From: Chuck Pillon [mailto:(b) (6)
Sent: Friday, August 03, 2018 12:17 PM
To: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Subject: that document...

I finally located that consent form...but there is a problem...

but let me say first that I appreciate your continuing good humor and confirmation that the owner clean-up process is available to me if the process seems doable under the circumstances...

that visit out here you attended last week was represented to me as a "walk-through" by the prosecutor...that is what I consented to verbally...and didn't realize that your document included a consent to search and seize in the future without another warrant...I did not intend....nor did I knowingly consent to that addition to the "walk-through"...

I have to keep things in order here...AND WELL RECORDED...so with respect to the EPA...here is my position...

your original visit was under authority of a S/W issued to the WSP...(more on that later)...but suffice it to say for now...search warrants are not "perpetual" and the authority for that one expired when all parties departed with whatever "evidence they deemed important at that moment in time...and as you know I was subsequently prosecuted based on that evidence...and it certainly became apparent that the prosecution was determined to misrepresent what was delivered to them...point of fact:

at the pre-trial meeting you confirmed that you had not identified anything you considered to be IMMINENT DANGER to any environmental resources or public safety...and recall that you confirmed that at trial and that some basic clean-up was needed and you agreed simply some additional clean as well might be in order.....

couple that with the fact that the EPA took no further action as a result of your initial inspection...no additional search warrant or emergency action even...and I believe it is thus established de facto that the necessary clean-up was well within my means...and having read the EPA provision for owner clean-up I believed I was eligible for an additional inspection from EPA to either close the matter or point out additional clean-up as might be needed...

I dealt with your original concerns as diligently as I could...I have records...and frankly believed this return visit would provide that update moment...what happened however did not settle that issue...leaving me very disappointed...though you did very cordially repeat the essence of the owner clean-up provision I mention...which furthers my contention that I am acting responsibly...

there are a couple of other concerns here that I have to record:

your visit included a couple of "EPA CONTRACTORS"...what was their purpose...and who directed that they be brought along...if any observations they made are included in any enforcement action in the future...my Fourth Amendment rights have been violated...what they may have observed constitutes an act by an agent of the State...and they clearly looked in places not open to passing view...not in "plain view"thus a warrant was required...for that activity...I believe you were at least "requested" by the prosecution to bring them along...I say they were sent along to intimidate me...I will be seeking any communication any official had with them as well...both before and after the "visit"

I have to further note that you advanced a theme that I have long subject to...that the oil-drippage you noted at the time of the original visit back in 2016...clearly along a line where old vehicles were parked previously could have come from anywhere...and that might be some real significant greater source somewhere near by...the only source you could be referring to is my compost operation...but if that was a basis for concern I believe you were obliged to act promptly on that...to the extent that you order

immediate action...and that was not done...I have to repeat here that you were consistently to confirm that you saw no particular (IMMINENT) danger...and it is clear that your recent advent was based solely on the demand of the prosecution...otherwise I am sure you would have contacted me in advance...

thus any further action would require another Court Order (S/W) or other open process to which I have a right to be a party...that is my DUE PROCESS...no agency can simply unilaterally extend the term of a Search Warrant...to fit some direction of a prosecution agency...

finally please inform me as to EPA process regarding questions of harm to the waters of the State or the U.S. ...if you have an active assessment program I request you inspect my STORMWATER SYSTEM to clear up unanswered (admitted) questions that result from an incomplete DOE inspection the results of which were improperly introduced against me at trial...I asked the DOE inspector to complete that process while he was here the other dy...AND HE REFUSED!...THUS THERE IS NO USE PURSUING THE MATTER WITH THE STATE...if you do not feel obliged here please let me know...

with all of this said I now request to meet with you and the EPA Counsel for this region...I don't want to draw you any further into this mess if it can be avoided...please FWD to that person (counsel)

regards