

6/7/2009

**Terry Mutchler, Executive Director
Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120**

Re: Right-to-Know Law Request No. 5310-09-005

Dear Mr. Mutchler,

As indicated in the May 21, 2009 denial, I have made this request before. I am now writing a brief explanation as to the reason for my determination in acquiring this record.

I live less than one mile from the A/C Fuel Coal Fly Ash Dump. This dump contains roughly 1,000,000 cubic yards of toxic waste, DEP documentation enclosed.

In my opinion the "Erosion and Sediment Control Facilities" play an important and critical part of this permit regarding the safety of my water supply and community.

As demonstrated in the enclosed photograph this "facility" is nowhere near this dump, Permit No.54980201. The satellite photo demonstrates that this "facility" is actually just outside of a residential swimming pool miles from the above mentioned permit.

I am objecting to my current denial by Thomas Callaghan, P.G. and the PA DEP because it contains conflicting statements:

1. The May 21, 2009 denial states that the department does not have my record and that it would be illegal to create a document for the purposes of fulfilling my RTKL request.
2. The next paragraph states that the record that is unavailable in paragraph (1) is now denied because I have not been clear and that the department is somehow confused about my request. I have made my request abundantly clear, there was no misunderstanding.
3. The third paragraph denies my request because I have requested this information since 2003. This is a lie meant to discredit my true intentions. I have made repeated RTKL requests about the illegal blasting investigation conducted by DEP since 2003; my RTKL requests about the coal fly ash dumps have only been made since November of 2004. The current denial has only recently been made.

It is my belief that the PA DEP has perverted the past RTKL by denying documents under the pretence that they were part of an investigation. The reality has been that these requested documents never existed and that the PA DEP has lied.

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I am requesting a clarification of my denial of RTKL request No. 5310-09-005. If my petition is granted then I am requesting the amended denial sent in the form of an affidavit signed by Thomas Callaghan, P.G.

I allege that Keith B.C. Brady, P.G.; Randy Shustack, SMCi Supervisor and Thomas Callaghan, PG District Mining Manager with government corruption, fraud and conspiracy to obstruct justice in connection with this investigation.

Please investigate this record and the true motive for this denial. Do not let the Pottsville District Mining Office pervert the new RTKL as they have done for years in the past.

Sincerely,

Steven Dreyer

Enclosures

cc: John Hanger, Secretary, PA DEP
David G. Argall, 29th State Senatorial District
Robin M. Hittie, Chief Counsel State Ethics Commission
James P. Goodman, Schuylkill County District Attorney
Thomas Callaghan, District Mining Manager PA DEP