

# Environmental Court - Public Law 92-500, Sec. 9.

## VIOLATION NOTICE OF DISCHARGE\* CIVIL DAMAGE CLAIM FOR NEGLIGENCE AND COMPLIANCE ORDER



**[X] Public Health and Welfare**

**CLAIM No.: ENC-18**

This Claim is made by the people, the real parties in interest suffering imminent personal-injury, pursuant to Federal Rules of Civil Procedure 17(a). A lawful Cause of Action as provided for by Public Law 92-500 FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972, 86 Stat, 816, and more specifically under Sec. 2. FEDERAL WATER POLLUTION CONTROL ACT, TITLE V GENERAL PROVISIONS, CITIZEN SUITS, Sec. 505 *et seq.* The unlawful acts noted below constitute a breach of the Duty of Care as required by International Law, acts of negligence that have resulted in [imminent] personal-injury / injurious to human health as defined under Sec. 402(k). Additional laws of consideration are: Public Law 91-452 THE ORGANIZED CRIME CONTROL ACT OF 1970, 84 Stat, 922; THE LIEBER CODE, Articles 16 and 17; and, Federal Rules of Evidence, Rule 601.

**MONTH OF VIOLATION(s)**

**A.D.**

**PERSON'S NAME** *(first, middle, last)*

**AGENT OF GRANTOR - UNITED STATES OF AMERICA**

**ADDRESS** *(use a physical address/federal enclave ID of the Real property source of discharge)*

**MUNICIPALITY** *(CORPORATION/Interstate Compact Agency)* **COUNTY OF** *(Parish)* **STATE OF** *(Union)* **ZIP** *(federal zone)*

**Public Health and Welfare – Public Law 92-500, Federal Water Pollution Control Act Amendments of 1972, Sec. 2. Lawful Cause of Action is provided under section 505(a) - Compliance is mandatory under section 510(a). Not even the President can exempt compliance with sections 306 and 307 as confirmed under section 313. The below defined violations, defined under section 505(f)(1), have been unlawfully occurring since July 1, 1973:**

**Count I: Civil violation for unlawful discharge of chemical & biological warfare agents [section 301 (a), and (f)]**

**Count II: Civil violation of national standard of performance to eliminate discharges [section 306 (a), and (e)]**

**Count III: Civil violation of prohibition, effluent standard and pretreatment standards [section 307(b), and (d)]**

**Above negligent acts(s) are subject to civil penalties as provided for pursuant to subsection (d) of section 309.**

**Total civil damages claimed for imminent personal-injury is: \$1,000,000.00 (one-million dollars USD).**

**Pollutant(s) being unlawfully discharged daily: conventional pollutant / prohibited toxic pollutant (poison) # .17 lbs of BOD; .17 lbs of TSS; UDA Fecal Coliform; <7.5 pH / > 10 mg/l of Nitrosamines, # 50 [Cf. 40 CFR 401.15]**

### **DECLARATION OF INJURY BY POISON IN THE FORM OF AN AFFIDAVIT (“a plain statement of fact”)**

\_\_\_\_\_ State, \_\_\_\_\_ County

\*NOTICE TO AGENT IS NOTICE TO PRINCIPAL; NOTICE TO PRINCIPAL IS NOTICE TO AGENT.

“Pursuant to Due Process of Law, and in this court of record of competent and final jurisdiction, the people of the United States of America do hereby serve this Notice of Violation, Civil Claim for Damages, and Order to Comply (Claim) on information and evidence that the above defined agent of the United States is discharging prohibited poisons into deeded easements, causing imminent and actual injury to the one people justifying lawful Cause of Action to sue agent as public policy provides for. See Public Law 92-500, Sec. 2., Sec. 505(a) CITIZEN SUITS.

Therefore, in order to promote the general welfare of the people of the United States, ordained in the Preamble of the Constitution for the people of the United States of America, and in the interest of restoring the environmental peace and justice, the hereunder signed real party in interest , and in exercise of the lawful right to claim damages for injury as provided for on June 23<sup>rd</sup>, 1983, in the Deed of Easements of Interstate Compacts / Agencies (¶11.), do hereby make this **CLAIM FOR DAMAGES** and that **FINAL JUDGMENT** to be awarded in my favor in this district court for relief, damages, and all other due equitable remedy as the court so orders. Accordingly, the above defined accused agent of the United States has **30 days to answer** and settle this **CLAIM FOR DAMAGES**.

**Point of Law** - Your silence is accepted as *qui non negat fatetur*, your admission to all claims against you. Silence equates to your agreement. **WHAT TO DO** - PROVIDED IN THE INSTRUCTION ON REVERSE.

I affirm under the Laws of the United States of America (without the United States) that the foregoing is true and correct to the best of my knowledge and belief.” [Cf. United States Code, Title 28 § 1746(1)]

By: \_\_\_\_\_;  
State commissioned official #:

**or**

By: \_\_\_\_\_  
Marshal; Veteran; Citizen; PAG; LEO

### **Jurat**

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the man / woman who appeared before me.

SEAL

Signature \_\_\_\_\_

Notary Public

**Answer to Address** \_\_\_\_\_

**SEE REVERSE**

White Copy/ **Court**    Yellow Copy/ **County Recorder**    Pink Copy/ **Violator**    Goldenrod Copy/ **WMATA**

## IMPORTANT – READ CAREFULLY

The people's Affidavit shall serve as *prima-facie* evidence of this matter. The Cause of Action to sue you is brought under authority of Public Law 92-500, Sec. 2., Federal Water Pollution Control Act Amendments of 1972, Sec. 505 CITIZEN SUITS, (a); and, as a lawfully commissioned official having federal jurisdiction and a duty of enforcement, and to issue compliance orders. [Cf. 33USC1319(a)]. If your interstate agency (*your insurance company and bank are liable* [Cf. 33USC1370]) fails to settle this claim or you fail to act with confirmation of your intent to settle this claim and comply, you agree the court may proceed in equity to judgment against you for [imminent] personal injury as claimed.

**"Sec. 309 subsection (d)** Any person who violates section **301, 302, 306, 307, or 308** of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section **402** of this Act ..., **shall be subject to a civil penalty not to exceed \$60,000.00** (CPI adjusted) **per day of such violation.**" (unlawful acts since July 1, 1973) [Emphasis added]

## NOTICE TO CEASE AND DESIST

You are **CEASE and DESIST** your unlawful discharges of pollutants! (See Sec. 505(f))

## WHAT TO DO

First, take this Claim to the insurance company and bank that authorized a Certificate of Occupancy for your Real property(s) operating in non-compliance with the federal health and welfare law, to settle. Pursuant to Public Law 92-500, Sec. 2., sec. 510, since July 1, 1973, all interstate agencies were congressionally mandated to adopt and enforce standards and limitations required to eliminate discharges of pollutants from your home and business locations, but failed to do so. They have been derelict in their duty of care to you.

Alternatively, if your interstate agencies don't settle the Claim against you, then you as the owner or operator of your Real property(s) (the source(s) of your unlawful discharge of pollution) are liable and lawfully required to settle the Claim. For all violations, you must answer by mail (not in person) to the 'Answer to Address' of the Notary Public within 30 days of date received and do one of the following:

- Pay full amount of civil damage claim; or
- Answer to Proof of Service address of your wish / intent to settle this Claim; or
- Provide proof that you are operating in compliance with Sec. 301, 306, and 307 by presentment of your '**401 Certificate of Compliance**'. (See Sec. 401)

If you do not do one of the above, then you agree to this Claim and for the court to proceed to award a "final judgment" against you and in favor of the people and for the restoration of the environmental peace.

### 1. If you do NOT provide proof of your compliance

**(Pay the amount of Claim)** You, or your insurance company and or bank, must send a certified letter postmarked no later than five (5) days prior to the expiration of the statutory thirty (30) day notice period to the address provided on the 'Answer to Address' on **FRONT**, expressing your desire to settle this matter prior to the award of a final judgment. Upon receipt of your letter expressing a good faith desire to settle, you will be contacted by a court authorized Environmental marshal or their appointee to with settlement options. Your credit should not be effected upon successful settlement of this matter.

Notice – Regardless of the outcome of this matter, you will need to make arrangements to correct the unlawful discharge violation(s) within two (2) years [Cf. 33USC1317(e)] to avoid an indictment against you for acts of environmental terrorism. Upon correcting the violation(s), the Certified Installer, who did the installation of the qualified BADCT to bring you and your Real property source(s) of unlawful discharge of man-made/induced pollution into the deeded easements, or a marshal or designee may execute an Affidavit of Compliance, having a copy of the Claim attached, and deliver original copies of said Affidavit of Compliance to the Clerk of the Environmental Court.

WARNING: Failure to come into compliance (or have made good faith efforts to come into compliance) within this 2 year time period may justify an additional Claim to be brought against you for double the amount of the civil damages of this current Claim, as provided for by law.

### 2. If you fail to act to settle this claim, your silence is your admission to the Claim

This suit is a constitutional tort action for damages. Upon your failure to act to settle this claim within the statutory thirty (30) days; you agree your silence, as admission to all claims, shall be accepted as *qui non negat fatetur*, a Maxim of Law that means "he who does not deny, admits."

Accordingly, if you fail to act to settle this claim, you have lawfully admitted to the claims against you, all parties are in agreement, and the court shall proceed to award judgment in favor of the people for relief, damages, and all other due equitable remedy as the court so orders.

- a. Make check/cashier's check payable to **Environmental Court**.  
**IMPORTANT:** Write the Claim number on your check, or cashier's check.
- b. You may pay by USPS *Priority* Mail to Clerk of the Environmental Court, care of 'Answer to Address' on **FRONT**. A bank-to-bank transfer may also be arranged.

## INSTRUCTIONS TO COMPLETE CLAIM FOR DAMAGES

Fill in the Claim No.: ENV-18 with double digit month followed by double digit date, i.e., '0302'

The Claim No. is determined by the date you served a Claim for Damages upon the Agent / Person

Complete the Month of Violation(s) by selecting the month and year of your injury, i.e. January 2015.

Complete the Person information with a first, middle, and last name.

Complete the Physical Address by providing the agent's home address. Also complete a claim against the address of agent's place of employment. (Note: Is it the policy of the court to recognize marriage and also serve the spouse with a claim for damages at the home address.)

When identifying the political subdivision, always provide ZIP CODE.

If you have your local Print Shop print the Claim out on 4-part NCR paper, you will not need to check the box at the bottom.

If you print out the pdf, you will print out the Claim on legal size paper, front and back.

You can print out one copy and have it completed and notarized....and make the other copies from the original, or, if your notary is willing, can sign and stamp each copy for you (maybe for a small fee extra).

You will Priority Mail appropriate copy of Claim to the Court, the County Recorder, the Violator, and WMATA.

The Court address is: Environmental Court, care of P.O. Box 675, Branson on Missouri near [65615]

The County Recorder, care of County Auditor, or in the alternative, the County Clerk.

The Violator is the information on the Claim for damages.

The WMATA address is:

## INSTRUCTIONS TO AFFIANTS AND STATE COMMISSIONED OFFICIALS

Title 33 United States Codes §1319(a) provides the authority for the state commissioned official, aka Notary Public commissioned by the Secretary of State of any particular State. The Federal law mandates state commissioned officials are to take action to provide "State enforcement; and compliance orders."

Accordingly, you need two (2) notaries to execute this Claim, one to sign and state commission number (no stamp), and the second notary to 'Jurat' the first notary's signature as affiant.

Alternatively, only if you cannot provide for the two notaries, then any of the defined can sign via Jurat.

The Jurat Notary will provide their address to receive any answer or rebuttal to any of the claims made. If no answer or rebuttal to any of the claims made is received by the Jurat Notary by the time provided in the terms and conditions of the Claim, the Jurat Notary will execute a notice of non-response to the Court with a request to proceed to final judgment by agreement to Claim by all parties.