

RECEIVED
CLERK'S OFFICE

JUN 02 2009

STATE OF ILLINOIS
Pollution Control Board

John Tarkowski
27275 West Lakeview Drive
Wauconda, Illinois 60084
(847) 526-2800

May 31, 2009

ORIGINAL

Illinois Pollution Control Board
c/o G. T. Gerard
100 West Randolph Street - Suite 11-500
Chicago, Illinois 60601

Dear Mr. Gerard:

Re PCB 09-62

I have received your May 21, 2009 "Order of the Board", sent by Certified Mail, arbitrarily and capriciously dismissing my request for a Section 34 (d) hearing.

Please consider this letter, as a Motion to Reconsider, *ex parte*, if necessary, and under the circumstances, combined with an FOID request, and in support I submit as follows;

The Pollution Control Board has made several constitutional errors that appear to reek with improprieties and self-serving prejudices.

- #1. My first name is John, not "Jack".
- #2. It is apparent that the PCB did not bother to read or understand my letter of January 25, 2009, (a denial of due process) which explained the problem, nor did the PCB comply with the letters Paragraphs 4 and 5 requests, to identify the nonexisting "Hazardous substances" or identify the "imminent danger" to public health, falsely and by perjury, claimed by the IEPA, as required by Section 20.1, a constitutional issue.
- #3. As directed, on February 14, 2009, I had sent a letter to the PCB c/o John T. the Clerk, together with 13 Exhibits, which were apparently ignored, and nothing was done to investigate the IEPA fraud by the PCB, as required by law.
- #4. The Board's order, by a 5-0 vote denied me a 34 (d) hearing, on a double standard, that the IEPA is never wrong, even if they are, and John Tarkowski is automatically guilty, even if not, and must prove his innocence, without being "heard", and the 13 Exhibits recklessly avoided.
- #5. It is a fact, that corruption, abuse of state authority, in all governmental agencies and branches of Illinois

May 31, 2009

Illinois Pollution Control Board
c/o G.T. Gerard

government, has existed since at least 1965, concerning John Tarkowski, and as substantiated by past history of the state enforcing lifestyles of the affluent, and depriving the indigent, in defiance of the Illinois Constitution Preamble and Article I, Sections 1, 2, 5, 6, 12, 16, 17 and 19, and as further evidenced by the PCB Order of May 21, 2009, which violates Article II, Section 1, where the IEPA has assumed dictatorial powers, prohibited by the U. S. and Illinois Constitutions, by its perverted EPA regulations and is exercising powers of other agencies and branches of government, as an inter-loper, despite totally absent any probable cause, by acts of a despot, that overrides Acts of Congress, and its U.S. EPA regulations and the federal rules, as spelled out in Section 28 (b), we are a nation of laws not an oligarchy government.

#6. Section 5, requires the PCB to consist of 7 technically qualified members, as appointed (or terminated) by the governor, in accordance with Section 7.2, Sub-Sections 1, 2, 3, 4 and 5, yet the PCB now allows totally unqualified individuals employed in state government or private parties, to unconstitutionally take away John Tarkowski's inalienable rights, and violates the U. S. Constitution Fourteenth Amendment, Section I, by making and enforcing its own implemented versions of the law, that abridge the privileges and immunities of a citizen of the United States, John Tarkowski, resurrecting the need to do the Declaration of Independence again, against a despot IEPA, with a transparency, required under Section 47, and the PCB's duty to sanction its own.

#7. In its order, the PCB appears to raise a jurisdictional issue, but only selectively, and one-sided. (Double Standard?)

(a) As set out in my letters to the Board, which were ignored, the first jurisdictional threshold, requires the agency (IEPA) to issue a notice to John Tarkowski, under Section 31, (omitted), a hearing under Section 32 (omitted), a PCB order, under Section 33 (omitted), identification by actual evidence of an actual emergency condition, but all this was omitted by the IEPA, and a bogus forged "Seal Order" and a July 2006 barricade erected, blocking any use of the private property, to discriminate in housing, for the benefit of private parties with clout, by a corrupted state agency and Judicial Branch of Illinois Government, and that was

May 31, 2009

Illinois Pollution Control Board
c/o G. T. Gerard

absent all jurisdiction, to interfere into John Tarkowski's constitutionally protected activities.

(b) Under the Rules of Civil Practice (735 ILCS 5/2-301) I had raised the IEPA's lack of jurisdiction issue, and for the state having failed to follow due process requirements, in the "Seal Order Barricade" placed across a private driveway to my home, the rule reads "An error in participating in any proceeding in which lack of governmental jurisdictional issue is raised, waives that objection by the objector's participation". John Tarkowski cannot and does not waive the lack of jurisdiction by the IEPA, by now, by PCB insistence, to join the IEPA and its legitimizing its fraud, as a party in this PCB matter. There is no doubt that the agencies involved are certainly aware of the criminal acts they perpetrated, or of the proceedings before the PCB.

In considering the above-mentioned unconstitutional errors, by the PCB, in denying John Tarkowski, a due process hearing, under Section 34 (d), a reconsideration is requested, based on the existing facts and the law, and the PCB's duty:

that this matter be investigated by the PCB, as required by law;

that a meaningful hearing be held;

that counsel be appointed to represent John Tarkowski at this hearing;

that the bogus "Seal Order" be ordered removed;

that sanctions be imposed upon all those that participated in this conspiracy;

that John Tarkowski's personal property unconstitutionally confiscated by the conspirators, be returned to him, or John Tarkowski be compensated for its taking by the State, in accordance with the Fourth, Fifth and Fourteenth Amendments;

that the use and development of the property be reinstated to John Tarkowski, in accordance with the recorded deed contract;

that all rights under the Constitution be returned to John Tarkowski as are enjoyed by all other citizens of this State, independently, without state interference, bias or prejudice;

that all real-estate taxation of this property be suspended, until these property rights are fully restored to John Tarkowski.

Page 4

May 31, 2009

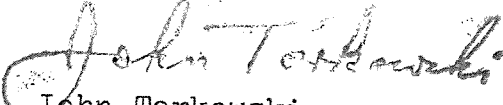
Illinois Pollution Control Board
c/o G. T. Gerard

As a reminder, recently our prior governor was removed from office, because of improprieties, yet to be proven. Senator Burris is being considered for removal from office, for allegedly, but as yet, unproven, claims.

At this time, there is an ongoing investigation in progress, concerning the removal from office and for other sanctions, against those involved in this conspiracy, now in public office and employment, that will make the former governor and senator Burris' charges, pale by comparison, as to what is involved here, that rejects the Constitution. The PCB is shielding the conspirators from answering for their "improprieties", and criminal acts - this is an obstruction of justice, that cannot be condoned.

I will expect a prompt reply and a hearing date set, and held by a conference call or by mail.

Sincerely,


John Tarkowski