

ILLINOIS POLLUTION CONTROL BOARD



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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
COMPLAINANT,

- VS - ORIGINAL

MARLA LEWIS GATES,
MARK GATES & MARK LEWIS,
RESPONDENTS,

CASE NUMBERS

AC-06-50

I.E.P.A. 98-06-A

AMENDED RESPONSE TO ADMINISTRATIVE CITATION

NOW COMES THE RESPONDENT, MARK GATES,
AND HEREBY FILES HIS AMENDED RESPONSE TO
ADMINISTRATIVE CITATION AND IN SUPPORT THEREOF,
STATES THE FOLLOWING:

FACTS

THIS BOARD ON OCTOBER 19, 2006, DISMISSED
THE ADMINISTRATIVE CITATIONS AGAINST MARLA
LEWIS GATES AND HER SON, MARK KINGSLEY LEWIS

NO RESPONSE WAS FILED IN OBJECTION
TO DISMISSAL BY THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY.

THAT AGAIN ON DECEMBER 21, 2006,

THIS BOARD AGAIN REAFFIRMED ITS DECISION TO DISMISS SAID ADMINISTRATIVE CITATIONS AGAINST THE RESPONDENTS, MARLA LEWIS GATES AND MARK KINGSLEY LEWIS.

THIS, FOR A SECOND TIME, THE COMPLAINANT, FILED NO OBJECTION TO SAID DISMISSAL OF THOSE TWO RESPONDENTS.

WHICH BRINGS US TO THE ONLY RESPONDENT, MARK DEAN GATES, TO ANSWER THESE ALLEGATIONS.

ALLEGED VIOLATIONS PURSUANT ADMINISTRATIVE CITATIONS ARE:

1) "THAT RESPONDENTS CAUSED OR ALLOWED THE OPEN DUMPING OF WASTE IN A MANNER RESULTING IN LITTER, A VIOLATION OF SECTION 21 (P)(1) OF THE ACT, 415 ILCS 5/21(P)(1)(2004)."

2) "THAT RESPONDENTS CAUSED OR ALLOWED THE OPEN DUMPING OF WASTE IN A MANNER RESULTING IN DEPOSITION OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS OR CLEAN CONSTRUCTION OR DEMOLITION, A VIOLATION OF SECTION 21(P)(7) OF THE ACT, 415 ILCS [2] 5/21(P)(7)(2004)."

RESPONDENTS RESPONSE TO ADMINISTRATIVE
CITATIONS AND ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY'S REPORT OF APRIL 26,
2006.

1.) FIRST, I AM VERY DISAPPOINTED IN THE FACT THAT MICHELLE COZADO NEVER CALLED FIRST NOR LET ANYONE KNOW OF HER INSPECTION OF THAT DAY. I THOUGHT WE HAD A COMPLETE UNDERSTANDING, THAT SHE COULD MAKE AN INSPECTION ANY TIME SHE WANTED AS LONG AS I WAS PRESENT. I HAVE VARIOUS NO HUNTING AND NO TRESPASSING SIGNS POSTED IN NUMEROUS LOCATIONS. DUE THE NUMEROUS TIMES WE HAVE MET ON THIS SITE AND/OR SPOKE VIA TELEPHONES, THAT WAS MY ONLY STANDING REQUIREMENT. TRESPASSING IS A VIOLATION OF LAW WITHOUT CONSENT OR COURT ORDER.

2.) ON THE FRONT COVER SHEET OF COMPLAINANT'S REPORT OF APRIL 26, 2006, I HAVE MORE QUESTIONS INSTEAD OF ANSWERS:

- A) ESTIMATE OF WASTE: 100 YARDS ?
- B) SAMPLES TAKEN: NO
- C) COMPLAINT: C-03-030-C ; C-06-115-C

3.) HOW IS THE ALLEGED WASTE AMOUNT FIGURED? IF FOR EXAMPLE, YOU FIGURE

A MOBILE HOME IS 10 FT. WIDE BY 8 FT. TALL AND 60 FT. LONG THAT IS EQUIVALENT TO $(10 \times 8 \times 60 = 4800 \text{ SQ. FT. OR } \div 27 \text{ SQ. FT. TO CU. YD.} = 177.77 \text{ CUBIC YARDS.})$

4.) SO WHAT IS THE ALLEGED WASTE, THE MOBILE HOME, PILES OF GRAVEL, CONCRETE BLOCKS ON PALLETS? WHAT?

5.) REPORT STATES NO SAMPLES WERE TAKEN, SO HOW IS IT CLARIFIED AS TO WASTE? MY DICTIONARY (WEBSTER'S) CALLED WASTE AS REFUSE, THEN UNDER REFUSE IT IS CALLED WASTE OR WORTHLESS MATTER; RUBBISH. NONE OF THE ITEMS ON THIS PROPERTY IS WORTHLESS!

6.) THIRD, COMPLAINT NUMBERS LOOKS LIKE AND 03 CASE (2003) AND A 06 (2006), WHICH IS IT, OR BOTH? IF IT IS A 2003 CASE, IT IS HARD TO USE RULES FROM 2004 AS LISTED IN CITATIONS.

RESPONSE TO MEMORANDUM DATED MAY 3, 2006, FROM MICHELLE COZADD ANSWERED AS FOLLOWS:

7.) PARAGRAPH 1 OF MEMORANDUM SAYS
(4)

IT ALL, "NO ONE WAS INTERVIEWED AT THE TIME OF INSPECTION."

8.) PARAGRAPH TWO, WAS CORRECT AT THE TIME REPORT WAS WRITTEN, ONLY AS SHOWN BY EXHIBIT D TO THIS RESPONSE, RESPONDENT MARLA LEWIS GATES IS NOW MARLA SUE LEWIS AS SHOWN BY DIVORCE FILE AND CURRENT PROCEEDING IN LOGAN COUNTY COURTHOUSE (CASE 07-D-1).

9.) PARAGRAPH THREE, IS CORRECT WITH REGARDS TO THE FIRST SENTENCE. AS TO THE PHRASE "ONLY CHANGES", THAT IS INCORRECT, THERE HAVE MANY CHANGES BEEN MADE.

10.) PARAGRAPH FOUR, WE START WITH THE PICTURES. PHOTO #001, MOBILE HOME AND RUSTED YELLOW BOX WAS PLACED ON THE PROPERTY BY FORMER OWNER, KINGSLEY J. LEWIS, WHO PASTED AWAY ON AUG. 2, 1991, WHILE WORKING ON THIS PROPERTY. I DO NOT KNOW THE DATE HE PLACED THESE ITEMS ON THE PROPERTY, BUT IT WAS PRIOR TO AUG. 2, 1991. AS TO THE PILE OF SIDING, I DID AS INSTRUCTED ON A PREVIOUS VISIT BY MRS. COZAD, HAVE

ITEMS UP ON A PALLET OFF THE GROUND AND COVERED, PUT THERE IN 1999 I BELIEVE.

11.) PHOTO #005 - TWO PILES OF ROCK. SINCE WHEN IS ROCK IN A PILE WORTHLESS, COST IN \$200,00 PER TRUCK LOAD FOR ROCK AND HAULING. ROCK QUARRIES ARE IN VIOLATION THEN FOR HAVING PILES OF ROCK?

12.) PHOTO #004 - TELEPHONE POLES AND BRICKS. AGAIN UPON PREVIOUS VISITS, I HAVE PLACED BRICKS AND POLES UP OFF THE GROUND ON EITHER PALLETS OR DIMENSIONAL LUMBER, AS INSTRUCTED. (FOR THE RECORD, MY NEIGHBORS HAVE STOLEN OVER HALF THE BRICKS, HOW ARE WORTHLESS IF BEING STOLEN BY THE ONES MAKING COMPLAINTS?)

13.) PHOTO #006 - TELEPHONE POLES AND DIMENSIONAL LUMBER FROM THIS PHOTO WERE PLACED ON PROPERTY BY MR. LEWIS, PRIOR TO AUG. 2, 1991.

14.) PARAGRAPH FIVE - PHOTO #002 - CORRUGATED METAL SIDING AND METAL TABLE BELONGED TO MR. LEWIS, PLACED ON PROPERTY PRIOR TO AUG. 2, 1991.

(6)

15.) PHOTO #003 - RED WAGON PUT ON PROPERTY BY KINGSLEY LEWIS, PRIOR TO AUG. 2, 1991. VINYL SIDING PUT ON PROPERTY BY ME (AGAIN AS INSTRUCTED PREVIOUSLY TO PLACE UP ON PALLETS AND COVER) WHICH IT IS; METAL TOOLBOX BELONGS TO MARK LEWIS. NOTE: I HAD (HAD) INTENDED TO USE THE VINYL SIDING TO COVER MY BUILDING AT BOTTOM OF HILL, ONLY NOW, DUE TO MY CURRENT DIVORCE PROCEEDINGS, MY EX-WIFE WANTS ME TO DISMANTLE THE BUILDING AND MOVE IT OFF HER PROPERTY. NOT GOING TO HAPPEN OVER NIGHT. BESIDES FINDING A LOCATION TO PLACE A BUILDING 60 FOOT WIDE X 112 FOOT LONG X 22 FOOT TALL ON IT, IS NOT EASY. ADDITIONALLY, AS SHOWN IN EXHIBIT D, PAGE 1 AND 25, MARLA HAS BEEN GRANTED EXCLUSIVE USE OF PROPERTY IN UNION.

16.) PARAGRAPH SIX, PHOTO #007, MOBILE HOME. IN THIS PHOTO, IT SHOWS A MOBILE HOME ON ALL SIX WHEELS THAT SITS ALONG THE BASEMENT GOING BACK TO THE SPRAGUE PROPERTY. WHICH STARTED ALL THIS YEARS AGO AFTER BUILDING A NEW HOME AS SHOWN BY EXHIBIT A TO THIS RESPONSE. THIS

MOBILE HOME IN NEITHER ABANDONED OR AS STATED "APPEARED DISCARDED". THE MOBILE HOME IS LICENSED AND CURRENTLY SITTING IN ABEYANCE DUE TO DIVORCE AND LEGAL ISSUES IN LOCAL COURT.

17.) PARAGRAPH SEVEN - PHOTO #008 - SIDING, DIMENSIONAL LUMBER, AND MISCELLANEOUS MATERIALS. SIDING IS (WAS) TO BE USED ON BUILDING EXTERIOR, WHICH IT SITS NEXT TO. THERE IS NO DIMENSIONAL LUMBER OTHER THAN LUMBER UNDER SIDING AND PIECE OF O.S.B. (ORIENTATED STRAND BOARD) ON TOP OF SIDING. MISCELLANEOUS LUMBER ?

18.) PHOTO #009 - IS A PHOTO OF SOMETHING I DID AS I SAID I WOULD PREVIOUSLY.

19.) PARAGRAPH EIGHT - PHOTO'S #DID THROUGH #016. THIS PARAGRAPH STARTS OUT AS "WASTE MATERIALS" THAT IS JUST NOT TRUE. THE "SCRAP METAL" IS GOING TO BE REUSED OR RECYCLED, "SHEETS OF WEATHERED DRYWALL IN POOR CONDITION" THIS IS EXCELLANT FOR ROAD BASE APPLICATION IN CLAY SOILS AS IN UNION AND IT HOLDS THE ROCK BASE TOGETHER BETTER AND IS ENVIRONMENTALLY FRIENDLY.

20.) "DAMAGED DIMENSIONAL LUMBER", MAY BE WEATHERED BUT NOT DAMAGED, AGAIN TO BE REUSED; "A PILE OF GRAVEL" THIS IS NOT A WASTE ITEM WHEN USED AND THIS PILE IS SPECIALLY FOR BASE (3" STONE); "WOOD PALLETS" BROUGHT IN TO STACK ITEMS ON AS INSTRUCTED PREVIOUSLY; "AXLES" A METAL PRODUCT TO BE USED IN MAKING A TRAILER; "A METAL TOOL BOX" WHICH WILL BE RECYCLED IF NOT REUSED; "A METAL BATHTUB" WHICH IS A CAST IRON CLAW FOOT BATHTUB SELLING NEW FOR SEVERAL HUNDRED DOLLARS; "SHINGLES" TO BE USED AND ON PALLETS; "CONCRETE BLOCKS" TO BE USED AND STACKED ON PALLETS; "DISCARDED EQUIPMENT" IT IS NOT DISCARDED, AS I PAID FOR AND INTENT TO USE ALL ITEMS I HAVE THERE; "OTHER MISCELLANEOUS DEBRIS" NOT IN MY LINE OF WORK, DO DEBRIS HERE.

21.) PARAGRAPH NINE IS OKAY.

22.) PARAGRAPH TEN - NOTE THE PARTIES, LOGAN COUNTY HEALTH DEPARTMENT, KATHY WARD, LOGAN COUNTY ZONING ADMINISTRATOR, DEWEY COLTER, WHICH KATHY NO LONGER WORKING

FOR L.C.H.D. AND DEWEY HAS MOVED OUT OF STATE.

23.) THUS, THESE WERE MY ANSWERS TO ALLEGED VIOLATIONS PER PICTURE.

REASONS FOR THIS ACTION HERE

24.) IN 1990, OR THEREABOUTS, KINGSLEY LEWIS WAS STAYING ON A WEEKLY WEEKEND BASIS IN THE FIRST MOBILE HOME BY THE ENTRANCE TO PROPERTY. MOBILE HOME HAD THEN AND STILL TODAY HEAT AND ELECTRICITY HOOKED UP.

25.) AFTER A DISPUTE WITH RONALD CRANE WHO WAS LANDLOCKED BY KINGSLEY, MR. CRANE SOLD HIS PROPERTY TO RON AND MARY SPRAGUE.

26.) SHORTLY THEREAFTER RON & MARY ILLEGALLY PUT A MOBILE HOME ON THERE PROPERTY FOR WEEKEND GETAWAYS ALSO. REASON IT WAS ILLEGAL, COUNTY REQUIRES A THIRTY (30) FOOT ROAD FRONTAGE IN ORDER TO BUILD. THEY HAVE ZERO

27.) KINGSLEY LEWIS DIED AUG. 2, 1991, WHILE WORKING ON THIS PROPERTY.

28.) MARK GATES BEGAN DATING MARLA LEWIS IN 1995, THEN MARRIED ON SEPT. 5, 1997.

29.) IN MAY OF 1997, RON & MARY BUILD A NEW 1700 SQ. FT. HOME AS SHOWN BY PERMIT IN EXHIBIT A. LEAVING MOBILE HOME THEY HAD AND STILL HAVE ON THEIR PROPERTY.

30.) IN JULY OF 1997, MARK GATES, BEGANS TO BUILD A 8400 SQ. FT. SHOP, OFFICE AND HOME FOR HIM AND MARLA.

31.) ONCE RON & MARY'S HOME IS FINISHED (WHICH THEY BURNED ALL THERE CONSTRUCTION DEBRIS ON SITE DURING CONSTRUCTION) THE HARRASSING STARTS AND CONTINUES TO DATE.

32.) AS PER THE WORDS OF RON & MARY SPRAGUE ON ONE DAY, "WE JUST BUILD A NEW \$100,000.00 PLUS HOME AND WE DON'T WANT TO LOOK AT ALL THIS SHIT."

33.) ATTACHED AND MARKED AS EXHIBITS B AND C TO THIS RESPONSE, ARE COPIES OF COURT DOCUMENTS WHICH WERE FILED IN LOGAN COUNTY CIRCUIT COURT IN MARCH OF 2001 AND JUNE OF 2002. PLEASE NOTE PARTIES INVOLVED: KATHY WALDO WHO IS A FRIEND OF SPRAGUE'S SON-IN-LAW; RON SPRAGUE, NEIGHBOR LANDLOCKED; TOM PAYNE, NEIGHBOR LANDLOCKED; AND SO ON.

34.) ATTACHED AND MARKED AS EXHIBIT E, IS RESPONSE TO FREEDOM OF INFORMATION REQUEST I FILED WITH THE COMPLAINANT.

35.) ATTACHED AND MARKED AS EXHIBITS F, G, H, I, J, K, L, M, N AND O ARE EXHIBITS FROM THE COMPLAINANT, BASICALLY SHOWING THAT THEY HAVE BEEN USED TO STRONG-ARM ME SINCE 1998.

36.) EXHIBIT F SHOWS LETTER TO I. E. P. A. LISTED COMPLAINT, PHOTOS AND MISCELLANEOUS AGAINST ME BY THE SPRAGUES AND PAYNE.

37.) FINALLY, AT THE PRESENT TIME, DUE TO JUDGE COOGAN'S RULING IN MY

DIVORCE HEARING (EXHIBIT D) I AM NOT ALLOWED ON SAID PROPERTY.

WHEREFORE, IN CLOSING, I TRUST YOU WILL DISMISS THIS CAUSE OF ACTION AND ALLEGED VIOLATIONS AGAINST ME, MARK GATES, AS UNWARRANTED. IF NOT, I WOULD HEREBY REQUEST A MEETING WITH APPROPRIATE AGENCY'S PERSONNEL TO APPEAL AN ADVERSE RULING, AS I CAN NOT GO ON SAID PROPERTY AT THIS TIME, EVEN IF I WANTED TO!

RESPECTFULLY,

MARK GATES
P.O. Box 161
LINCOLN, IL. 62656

PROOF OF SERVICE

COPIES OF THIS MOTION ARE BEING SENT TO THE FOLLOWING PARTIES ON THIS 25TH DAY OF MAY, 2007, VIA THE UNITED STATES POSTAL SERVICE IN LINCOLN, ILLINOIS.

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STATE OF ILLINOIS - CENTER
100 W. RANDOLPH - SUITE 11-500
CHICAGO, IL. 60601

COPY: ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF LEGAL COUNSEL
P.O. BOX 19276
SPRINGFIELD, IL. 62794-9276

RESPECTFULLY,

MARK GATES

MAY 25TH, 2007

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