By awarding the bulk of the 130 million dollar class action lawsuit (70) million to the attorneys and court costs to the detriment of the classes of "women and children". We feel this was a violation of our civil rights and also an "abuse of the trust of the people" (SEE EXHIBIT 5 .)

B. I n the District Court ruling the judge, by giving our attorneys the "war chest" deterred all outside help and left us unable to procure outside legal counsel, leaving us in a pro-se position as our only choice.

C. The fire that was set FEB. 19th 1992 at the COMBUSTION site was depicted as arson, but the objective was reached as the fire contaminated all the evidence reducing our 13-billon lawsuit to 130 million, for the class of 10,000 plus.(SEE EXHIBIT 6.)

D.

Bellow is an abbreviated version of our discrimination timeline giving an

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Overview of how long it can take to prove ongoing discrimination under TITLE VI.

TIME LINE:

1. **1973 pits began to be dug onsite. "EDWARDS ADMIN. IN OFFICE"**
2. **1976 MAY 17th, discharge permit granted. "EDWARDS ADMIN. IN OFFICE".**
3. **1970's the site began to build and numerous residential complaints started to be logged ranging from foul smells, spillages, fish kills to sick and dead animals. "EDWARDS ADMIN. IN OFFICE".....(SEE EXHIBIT 7.)**
4. **1980 high levels of MERCURY were found onsite. And the high levels of MERCURY significantly declined after the defense contractor ERM SOUTHWEST was allowed to perform sampling and testing of the site in 1986 "EDWARDS ADMIN. IN OFFICE".**
5. **1986 class action hazardous waste lawsuit was filed, ERM SOUTHWEST defense contractor was appointed to take samples onsite as well as do other methods of testing "EDWARDS ADMIN. IN OFFICE".(SEE EXHIBIT 8.)**
6. **1988 – 1992 COMBUSTION site put on superfund list for clean up.**
   - **A. The E.P.A. region 6 needed remediation investigation completed by the defense contractor ERM SOUTHWEST as prior remediation was inadequate, and no split samples were taken.**

1992 JAN. 19th

"EDWARDS ADMIN. IN OFFICE —(see region 6 file Kathy Gilmore 89-92)

- **B. 1992 FEB. 13th Region 6 notification to the D.E.Q. that the E.P.A. (Environmental Protection Agency) would be taking the lead in the remedial investigation (R.I.) clean up, due to D.E.Q. inaction.**

- **C. 1992 FEB. 19th Fire was reported as a suspected arson, starting in the pit area destroying evidence to be tested during the new R.I. for levels of contamination; as a result of the fire the 13 billion dollar lawsuit became 130 million to be split among the class of 10,000 plus. This brings into question the real worth to someone who could have profited considerably for starting this fire. (SEE EXHIBIT 5 .)**

D. We, THE COMBUSTION ENVIRONMENTAL JUSTICE COMMITTEE have tried to get a copy of the complete arson report from the State Fire Marshals Office (file # 32-20-12-04-92) to see who was responsible for setting the fire on FEB. 19th 1992, to no avail. We feel this was a(Violation of the public trust of the people by State Agencies and Officials.)

- **E. The full ramification of the fire that destroyed the combustion site And its evidence became clear during the courts "pre-conference"**

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FAIRNESS HEARING of AUGUST 1st - 15th of 1997 in which the Class Members were pitted against their own attorneys for the available funds left. (SEE EXHIBIT 9. REBECCA SMITH)

F. THERE ARE NUMEROUS OTHER DOCUMENTS SHOWING THAT THE ENTIRE COMBUSTION ERA FROM ITS INCEPTION TO ITS CONCLUSION WAS PLAGUED WITH CONFLICTS OF INTEREST AND CIVIL RIGHTS VIOLATIONS.

G. FURTHERMORE, WE FEEL THAT OUR APPEALS :

1. HOLMES # (97-31206)
2. TALLEY # (97-31041)

TO THE 5TH C.C.O.A. (CIRCUIT COURT OF APPEALS)WERE DISMISSED DUE TO A CONFLICT OF INTEREST AND A VIOLATION OF OUR CIVIL RIGHTS.

We have decided to take our appeal to the highest court from which there is no appeal "THE AMERICAN PEOPLE" through the Office of Civil Rights we hereby appeal for CHANGE, FAIRNESS, TRUTH AND REAL ENVIRONMENTAL JUSTICE, That cannot occur without a full and complete investigation about who was responsible for setting the fire of FEB. 19th 1992 at the COMBUSTION INC. Site. The fire destroyed the evidence and the class action lawsuit to the detriment of over 10,000 class members. We do ask that the investigation be performed by the E.P.A. CIVIL RIGHTS DIVISION or deferred to the F.B.I. In light of the current events and our time line(SEE EXHIBIT 10) we need to know if the administration of "EDWIN EDWARDS" has any knowledge about who started the fire of FEB. 19th 1992, since that administration was in office during the investigation of the fire.

It is the desire of the COMBUSTION ENVIRONMENTAL JUSTICE COMMITTEE that this comment contained herein, be deemed true to the best of our knowledge and be recognized in the proposed changes by the E.P.A. guidelines With the 60 day comment period and filed as a formal written complaint and be forwarded to the proper office.

SINCERELY;

PRESIDENT

KAREN V. HOLMES

Karen V. Holmes

VICE PRESIDENT

JOLE E. TALLEY

Joel E. Talley

DATE: 8/06/2000

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August 9, 2000

Title VI Guidance Comments
US Environmental Protection Agency
Office of Civil Rights (1201A)
1200 Pennsylvania Avenue NW
Washington DC 20460

Gentlemen:

Please attach this address list to the "COMBUSTION ENVIRONMENTAL JUSTICE COMMITTEE" proposed changes to the E.P.A environmental justice guidelines with the 60 day comment.

The enclosed list of addresses was inadvertantly left out of our package that was mailed by Priority Mail on August 8, 2000, with a delivery confirmation which was numbered as 03006000000272107970.

Thank you for taking the time to add this list to our package.

Sincerely,

COMBUSTION ENVIRONMENTAL JUSTICE COMMITTEE

Karen V. Holmes, President
[redacted]
Denham Springs, LA 70726
[redacted]

Joel E. Talley, Vice-Pres.
[redacted]
Denham Springs, LA 70726
[redacted]

pt
Enclosure: as stated

received 8/15/00

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ADDRESS LIST:

1. KAREN V. HOLMES
[redacted]
DENHAM SPRINGS, LA. 70726
[redacted]

2. JOEL E. TALLEY
[redacted]
DENHAM SPRINGS, LA. 70726
[redacted]

3. FEDERAL DISTRICT COURT
WESTERN DISTRICT
CLERK OF COURT
ATTENTION:
HONORABLE JUDGE
RICHARD T. HAIK
800 LAFAYETTE STREET
LAFAYETTE, LA. 70501

4. LA. DEPARTMENT OF ENVIRONMENTAL QUALITY (D.E.Q.)
P.O. BOX 82178 BATON ROUGE, LA.
ATTENTION: J. DALE GIVENS SECT.
(225) 765-0370 LEGAL AFFAIRS

5. LOUISIANA FIRE MARSHAL OFFICE
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BATON ROUGE , LA. 70806
(225) 925-4911