

IN THIS MATTER OF RODNEY O. CORR OF CORR FINANCIAL LLC

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
UNITED STATES)	
ENVIRONMENTAL)	DOCKET NO. CWA-04-2008-5508
PROTECTION)	
AGENCY)	
)	
COMPLAINANT)	

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 EPA REGION 4
 2009 JUN 16 AM 7:03
 HEARING CLERK

RESPONDENT'S ORDER TO SHOW CAUSE FOR EXTENSION OF TIME FOR PREHEARING EXCHANGE FOR ADMINISTRATIVE ORDER

By order of Administrative Law Judge Barbara A. Gunning, dated March 27, 2009, Prehearing Order, Respondent, Rodney O. Corr of Corr Financial LLC, respectfully submits the following Prehearing Exchange.

As we have responded to the decision by the United State Environmental Protection Agency (EPA) Region 4, and Corps of Engineers, to issue a "Findings of Violation and Order of Compliance" dated April 4, 2005 and then again March 4, 2009 (the Order). In the Order, Region 4 alleges that I violated the Clean Water Act by conducting certain land-clearing activities and dredging or filling material into approx. 14 acres of "jurisdictional wetlands" located adjacent to Highway 603 and Favre Lane in Hancock County, Miss. I respectfully disagree with the findings in the Order and, as a result, will not consider obligated to comply with the Order further. As you are well aware, I have obtained all necessary state and local approvals for the development of Cameron Bay Estates, including a stormwater permit from the Miss. Department of Environmental Quality.

My position of EPA asserting jurisdiction their jurisdiction on my property remains the same. The Court of Appeals for the Fifth Circuit - governing federal law in the State of Mississippi - recently restricted your agency's authority to assert jurisdiction over certain water bodies. See in the matter of Needham (5th Cir. 2003) Specifically, the Fifth Circuit rejected the "expansive interpretation" of the jurisdictional term "navigable waters" employed by two other circuits that allowed federal agencies to assert jurisdiction over "all waters, excluding groundwater, that have any hydrological connection with navigable water.

The (Clean Water Act is) not so broad as to permit the federal government to impose regulations over "tributaries" that are neither themselves navigable not truly adjacent to navigable waters. Consequently, in this circuit the United States may not simply impose regulations over puddles, sewers, roadside ditches and the likes; under SWANCC.

In fact, your agency can only asset jurisdiction over (1) "wetlands" that are (2) "adjacent to" (3) an "open body" of (4) "navigable water." As discussed above, my property did not impact wetlands on the Site, either before or after development activities commenced at the Site. In this Circuit, "adjacency necessarily implicates a significant nexus between the water in question and the navigable-in-fact waterway. For example in Needham. The drainage ditches on my property are located approx. over 8,000 linear feet from a Bayou, which itself is not an "open body of navigable water". In fact, the Bayou must flow over three miles before reaching the navigable Jourdan River.

In fact, it is our understanding that the United States Army Corps of Engineers and or Region 4 were aware of My development activities at the Site almost 18 months before taking any enforcement action. Likewise, EPA itself issued the Order almost Six months after conducting its " enforcement" visit to the Site. Waiting such an extensive period of time before commencing enforcement not only discredits the claims in the Order, but such delay may also support a claim of estoppel against many people in both agencies if litigation ensues. I'm exploring available legal recourses at this time for the repeated harassment by both agencies and many people of the staff in relation to the projects known as St, Joseph Subdivision, Ireland Street and Cameron Bay (Highway 603). These are the persons responsible for acting outside their scope of employment which is set by the United State Congress and therefore acted outside the parameters set forth by the act and could be determined to be personally liable for their actions on each of these properties.

My family and I have been continually harassed by all agencies in question. Due to the financial losses we have taken from these agencies acting outside the parameters of employment. We are left with trying to recoup some of the moneys loss, and now properties taken away due to these agencies overstepping their jurisdiction. Properties including St. Joseph, Ireland Street and now Highway 603.

After being threaten by Ms. Wilda W. Cobb of United States Environmental Protection Agency of Atlanta by putting a lien on my property, me and my family have been left with having to give the property back to the lender. (papers enclosed)

These are the reasons for the needed time for extension:

1-(enclosed) We have moved to Texas after the Hurricane. I have a 17 year old son that is living with his mother in Mississippi that has had a graduation in the last few weeks, which left me out of pocket for 10 days.

2-(enclosed) My Godchild (Nephew) had also had his graduation at St. Stanislaus the following week in Mississippi which required more time away with travel.

Reason for not able to hire an Attorney:

3-(Tax returns) Sending you my last 3 years tax returns which is showing you the financial difficulty my family is having due to the Environmental Harassment in conjunction with the slow economy. This is leaving my family NO possible outlet to hire an Attorney. The next Attorney we consult will be for possible litigation to recoup moneys lost from employee's for Government Agencies working outside of their scope of employment.

(enclosed)	Tax Return 2006	Rodney & Tammy Corr	and Corr Financial LLC
(enclosed)	Tax Return 2007	Rodney & Tammy Corr	and Corr Financial LLC
(enclosed)	Tax Return 2008	Rodney & Tammy Corr	and Corr Financial LLC

Please take this under consideration. My family and I would like to resolve this matter peacefully and have this come to a conclusion as soon as possible. It has taken us some time going back into all the numerous files for the many different properties. This case isn't about just one piece of property. This goes back all the way from the day Frank Hubiak shut down St. Joseph Street Property, that is when the harassment began. It is taking us many days to get all the papers together needed to get the proper Administrative Order together. Please Consider.

If you have any question or comments, please do not hesitate to contact me directly,

Sincerely,


Rodney O. Corr
(228) 323-8936

cc: Patricia Bullock
Ms. Wilda W. Cobb

6/10/2009