

ILLINOIS POLLUTION CONTROL BOARD

JOHN TARKOWSKI,  
Petitioner,

v.

ILLINOIS POLLUTION CONTROL BOARD/  
G. T. GIRARD, Chairman,  
ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY,

Respondents.

**RECEIVED**  
CLERK'S OFFICE

AUG 04 2009

PCB 09-62

STATE OF ILLINOIS  
Pollution Control Board

Part I August 3, 2009

Dear Chairman Girard:

I have received your "Board" Order of July 23, 2009, again arbitrarily denying a hearing. The order is not in compliance with the law, constitutional requirements or public policy, and consequently, is void on its face.

The errors making the order void, and contemptuous of the Constitutions, are as follows:

1. The Board does not have authority to deny a hearing, especially when it involves a bogus, forged "Seal Order" created by fraud, without compliance with the rules, without due process, and as mandated by the Fourteenth Amendment, and the Illinois Constitution Bill of Rights, Sections 2, 5 and 12.

2. In its orders the Board claims that I have not served the Attorney General representing the IEPA, who is acting on behalf of private parties, who by law cannot represent private parties (Lakeland Property Owners Association (LPOA), against another private party John Tarkowski (JT), but the Board ignores the fact that the Attorney General supplies the PCB with its own assistant attorney general, attorney, in representing the State and PCB, or any of its agencies and proceedings, concerning actual pollution issues, but not for taking personal property for spiteful neighbors.

3. The Board's orders were not signed by the Board Chairman or by any board members, as is required under Supreme Court Rule 137, "If a paper is not signed, it shall be stricken,

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unless the required signatures are affixed", and "this applies to all state agencies", so that authenticity is established, identifying the authority, and accountability of the signers, and to prevent unauthorized personnel from not only forging orders, but from passing unsigned forged orders, as if adjudicated by one authorized and responsible for making such decisions, within that limited authority.

4. In the instant case, the PCB is enforcing a bogus "Seal Order" 2006-3, that never saw the light of due process, and in doing so, the PCB in taking sides, contrary to this citizen's rights (Bill of Rights, Section 1), is legitimising the fraud, and becomes the "respondent", representing the IEPA and the Attorney General, and is responsible for the injuries and constitutional violations suffered by JT.

5. It has been established that none of the PCB Board members are lawyers, but here, they are presumably interpreting the law, and are acting beyond their limited authority and powers, or PCB legislative limits.

6. Without giving this citizen a hearing, the Board was without jurisdiction to interpret the rules, to the extent that, to deprive this citizen of the right and privileges of a citizen of the United States, and to the equal protection of the law, and as a disabled World War II vet, denies him the rights and the freedoms that he fought World War II for, and sacrificed, his injuries and loss of health, that is now being taken away, by the despots, in our state governmental agencies.

7. The Board has a duty and obligation to hold a hearing, and to consider the facts and evidence submitted by JT in the Complaint/Letter of January 25, 2009, February 14, 2009, with the 13 evidentiary submissions Exhibits, together with the April 7, 2009 and May 31, 2009 letters to the Board, but instead the Board or someone acting as the board, chose to avoid the Board's duty and responsibility, or to comply with the due

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process and equal protection clause requirements. (See Illinois Constitution Bill of Rights, Articles 5 and 12 and First Amentment.

8. It has been established that each Board member has a special qualification in environmental technology, and in all cases, it is represented by the Attorney General of Illinois, which automatically contradicts the Board's assumptions, that the Attorney General must be personally served first, before the Board can check on the bogus "Seal Order" and remove it, that it had no authority to block the JT driveway with, in the first place - this is not Iraq, where we invaded, looking for weapons of mass destruction that never existed there either.

9. It has been established that on July 10, 2009, JT had sent a copy of a May 21, 2009 Board letter to Attorney General Lisa Madigan, with proof of service, which the Board ignored, and then claimed that the July 23, 2009 "Order" was made earlier that day, and that the July 10, 2009 JT mailing was not received until after the Order was mailed to JT, and now claiming that the JT mailing took 13 days to reach the Board, that otherwise normally takes 2 days.

10. From past experiences with the Attorney General, the IEPA and the PCB, there definetely appears to be someone with his thumb on the scale of justice, and with a prejudicial conflict of interest, as provided under Section 5/22.52, under these circumstances, the Board is mandated by law, to provide JT the hearing required in this matter, concerning the immediate removal of the "Seal Order 2006-3" and restoration of the rights and privileges, and compensation, for the "State" taking and confiscating and destroying the property involved, as soon as possible. The least the Board must do is to remove the unconsti-tutional barricade, while it examines the fraud.

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PART II

Under the Freedom of Information Act, which requires the Board to comply with, within 7 days, please provide the following;

A. The names of all the Board members participating in these "board Orders" in this case, PCB 09-62, their expertise qualifications, date appointed to the Board, and disclosure of any personal interest they may have, under Section 5/22.52.

B. Provide the name of the attorney or attorneys supplied by the Attorney General's office, or from any other source or office, that acts as PCB counsel, advising and in preparing the Board's orders, such as the ones sent to JT in this case, on three occasions.

C. Provide the name of the person that transcribed the three PCB proceedings, denying a hearing in this case, and a request is made for the production of the Transcript of those three proceedings, on the dates, that the three Board orders were made, and sent to JT, and any communications, memos, related phone calls, concerning this case.

D. Provide the statute or regulation, that allows Seal Orders to issue without any hearings, where no pollution or dangers to the public ever exists, and where the IEPA with PCB approval, empowered the taking, destroying and confiscating JT's personal property and the rights of this citizen, without any due process, or at the whim of an employee or official, doing political favors, for the clout, having nothing to with.

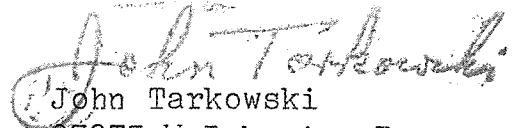
E. Provide copies of all evidence, proceedings, hearings, in the ex-parte 2006-3 Seal Order of July 7, 2006, that resulted in the unconstitutional blocking of JT's private driveway, supposedly as a danger to the public, and as an "emergency" under a false Section 5/34 claim, and provide the copy of the actual written complaint, and the name of the complaining party.

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F. Provide any IEPA or PCB regulation that requires a permit to build and maintain private roads or a private farm, or fences and levees, as referred to under 415 ICLS Section 5/7.2 rules adopted by the PCB, and or revised or implemented by the IEPA, calling such activities "open dumping" , where no such dumping existed.

G. I will expect a full compliance with this FOID request within 7 days of its receipt by the PCB and its Chairman. Any further delays or refusals will be considered as a deliberate and willful furtherance of this conspiracy, and appealable, under S, Ct. Rule 335 and 383.

Sincerely,

  
John Tarkowski  
27275 W Lakeview Dr.  
Wauconda IL 60084  
847-526 2800

cc: Governor's Office  
Senator Dan Duffy

