

It is time for an update. We have not said much recently, but we have been meeting regularly and researching options that are available to us. Some people feel we are dead in the water, but we are a long way from that scenario.

Our current agenda:

1. We have direct communication with Senator Bill Nelson's office. We asked the Senator to look into some irregularities that we discovered including falsified ACOE documents. We have confirmation that his office received our information, and early response indicates staff is looking into our request.

Excerpt from our request to the Senator:

"...We are in disbelief that this ... Draft Environmental Assessment for the Cudjoe Regional Wastewater System ... previously submitted ..., is floating around the system with all the authority of an official Army Corp of Engineers (ACOE) publication only to find out it appears to be a forgery... All indications are that this document was produced on a Monroe County computer by an employee of Monroe County or the Florida Keys Aqueduct Authority (FKAA)."

This draft environmental assessment was relied on in applications for state and federal funding. Monroe County based many official Monroe County actions on this document.

2. We will press the property rights issue of putting the grinders on our private property, suggesting they be placed on the county right-of-way where they belong. To this point we agreed to engage an attorney to file a suit against FKAA and possibly the county for Inverse Condemnation – a back door taking of our property without due process and compensation. We agreed on an amount for the suit and fees. This number is no secret, but it will not be published here. It is available to any of you via discussion at meetings, direct email or phone.

We do not know who really wrote the ALJ's Recommended Order. Some suggest the DEP attorneys; some suggest the FKAA attorneys. Regardless, if you really read the recommendation, we receive a lot of credit for our positions. We captured one very interesting conclusion.

In public discussions, FKAA claimed that they could not put grinders in the road or public right of way because they would have to meet 10 States Standards and therefore it would be too expensive. They would need two pumps, pump out connection and provisions for power and back-up power along with drive proof lids.

In the DOAH hearings, DEP and FKAA claimed, and the judge bought it, that an "alternative system," such as the CRWS system, need not comply with anything in 10 States Standards. This conclusion in the DOAH hearing and testimony completely negates the FKAA argument that grinders could not be placed in the public right of way.

If anything, it supports placing them in the public right of way, since they do not have to comply with the bible of waste water collection systems – 10 States Standards.

This suit will be property specific. Parties to the suit must have an interest in the affected real property either by ownership or leasehold. The initial portion of the suit will be to determine if a taking exists. Experts we talked with feel there is a taking of property and that a judge will recognize such. Suits for individual damages would be the next step.

Our obligation is to fund the initial suit. If we prevail, FKAA or the county will be responsible for cost of the damage litigation.

3. We will continue to press the environmental issues by pressing the lack of transparency in the permitting process to include lack of public hearings, no final Environmental Assessment, no Environmental Impact Statement, avoidance of the protocol of NEPA and avoidance of rules dealing with the Endangered Species Act. We will file a 60 Day Notice of Intent to Sue for Violations. The attorney is retained, and we should have this filed within two weeks.

These are new actions and will obviously require new money. We feel we need to have \$10,000 to \$12,000 in the bank to move forward with these two legal actions. This is a call for money.

We have commitments from about 50 households that say they will go forward with us, and that is just from our email list. We will advertise to more of the public audience. For starters, if we can get 50 of us to put in \$200 each, we are there. We know that some of you have already contributed to your limit, and others have been quite gracious. Take a look at what you can do and send it in. We have already retained the attorney for the Sixty Day Notice letter. We would like to go ahead and retain the attorney for the Inverse Condemnation proceedings.

Mail checks to:

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Big Pine Key, FL 33043

Or use our PayPal account on our website www.dumpthepumps.com

As always, thanks and best wishes,

Banks
For
Dump the Pumps, Inc.

