

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION**

ROBERT SULLINS, KAROL  
SULLINS, and FLINT  
RIVERKEEPER, INC.,

Plaintiffs,

v.

CITY OF GRIFFIN, GEORGIA,

Defendant.

Case No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

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**VERIFIED COMPLAINT FOR CIVIL PENALTIES, INJUNCTIVE  
RELIEF, DAMAGES, ATTORNEYS' FEES, AND EXPENSES OF  
LITIGATION**

1. Plaintiffs Robert Sullins and Karol Sullins (“Sullins Plaintiffs”) own and/or control property in the City of Griffin, Georgia that includes a portion of a stream known as Ison Branch, which is a tributary of the Flint River.

2. Defendant City of Griffin, Georgia owns and operates sewage infrastructure (including manholes and subsurface pipes) located on and in the vicinity of the Sullinses’ property, which infrastructure is part of Defendant’s larger wastewater collection and treatment system.

3. Over the past several years, Defendant's system has repeatedly discharged untreated sewage from its infrastructure located on and near the Sullins' property and into Ison Branch, which is a Water of the United States, without a permit or in violation of a permit.

4. This suit seeks to remedy Defendant's repeated, illegal, unpermitted, and ongoing discharges onto the Sullins Plaintiffs' property and into Ison Branch.

5. Sullins Plaintiffs bring this citizen suit under the Federal Water Pollution Control Act ("Clean Water Act" or "CWA"), *see* 33 U.S.C. § 1365, seeking declaratory relief and injunctive relief requiring abatement of the ongoing discharges, as well as civil penalties and costs of litigation, including reasonable attorney and expert fees and expenses.

6. Sullins Plaintiffs also bring pendent state law claims of trespass, nuisance, per se taking, inverse condemnation, and attorney's fees and expenses of litigation for the harms resulting from the repeated raw sewage discharges, including damage to, diminished value of, and interference with the use and enjoyment of their property.

7. Plaintiff Flint Riverkeeper brings Clean Water Act claims to protect the water quality of the Flint River and its tributaries from Defendant's unlawful discharges of raw sewage into its watershed. Flint Riverkeeper is seeking declaratory relief and injunctive relief requiring abatement of the ongoing discharges, as well as

civil penalties and costs of litigation, including reasonable attorney and expert fees and expenses.

### **PARTIES**

8. Sullins Plaintiffs are residents of the City of Griffin and members of Flint Riverkeeper who own and reside at property located at 1133 Pine Valley Road, Griffin, Spalding County, Georgia 30224 (Parcel No. 034 01010) (the “Sullins Property”).

9. Sullins Plaintiffs have property, economic, aesthetic, and health interests in the waters of the Flint River basin, including Ison Branch which flows through their property, and have been, and will continue to be, directly and substantially injured as a direct result of Defendant Griffin’s ongoing contamination of the Flint River watershed via illegal discharges of raw sewage and associated pollutants that threaten their health and safety and diminish their use and enjoyment of the polluted waters, including Ison Branch.

10. The Sullins Property includes not only Ison Branch, the land, and improvements thereon, but also Sullins Plaintiffs’ personal property possessed thereon and/or thereabout, and Sullins Plaintiffs’ rights in relation to their land, improvements, and other property including, without limitation, their rights to use, enjoy, and dispose of their property and their rights to exclude others from polluting,

possessing, and/or otherwise injuring and limiting their property use, enjoyment, and disposition.

11. Plaintiff Flint Riverkeeper is a non-profit corporation organized under the laws of the State of Georgia, with a principal office in Albany, Georgia, that seeks to restore and preserve the habitat, water quality, and flow of the Flint River for the benefit of current and future generations and dependent wildlife. Flint Riverkeeper achieves these purposes and objectives through education, advocacy, monitoring, public engagement, social events, water sampling and testing, pollution prevention measures, and seeking redress in the courts when necessary. The Flint River basin provides water for drinking, swimming, fishing, commercial, industrial, and agricultural pursuits for more than one million people.

12. Flint Riverkeeper is a member organization with roughly 600 active members including individuals, families, and businesses—some of whom, like the Sullinses, own real property and/or reside along the Flint River and its tributaries, consume drinking water from the Flint River, and engage in social events and recreational activities including fishing, swimming, and boating in and on the Flint River and its tributaries. Much of this activity occurs downstream of Defendant Griffin's discharges, including in the City of Thomaston, which draws its drinking water supply directly from Potato Creek downstream of Defendant Griffin's discharges.

13. Flint Riverkeeper's members have property, economic, aesthetic, and health interests in the waters of the Flint River basin and have been, and will continue to be, directly and substantially injured as a direct result of Griffin's ongoing contamination of the Flint River watershed via illegal discharges of raw sewage and associated pollutants that threaten members' health and safety and diminish members' use and enjoyment of the waters.

14. The interests Flint Riverkeeper seeks to protect in this lawsuit are germane to its purposes and objectives, but neither the claims asserted herein, nor any of the relief requested, requires the participation of individual members in this lawsuit. Accordingly, Flint Riverkeeper has standing to prosecute this action.

15. Plaintiffs are all "citizen[s]" within the meaning of 33 U.S.C. §§ 1365(a) and 1365(g).

16. Defendant City of Griffin ("Defendant Griffin") is a political subdivision of the State of Georgia. Defendant may be served with process in accordance with Fed. R. Civ. P. 4(j)(2).

### **JURISDICTION AND VENUE**

17. This Court has jurisdiction over Plaintiffs' Clean Water Act claims pursuant to 28 U.S.C. § 1331 and 33 U.S.C. § 1365(a).

18. This Court has supplemental jurisdiction over Sullins Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.

19. This Court is a proper venue for this action under 28 U.S.C. § 1391 and 33 U.S.C. § 1365(c)(1) because the sewage discharges forming the basis of Plaintiffs' claims occurred in Griffin, Georgia, which is situated within the Northern District of Georgia, which is also where Defendant is deemed to reside under 28 U.S.C. § 1391(c)(2).

20. On November 14, 2025, Sullins Plaintiffs served Defendant City of Griffin and City officials with an Ante Litem Notice pursuant to O.C.G.A. § 36-33-5, a true and correct copy of which is attached as Exhibit A.

21. On February 18, 2026, Plaintiffs served Defendant City of Griffin and City officials with a Notice of Intent to Sue under the Clean Water Act pursuant to 33 U.S.C. § 1365(b) and a Demand to Abate Nuisance and Trespass pursuant to O.C.G.A. § 41-1-1, a true and correct copy of which is attached as Exhibit B.

### **STATUTORY BACKGROUND**

22. The Clean Water Act's purpose is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). To accomplish that objective, Congress set the national goal that "the discharge of pollutants into navigable waters be eliminated." *Id.* § 1251(a)(1).

23. Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants from a point source to waters of the United States except in compliance with, among other conditions, a National Pollutant Discharge

Elimination System (“NPDES”) permit issued by the EPA or an authorized state pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342. *See* 33 U.S.C. §§ 1311 and 1362.

24. The Georgia Department of Natural Resources has been delegated the authority to issue NPDES permits in the state since 1974 by EPA, pursuant to 33 U.S.C. § 1342(b). The Georgia Environmental Protection Division within the state’s Department of Natural Resources administers Georgia’s NPDES permitting program. *See, e.g.*, O.C.G.A. § 12-5-30.

25. Each violation of a NPDES permit, and each discharge of a pollutant that is not authorized by a permit, is a violation of the Clean Water Act. 33 U.S.C. §§ 1311(a), 1342, and 1365(f); 40 C.F.R. § 122.41(a).

26. The Clean Water Act defines “discharge of a pollutant” as “any addition of any pollutant to navigable waters from a point source.” 33 U.S.C. § 1362(12).

27. The Clean Water Act defines “pollutant” to include “sewage, garbage, sewage sludge . . . chemical wastes, biological materials . . . and industrial [and] municipal . . . waste discharged into water.” 33 U.S.C. § 1362(6).

28. The Clean Water Act defines “point source” to include “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, [or] container . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

29. The Clean Water Act defines “navigable waters” as “waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).

30. The Clean Water Act defines “person” to include “an individual, corporation, partnership, association, State, [or] municipality.” 33 U.S.C. § 1362(5).

31. Under Section 505(a)(1) of the Clean Water Act, any citizen may commence a civil action in federal court on their own behalf against any “person” who is alleged to be in violation of an “effluent standard or limitation” under the Act. 33 U.S.C. § 1365(a)(1).

32. An “effluent standard or limitation” is defined to include: “(1) . . . an unlawful act under subsection (a) of section 1311 of [Title 33]; (2) an effluent limitation or other limitation under section 1311 or 1312 of [Title 33]; . . . (4) prohibition, effluent standard or pretreatment standards under section 1317 of [Title 33]; . . . [or] (7) a permit or condition of a permit issued under section 1342 of [Title 33].” 33 U.S.C. § 1365(f).

33. The unpermitted discharge of a pollutant is an unlawful act under Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a).

34. Citizen suits under the Clean Water Act may seek remedies for: (1) an unpermitted discharge in violation of 33 U.S.C. § 1311; (2) a failure to comply with a prohibition, effluent standard, or pretreatment standards under 33 U.S.C. §

1317(b); and (3) the violation of a condition of a permit issued pursuant to 33 U.S.C. § 1342, which includes NPDES permits. 33 U.S.C. § 1365(a), (f).

35. Federal courts are authorized to issue injunctive relief under the citizen suit provision of the Clean Water Act, 33 U.S.C. § 1365(a), and are authorized to issue declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

36. In citizen suits, courts may assess civil penalties against violators not to exceed \$68,445 per day per violation for violations of the Clean Water Act that occur after November 2, 2015, where penalties are assessed after January 8, 2025. 33 U.S.C. §§ 1319(d), 1365(a); 40 C.F.R. §§ 19.1–19.4 (updating statutory penalties to adjust for inflation).

### **FACTUAL BACKGROUND**

37. Sullins Plaintiffs have owned and resided at the Sullins Property for over thirty years, including at all times pertinent to this Complaint.

38. The Sullins Property includes their home and personal belongings, as well as a portion of Ison Branch, a tributary of Potato Creek, which flows into the Flint River.

39. Ison Branch is a water of the United States. It flows into Potato Creek, which is also a water of the United States that flows directly into the Flint River, a navigable-in-fact waterway. Ison Branch and Potato Creek are relatively permanent,

standing and/or continuously flowing bodies of water that are tributaries of the Flint River. The Flint River currently is used, was used in the past, and/or may be susceptible to use in interstate or foreign commerce. *See* 33 C.F.R. § 328.3

40. Before the commencement of the sewage discharges detailed below, Sullins Plaintiffs and their children used Ison Branch for aesthetic and recreational enjoyment, for example by observing wildlife and recreating in the water.

41. On or about March 12, 2004, Defendant and Sullins Plaintiffs entered into an Easement Agreement providing Defendant the right to install and maintain an upgraded sewer line through the Sullins Property.

42. Beginning in 2019, repeated discharges of raw, untreated sewage onto the Sullins Property and into Ison Branch began to occur.

43. These sewage discharges have occurred more than fifteen times since the first discharge in 2019, including ten times within the four years before the filing of this Complaint. These discharges occur during heavy rainfall events and will continue to occur in future heavy rainfall events.

44. As alleged in more detail below, Defendant has failed to stop these discharges, and these discharges are currently continuous and/or reasonably likely to recur.

### **Defendant's Sewage Infrastructure**

45. Defendant owns, controls, manages, and operates a sewage wastewater system that transmits raw sewage collected throughout the City of Griffin to Defendant's wastewater treatment facilities, which include Blanton Mill Land Application System, Cabin Creek Wastewater Treatment Plant, Potato Creek Wastewater Treatment Plant, and Shoal Creek Wastewater Treatment Plant (such facilities and all pipes, conveyances, and other infrastructure appurtenant thereto are collectively referred to hereinafter as "Defendant's Sewage Infrastructure").

46. Defendant's Sewage Infrastructure includes one manhole on the Sullins Property ("Manhole No. 1"); one manhole southwest of the Sullins Property, across Ison Branch ("Manhole No. 2"); and one manhole on Pine Valley Road in front of the Sullins Property ("Manhole No. 3") (collectively, the "Manholes"), each of which is connected to sewer pipes beneath the Sullins Property and its vicinity (the "Pipes"). These three Manholes and the Pipes are in the immediate vicinity of the portion of Ison Branch that flows through the Sullins Property.

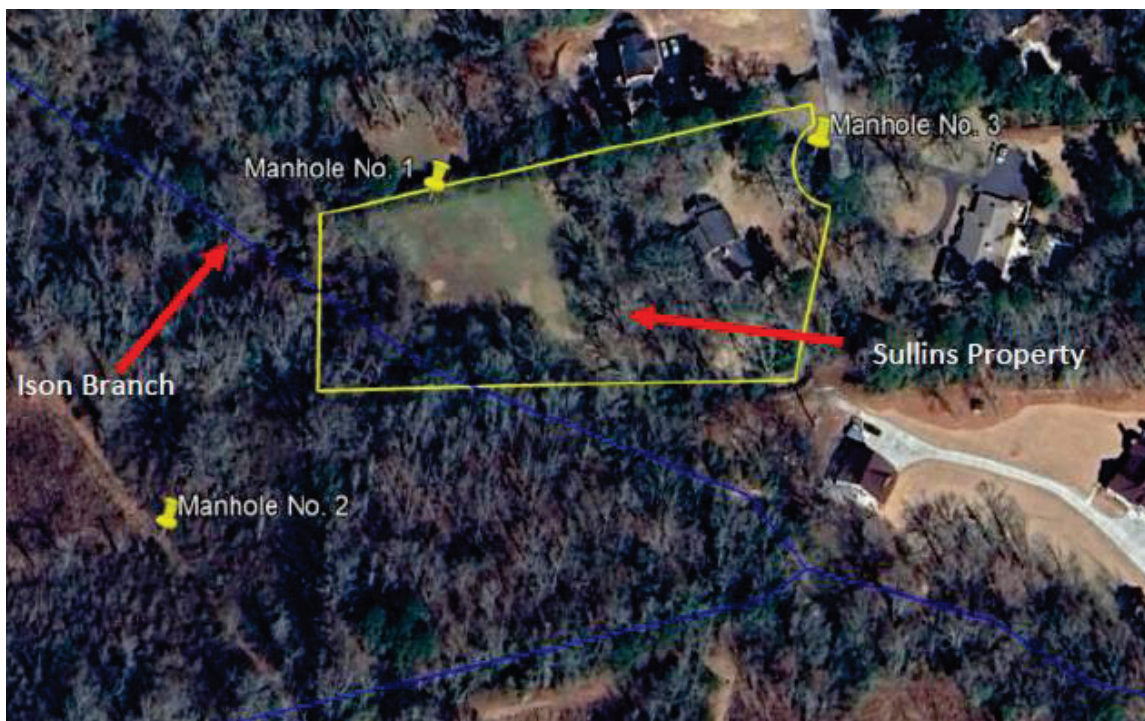
47. Manhole No. 1 is located at approximate coordinates of 33.22301 N, 84.25726 W.

48. Manhole No. 2 is located at approximate coordinates of 33.221978 N, 84.258256 W.

49. Manhole No. 3 is located at approximate coordinates of 33.223128 N, 84.255847 W.

50. The following image (Figure No. 1) shows Manhole Nos. 1-3 and their relation to the Sullins Property and Ison Branch.

**Figure No. 1**



51. As part of Defendant's Sewage Infrastructure, the Pipes route sewage waste to wastewater treatment facilities operated by Defendant Griffin, including without limitation the Potato Creek Wastewater Treatment Plant.

52. As detailed below, repeated and ongoing discharges of raw sewage have occurred and continue to occur from the Manholes, which are point sources, and into Ison Branch, which is a water of the United States. These discharges of pollutants

are causing injury to the Sullins Plaintiffs, the Sullins Property, and the Flint River basin.

### **Defendant's Failure to Maintain Defendant's Sewage Infrastructure**

53. Defendant has failed to appropriately maintain its Sewage Infrastructure since its initial construction or installation.

54. Defendant's Sewage Infrastructure, including without limitation pipes, manholes, and other infrastructure that are upstream of (*i.e.*, flowing toward) the Sullins Property, is in such a deteriorated condition that it fails to function as originally designed.

55. For example, cracks, fissures, broken connections, and other defects in Defendant's Sewage Infrastructure allow stormwater to infiltrate Defendant's Sewage Infrastructure during and following rain events. This phenomenon is known as "inflow" or "infiltration."

56. On information and belief, these defects are a direct and proximate consequence of Defendant's longstanding failure to maintain its Sewage Infrastructure.

57. The Sullins Property is located within the Potato Creek Wastewater Service Area, within metered basin PC2390 (2591).

58. By Defendant's own observations and conclusions, significant amounts of infiltration and inflow have been observed and monitored in metered basins

upstream of the Sullins Property, including metered basins (i) PC8100 (4269), (ii) PC1271 (1572), and (iii) PC1788 (3040) (hereinafter the “Priority Basins”).

59. Infiltration and inflow in the Priority Basins during rain events causes and results in sewage discharges (sanitary sewer overflows) from Manholes on or near the Sullins Property and into Ison Branch.

60. On information and belief, the infiltration and inflow in the Priority Basins is a direct and proximate consequence of Defendant’s failure to maintain its Sewage Infrastructure within and upstream of the Priority Basins.

### **Raw Sewage Discharges**

61. Manhole No. 1 has overflowed and discharged raw sewage onto the Sullins Property and into Ison Branch numerous times, including on January 7, 2019; February 6, 2020; February 18, 2020; March 5, 2020; August 25, 2020; September 27, 2020; July 27, 2021; October 6, 2021; February 4, 2022; March 27, 2023; January 9, 2024; January 25, 2024; February 12, 2024; March 5, 2024; August 26, 2024; June 10, 2025; and August 4, 2025.

62. Manhole No. 2 has overflowed and discharged raw sewage into Ison Branch on the Sullins Property, including a period of constant overflow from August 1, 2023, to August 18, 2023.

63. Manhole No. 3 has overflowed and discharged raw sewage into Ison Branch and onto the Sullins Property numerous times, including as recently as February 12, 2024.

64. Water quality sampling data from many of these documented overflows have shown *E. coli* and other fecal coliform bacteria counts that are at levels harmful to humans and wildlife.

65. Figures 2, 3, and 4 below show discharges from Manhole No. 1, through the Sullins Property, and into Ison Branch.

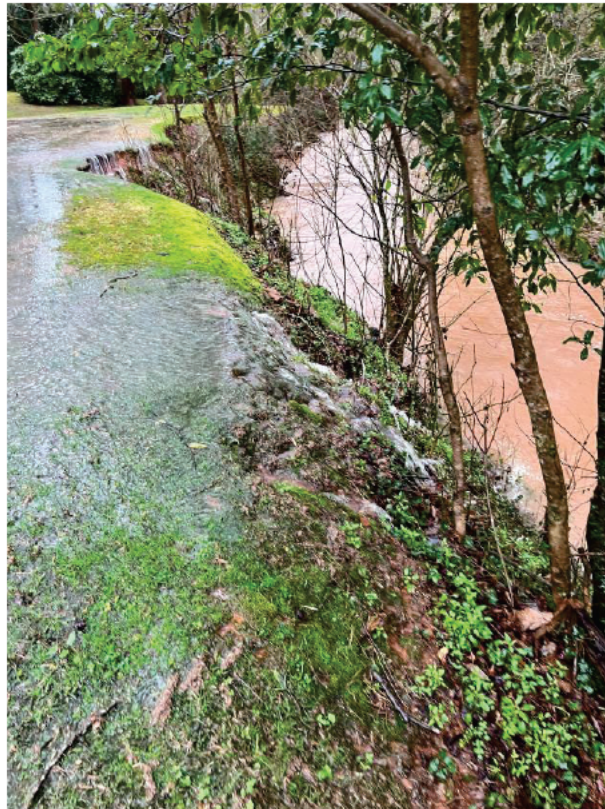
**Figure No. 2: Manhole No. 1**



**Figure No. 3: Sewage Discharge Onto and Through Sullins Property**



**Figure No. 4: Sewage Discharge Entering Ison Branch**



### **Notice to Defendant**

66. The Sullins Plaintiffs have repeatedly notified Defendant of the sewage discharges described above, and Defendant has yet to take sufficient action to abate the ongoing discharges.

67. For purposes of illustration, below is a non-exhaustive list of instances in which the Sullins Plaintiffs notified Defendant of sewage discharges affecting the Sullins Property.

68. On January 7, 2019, Robert Sullins notified Defendant of a discharge of sewage from Manhole No. 1 that occurred that day.

69. On July 27, 2021, Robert Sullins notified Defendant of a sewage discharge from Manhole No. 1.

70. On or about August 3, 2021, the Sullins Plaintiffs attended a City Commissioners meeting held by Defendant, spoke about the sewage discharge that occurred on July 27, 2021, and provided the City Commissioners with a handout that included photographs depicting the discharge event.

71. On or about October 5-6, 2021, and February 4, 2022, Robert Sullins notified Defendant of sewage discharges that occurred on those days.

72. On March 27, 2023, Robert Sullins notified Defendant of a substantial discharge that occurred that day.

73. On or about March 28, 2023, Robert Sullins spoke about the substantial discharge event at a City Commissioners meeting held by Defendant.

74. On June 9, 2023—more than four years after initially learning of the discharge issues affecting the Sullins Plaintiffs—Defendant made its first attempt to abate the ongoing discharges by bolting down the top of Manhole No. 1 and a second manhole on the Sullins Property. As detailed elsewhere within this Complaint, this action has not abated the ongoing sewage discharges onto and affecting the Sullins Property.

75. In August 2023, after a substantial sewage discharge from Manhole No. 2 that lasted multiple weeks and resulted in sewage pooling and ponding on the Sullins Property, Mr. Sullins notified Defendant of the issue and again spoke at a City Commissioners meeting held on or around August 22, 2023.

76. On January 9, 2024, after a sewage discharge from the bolted-down Manhole No. 1, Mr. Sullins notified multiple representatives of Defendant.

77. After additional discharges occurred in June and August 2025, the Sullins Plaintiffs provided Defendant with the ante litem notice letter attached to this Complaint as Exhibit A.

78. Despite the Sullins Plaintiffs' repeated notification to Defendant of the repeated and ongoing sewage discharges affecting the Sullins Property, Defendant

has not taken action sufficient to abate the discharges, which continue to occur and are likely to occur in the future.

79. Further, the Sullins Plaintiffs have made multiple requests to Defendant to issue a moratorium on new construction in the basin until the infiltration issues are addressed.

80. However, Defendant has allowed and continues to allow new construction and connections to the existing system, which further overloads the failing system, with full knowledge that the system is inadequate.

### **Injuries to Sullins Plaintiffs**

81. The discharges of sewage from Defendant's Sewage Infrastructure onto the Sullins Property have interfered with the Sullins Plaintiffs' use and enjoyment of the Sullins Property, including Ison Branch.

82. Before the commencement of Defendant's sewage discharges, the Sullins Plaintiffs and their children would recreate and observe wildlife within Ison Branch, activities which are no longer possible because of Defendant's sewage discharges and resulting pollution in the form of bacterial contamination and noxious odors.

83. The discharges of sewage from Defendant's Sewage Infrastructure onto the Sullins Property and into Ison Branch have further substantially diminished the resale value of the Sullins Property and its corresponding fair market value.

84. Even if Defendant successfully abates the discharges of raw sewage onto the Sullins Property, the value of the Sullins Property will be burdened with the stigma of the prior discharges such that it will never be worth as much as it was before Defendant's Sewage Infrastructure began discharging sewage onto the Sullins Property.

85. Defendant's raw sewage discharges have damaged the Sullins Property by causing pollution conditions in soil and surface water.

86. Beyond the injury to the Sullins Property, Defendant's sewage discharges have injured the Sullins Plaintiffs in the form of substantial annoyance and inconvenience.

87. Defendant's sewage discharges have caused noxious odors to pervade the Sullins Property, thereby interfering with the Sullins Plaintiffs' use and enjoyment thereof.

**COUNT I: DISCHARGES OF POLLUTANTS TO WATERS OF THE  
UNITED STATES WITHOUT A NPDES PERMIT IN VIOLATION OF THE  
CLEAN WATER ACT (33 U.S.C. § 1311)**

88. Plaintiffs incorporate by reference all of the preceding factual allegations in Paragraphs 1 through 87 as if fully restated verbatim herein.

89. Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source to waters of the United States except in compliance with various enumerated sections of the Clean Water Act.

Among other things, Section 301(a) of the Clean Water Act prohibits discharges not authorized by a NPDES permit under Section 402, 33 U.S.C. § 1342. Each discharge of a pollutant that is not authorized by a NPDES permit constitutes a separate violation of the Clean Water Act. 33 U.S.C. § 1319(d).

90. The raw sewage and associated pollutants that overflow and discharge from Defendant's sanitary sewer system (*i.e.*, Defendant's Sewage Infrastructure) contain harmful bacteria and other pollutants under the Clean Water Act. 33 U.S.C. § 1362(6).

91. Defendant's sanitary sewer system has been discharging raw sewage and associated pollutants illegally since at least January 7, 2019, and such discharges are ongoing, unabated, and likely to recur.

92. The Manholes from which raw sewage and associated pollutants flow are point sources under the Clean Water Act. 33 U.S.C. § 1362(14). These point sources are not identified as permitted discharge points in any of the NPDES permits applicable to the Griffin system.

93. Defendant Griffin's unpermitted discharges from its sanitary sewer system into the Flint River and its tributaries have harmed Sullins Plaintiffs and other members of Plaintiff Flint Riverkeeper by impairing their use and enjoyment of the waters downstream of the discharge sites, including Ison Branch, Potato Creek, and the Flint River, all of which are waters of the United States.

94. These are illegal and unpermitted discharges that require a NPDES permit from the date of the first such overflow. Each discharge since that date is a separate violation of the Clean Water Act.

95. Sullins Plaintiffs and Plaintiff Flint Riverkeeper have no plain, speedy, or adequate remedy at law to redress the harm caused to Plaintiffs, Flint Riverkeeper's members, and the Waters of the United States.

96. The Court should issue an enforcement order and injunction to Defendant to cease its discharges of raw sewage and associated pollutants from its sanitary sewer system into the Flint River and its tributaries.

97. The Court should assess civil penalties against Defendant under Sections 309(d) and 505 of the Clean Water Act, 33 U.S.C. §§ 1319(d) and 1365, for each day on which illegal and unpermitted discharges have occurred or will occur after the date of this Complaint.

98. Plaintiffs are also entitled to attorneys' fees and expenses pursuant to 33 U.S.C. § 1365(d) of the Clean Water Act.

**COUNT II: DEFENDANT'S DISCHARGES OF POLLUTANTS IN VIOLATION OF ITS NPDES PERMIT AND THE CLEAN WATER ACT**

99. Plaintiffs incorporate by reference all of the preceding factual allegations in Paragraphs 1 through 87 as if fully restated verbatim herein.

100. Section 301(a) of the Clean Water Act prohibits discharges in violation of a NPDES permit issued under Section 402, 33 U.S.C. § 1342. Each discharge of

a pollutant in violation of a NPDES permit constitutes a separate violation of the Clean Water Act. 33 U.S.C. § 1319(d).

101. Defendant's NPDES permits contain provisions requiring it to properly operate and maintain its facilities. *See, e.g.*, Potato Creek NPDES Permit No. GA0030791, Part II.A.1 (Proper Operation and Maintenance); Cabin Creek NPDES Permit No. GA0020214, Part II.A.1 (same).

102. Defendant Griffin has failed to inspect, maintain, clean, repair, or otherwise service its sanitary sewer infrastructure. These failures of proper operation and maintenance have caused and continue to cause ongoing illegal, unpermitted discharges of untreated sewage and stormwater containing untreated sewage from Defendant's sewer system, including from the Manholes, which overflow during and immediately following heavy rain events.

103. The Court should assess civil penalties against Defendant under Sections 309(d) and 505 of the Clean Water Act, 33 U.S.C. §§ 1319(d) and 1365 for each day on which discharges in violation of its NPDES permit(s) have occurred or will occur after the date of this Complaint.

104. Plaintiffs are also entitled to attorneys' fees and expenses pursuant to 33 U.S.C. § 1365(d) of the Clean Water Act.

**COUNT III: CONTINUING TRESPASS**

105. Plaintiffs incorporate by reference all of the preceding factual allegations in Paragraphs 1 through 87 as if fully restated verbatim herein.

106. Defendant owns, operates, and/or controls Defendant's Sewage Infrastructure, which has discharged and continues to discharge raw sewage onto the Sullins Property and into Ison Branch.

107. Defendant's repeated and ongoing discharges of sewage onto the Sullins' Property from Defendant's Sewage Infrastructure have damaged the Sullins Property, lessened its value, and substantially interfered with the Sullins Plaintiffs' use and enjoyment thereof.

108. Such repeated and ongoing discharges by Defendant have caused the Sullins Plaintiffs substantial annoyance and inconvenience.

109. Despite Defendant's knowledge of the repeated and ongoing discharges of sewage from Defendant's Sewage Infrastructure, Defendant has failed to abate such discharges, despite having the power and obligation to do so.

110. Defendant's discharges of raw sewage from Defendant's Sewage Infrastructure onto the Sullins Property constitute a continuing trespass.

111. Because of Defendant's repeated prior trespasses (in the form of raw sewage discharges) and Defendant's failure to prevent such trespasses, which remain ongoing, the Sullins Plaintiffs are entitled to recover damages equal to the costs to

repair the damage to the Sullins Property related to Defendant's discharges, together with any additional diminution in value to the Sullins Property.

112. Because of Defendant's repeated prior trespasses (in the form of raw sewage discharges) and Defendant's failure to prevent such trespasses, which remain ongoing, the Sullins Plaintiffs are entitled to recover damages for the interference with their use and enjoyment of their property and their annoyance and inconvenience, in an amount to be determined by the enlightened conscience of the jury.

113. Because of Defendant's repeated trespasses (in the form of raw sewage discharges) and Defendant's failure to prevent such trespasses, which remain ongoing, the Sullins Plaintiffs are entitled to an injunction requiring Defendant to abate the discharges of raw sewage from Defendant's Sewage Infrastructure onto the Sullins Property.

#### **COUNT IV: CONTINUING NUISANCE**

114. Plaintiffs incorporate by reference all of the preceding factual allegations in Paragraphs 1 through 87 as if fully restated verbatim herein.

115. Defendant owns, operates, and/or controls Defendant's Sewage Infrastructure, which has discharged and continues to discharge raw sewage onto the Sullins Property.

116. Defendant's ownership, operation, and/or control of Defendant's Sewage Infrastructure is sufficient to establish a duty to maintain Defendant's Sewage Infrastructure.

117. The discharges of raw sewage from Defendant's Sewage Infrastructure onto the Sullins Property have resulted from Defendant's failure to maintain Defendant's Sewage Infrastructure.

118. Defendant's historical and long-standing failure to maintain Defendant's Sewage Infrastructure is the direct and proximate cause of the infiltration and inflow issues that cause sewage discharges from the infrastructure.

119. Defendant's failure to maintain Defendant's Sewage Infrastructure, which has resulted in the repeated and ongoing discharges of raw sewage onto the Sullins Property due to the utter inability of Defendant's Sewage Infrastructure to function as intended, constitutes more than mere negligence.

120. But for Defendant's failure to maintain Defendant's Sewage Infrastructure, inflow and infiltration would not be occurring to the extent sufficient to cause the repeated and ongoing discharges of raw sewage from Defendant's Sewage Infrastructure onto the Sullins Property and into Ison Branch.

121. But for Defendant's failure to maintain Defendant's Sewage Infrastructure, the repeated and ongoing discharges of raw sewage onto the Sullins Property and into Ison Branch would not be occurring.

122. The injuries suffered by the Sullins Plaintiffs due to Defendant's discharges of sewage from Defendant's Sewage Infrastructure are specially injurious to the Sullins Plaintiffs (relative to the general public) due to (inter alia) the Sullins Property's proximity to Manhole No. 1, Manhole No. 2, and Manhole No. 3, from which the discharges have occurred.

123. The injuries suffered by the Sullins Plaintiffs due to Defendant's discharges of sewage from Defendant's Sewage Infrastructure were directly and proximately caused by Defendant's failure to maintain Defendant's Sewage Infrastructure.

124. Defendant's continuing discharges of raw sewage from Defendant's Sewage Infrastructure, following Defendant learning of the discharges in 2019 and being regularly informed of discharges for years after that initial notification, have been regularly repetitious.

125. Defendant has failed to abate the discharges of raw sewage onto the Sullins Property despite having knowledge of the discharges and their cause for many years following repeated notices by the Sullins Plaintiffs.

126. The repeated and continuing discharges of raw sewage from Defendant's Sewage Infrastructure onto the Sullins Property constitute a continuing nuisance.

**COUNT V: PER SE TAKING**

127. Sullins Plaintiffs incorporate by reference all of the preceding factual allegations in Paragraphs 1 through 87 and Paragraphs 105 through 126 as if fully restated verbatim herein.

128. Defendant's conduct constitutes an unconstitutional taking or damaging of the Sullins Property under the Georgia Constitution, which provides that "private property shall not be taken or damaged for public purposes without just and adequate compensation being first paid." Ga. Const., Art. I, Section III, Par. I (Constitution of 1976).

129. Sullins Plaintiffs are entitled to just and adequate compensation from Defendant for this taking.

**COUNT VI: INVERSE CONDEMNATION**

130. Sullins Plaintiffs incorporate by reference all of the preceding factual allegations in Paragraphs 1 through 87 and Paragraphs 105 through 126 as if fully restated verbatim herein.

131. Defendant's actions and failures that have caused a continuing abatable nuisance and trespass upon the Sullins Property amount to an inverse condemnation of the Sullins Property.

132. Defendant's long-standing failure adequately to maintain Defendant's Sewage Infrastructure, and its more recent failures to take action sufficient to abate

repeated and ongoing discharges of sewage onto the Sullins Property, amounts to Defendant maintaining and allowing the unabated nuisance and trespass to continue.

133. Defendant has, by inverse condemnation, taken, occupied, and damaged the Sullins Property under the Georgia Constitution, which provides that “private property shall not be taken or damaged for public purposes without just and adequate compensation being first paid.” Ga. Const., Art. I, Section III, Par. I (Constitution of 1976).

134. Sullins Plaintiffs are entitled to just and adequate compensation from Defendant.

135. In the event enumerated state law claims do not afford relief to the Sullins Plaintiffs, then Sullins Plaintiffs hereby reserve the right and ability to pursue claims for violation of the 5<sup>th</sup> Amendment to the U.S. Constitution and pursuant to 42 U.S.C. §§ 1983 and 1988 for their damages and injuries suffered, including without limitation just compensation, and attorneys’ fees and litigation expenses, in amounts to be determined by the enlightened conscience of the jury.

#### **COUNT VII: INJUNCTIVE RELIEF**

136. Plaintiffs incorporate by reference all of the preceding factual allegations in Paragraphs 1 through 87 and Paragraphs 105 through 126 as if fully restated verbatim herein.

137. Due to Defendant's continuing abatable trespass and nuisance, Plaintiffs have suffered and continue to suffer irreparable injury for which they have no adequate remedy at law. Consequently, Plaintiffs are entitled to preliminary and permanent injunctions ordering Defendant to immediately cease all discharges of raw sewage onto the Sullins Property and into Ison Branch, and to remediate the same.

**COUNT VIII: ATTORNEYS' FEES, COSTS, AND EXPENSES OF LITIGATION**

138. Plaintiffs incorporate by reference all of the preceding allegations as if fully restated verbatim herein.

139. Defendant had notice of and has known about the pollution of the waters at issue and the discharges of raw sewage into Ison Branch and the Flint River basin and has failed and refused to cease or ameliorate the discharges.

140. Despite having this knowledge, prior to, and throughout the course of, the events described within this Complaint, Defendant has acted in bad faith, or has been stubbornly litigious, or has caused Sullins Plaintiffs unnecessary trouble and expense, thereby entitling Sullins Plaintiffs to an award of attorneys' fees, costs, and expenses of litigation pursuant to O.C.G.A. § 13-6-11.

141. Plaintiffs further seek litigation costs, including reasonable attorneys' fees and expert witness fees, under the Clean Water Act, 33 U.S.C. § 1365(d).

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court:

- (A) Immediately issue service of process as authorized by law;
- (B) Grant Plaintiffs a trial by a jury of twelve persons;
- (C) Preliminarily and permanently enjoin Defendant from continuing any trespass or nuisance onto the Sullins Property and from continuing any illegal discharges into Ison Branch, the Flint River, and their respective tributaries and downstream waterbodies;
- (D) Enter a declaratory judgment that Defendant Griffin either has been discharging pollutants without a NPDES permit in violation of the Clean Water Act, or has violated and is in violation of the terms and conditions imposed by its NPDES permit(s) and has violated and is in violation of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342;
- (E) Enter an enforcement order or an injunction under the Clean Water Act enjoining Defendant Griffin from continuing to discharge sewage without a NPDES permit, or from continuing to violate the terms and conditions imposed by its NPDES permit(s);
- (F) Order Defendant to abate the ongoing discharges of sewage onto the Sullins Property and into Ison Branch;

- (G) Order Defendant to remediate and restore the Sullins Property, Ison Branch, the Flint River, and their respective tributaries and downstream waterbodies;
- (H) Award the Sullins Plaintiffs special and general damages from Defendant, in an amount to be determined at trial;
- (I) Award Plaintiffs their attorneys' fees, costs, and expenses of litigation pursuant to 33 U.S.C. § 1365(d) and/or O.C.G.A. § 13-6-11; and
- (J) Award Plaintiffs such other and further relief as this Court deems just and equitable.

Respectfully submitted this 22nd day of April, 2026.

**EVANS BOWERS**

/s/ George Lott

George Lott  
Ga. Bar No. 820219  
Stacey G. Evans  
Ga. Bar No. 298555  
J. Amble Johnson  
Ga. Bar No. 229112  
Brian Remler  
Ga. Bar No. 800178

729 Piedmont Ave NE  
Atlanta, Georgia 30308  
(404) 850-6750 (Telephone)  
glott@evansbowers.com  
sevans@evansbowers.com  
ajohnson@evansbowers.com  
bremler@evansbowers.com  
*Attorneys for Sullins Plaintiffs*

**SOUTHERN ENVIRONMENTAL  
LAW CENTER**

/s/ William Snow  
William Snow  
Ga. Bar No. 022457  
Joseph DeGaetano  
Ga. Bar No. 215950  
Hutton Brown  
Ga. Bar No. 089280

Ten 10<sup>th</sup> St. NW Suite 1050  
Atlanta, Georgia 30309  
(404) 521-9900 (Telephone)  
wsnow@selc.org  
jdegaetano@selc.org  
hbrown@selc.org  
*Attorneys for Plaintiff Flint  
Riverkeeper*

**VERIFICATION**

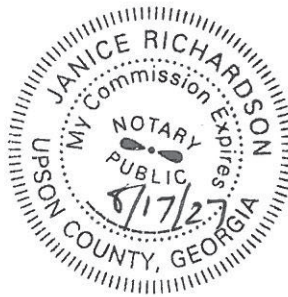
Personally appeared before me, an officer duly authorized by law to administer oaths, **Robert Sullins** and **Karol Sullins**, who state under oath that the facts contained within the foregoing **Verified Complaint for Civil Penalties, Injunctive Relief, Damages, Attorneys' Fees, and Expenses of Litigation** are true and correct to the best of their knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

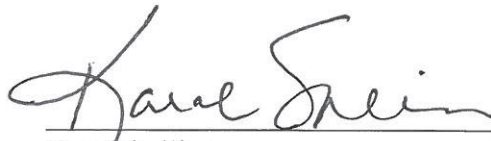
  
\_\_\_\_\_  
Robert Sullins

Sworn to and subscribed before me  
this 20 day of April, 2026.

  
\_\_\_\_\_  
Notary Public

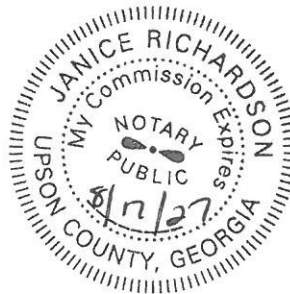


My Commission Expires:

  
\_\_\_\_\_  
Karol Sullins

Sworn to and subscribed before me  
this 20 day of April, 2026.

  
\_\_\_\_\_  
Notary Public



My Commission Expires: