

**FORMAL COMPLAINT**

**Before the Illinois Pollution Control Board**

Kevin Leindl Diana Leindl  
*[Insert your name(s) in the space above]*  
Complainant(s),

v.

Hartsburg Grain Co.  
*[Insert name(s) of alleged polluter(s) in  
the space above]*  
Respondent(s)

PCB 20 -  
*[For Board use only]*

**Note to the Complainant:** If you do not use this Formal Complaint form and instead draft and type your own, it must contain all of the information requested by this form. All items must be completed. If there is insufficient space to complete any item, you may attach additional sheets, specifying the number of the item you are completing. Once you have completed the Formal Complaint, the Notice of Filing, and the Documentation of Service, you must "file" these three documents with the Clerk of the Board and "serve" a copy of each document on each respondent. Specific requirements for the filing, service, and contents of these documents are set forth in the Board's procedural rules (35 Ill. Adm. Code 101, 103) and addressed in the explanatory materials accompanying this form.

1. Your Contact Information

Name: Kevin & Diana Leindl  
Street Address: 204S 2<sup>nd</sup>  
Hartsburg  
County: Logan  
State: Illinois  
Phone Number: (217)737- 2675

2. Place where you can be contacted during normal business hours (if different from above)

Name: Same as Above  
Street Address: \_\_\_\_\_  
\_\_\_\_\_  
County: \_\_\_\_\_  
State: \_\_\_\_\_  
Phone Number: ( ) -

3. Name and address of the respondent (alleged polluter)

Name: Hartsburg Grain Company  
Street Address: 100 Front Street  
Hartsburg  
County: Logan  
State: Illinois  
Phone Number: (217)642-5211

4. Describe the type of business or activity that you allege is causing or allowing pollution (e.g., manufacturing company, home repair shop) and give the address of the pollution source if different than the address above.

Grain bin storage and temporary flat bin grain storage facility located approximately 40 feet from our home.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated.

35Il. Adm. Code Section 901.102(a)

35Il. Adm. Code Section 901.102(b)

35 Ill. Adm. Code 212.461.

Section 211.3570 Major Dump Pit

Section 212.301 Fugitive Particulate Matter

6. Describe the type of pollution that you allege (e.g., air, odor, noise, water, sewer back-ups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution.

Noise pollution that exceeds the limits allowed at 35Il. Adm. Code Section 901.102(a) and (b) Specifically, the sound level significantly exceeds the octave band center frequency (hertz) at 500, 100 and 2000 ranges. Sounds pressure and level measurements were made using 35Il. Adm. Code Section 910.105 as guidance in gathering data.

Fugitive Particulate Matter exceeds the visible amounts allowed pursuant to Section 212.301 which indicates no visible matter. A visible amount to the point of resembling snowfall occurs and has measurable amounts to the same. Drifting of matter takes place on vehicles and yards. Mowing the yard brings any matter that has settled in the yard airborne, making the smallest of tasks such as mowing difficult.

7. Describe the duration and frequency of the alleged pollution. Be as specific as you reasonably can about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing (include seasons of the year, dates, and times of day if known).

The pollution occurs every year beginning with the fall harvest and continues intermittently until the corn is removed from the storage units in the spring.

New grain bins were put up over the last 2 years that have increased the noise level significantly. These new bins are a very close proximity (~40') from our home. This has increased the noise level beyond those allowed in 35Il Section 901.102 (a) (b)

8. Describe any bad effects that you believe the alleged pollution has or has had on human health, on plant or animal life, on the environment, on the enjoyment of life or property, or on any lawful business or activity.

This noise and air pollution has affected my family's quality of life, caused sleep problems for my wife, son and myself, it has decreased our property value significantly.

It affects our ability to enjoy any outdoor activity to the point of even mowing as the matter gets in your eyes, nose and lungs as it gets disturbed. This only part of the health and enjoyment issues that we are facing from this. The dust from the lot as truck travel fill the air and house making breathing difficult.

The foul odor from the temporary flat land holding area is extremely pungent. The rotting corn from the harvest is not cleaned up in a timely manner to avoid this.

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9. Describe the relief that you seek from the Board (e.g., an order requiring that the respondent stop polluting, take pollution abatement measures, perform a cleanup, reimburse cleanup costs, change its operation, or pay a civil penalty (note that the Board cannot order the respondent to pay your attorney fees or any out-of-pocket expenses that you incur by pursuing an enforcement action)).

I seek an order requiring the respondent to stop the noise levels allowed by the Ill. Adm. Code with stipulated fines (civil penalties) for any future violations, along with monitoring and reporting requirements. (Pursuant to Section (a) of the Environmental Protection Act, the civil penalties shall not exceed \$50,000 for the violation and an additional \$10,000 for each day the violation continues.) In order to demonstrate continuous compliance, the respondent should be required to provide third party noise, fugitive matter monitoring which conforms to 35ll and 212.301 codes. The testing should be conducted at the closest resident. An annual compliance report sent to the IPCB and published in a local newspaper should also be required.

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For both fugitive and nonfugitive particulate matter emissions, a determination as to the presence or absence of visible emissions from emission units shall be conducted in accordance with Method 22, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Subpart, except that the length of the observing period shall be at the discretion of the observer, but not less than one minute. This Subpart shall not apply to Section 212.301 of this Part, . An annual compliance report sent to the IPCB and published in a local newspaper should also be required.

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10. Identify any identical or substantially similar case you know of brought before the Board or in another forum against this respondent for the same alleged pollution (note that you need not include any complaints made to the Illinois Environmental Protection Agency or any unit of local government).

None Known, however, many neighbors are willing to join this complaint.

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\_\_\_\_\_ [month/date], 20\_\_\_. [Attach the other person's signed affidavit or declaration showing the date of delivery.]

E. \_\_\_\_ Personal service and another person made or will make the personal delivery. However, the affidavit of service signed by the other person (or the declaration of service signed by the process server) who made or will make the personal delivery is not available to me at this time. On \_\_\_\_\_ [month/date], 20\_\_, by the time of \_\_:\_\_ AM/PM, at

\_\_\_\_\_  
[address where you provided the documents to the person making the personal delivery], copies of the attached Formal Complaint and Notice of Filing were provided to \_\_\_\_\_ [name of the person making the personal delivery], with the respondent's address appearing on the envelope or package containing these documents, and with proper delivery charge prepaid. [Within seven days after it becomes available to you, file with the Board's Clerk the affidavit or declaration of service—containing the signature of the person who made personal delivery and showing the date of delivery—and identify the Formal Complaint to which that affidavit or declaration corresponds.]

RESPONDENT'S ADDRESS:

Name Hartsburg Grain Co. \_\_\_\_\_

Street 100 Front Steet \_\_\_\_\_

City, state, zip code Hartsburg, Il. 62643 \_\_\_\_\_

(list each respondent's name and address if multiple respondents)

Karin Seidel Diana Seidel  
Complainant's signature

Street 204 S 2nd

City, state, zip code Hartsburg Il 62643

Date \_\_\_\_\_

Subscribed to and sworn before me

this 13<sup>th</sup> day

of April, 2019

Elizabeth Hilgert  
Notary Public



My commission expires: 10/25/2022

11. State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney and, if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. Also, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, an individual who is not an attorney is allowed to represent (a) himself or herself as an individual or (b) his or her unincorporated sole proprietorship, though the individual may prefer having attorney representation.)

\_\_\_\_\_  
I am not an attorney and am representing myself  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. \_\_\_\_\_  
(Complainant's signature)

**CERTIFICATION**  
(optional but encouraged)

I, Kevin and Diana Leindl,  
on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

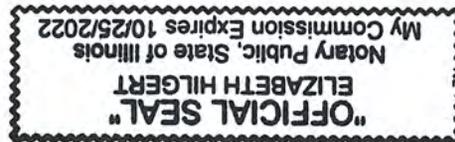
Kevin Leindl Diana Leindl  
(Complainant's signature)

Subscribed to and sworn before me

this 13<sup>th</sup> day

of April, 2019

Elizabeth Hilgert  
Notary Public



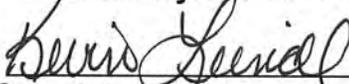
My commission expires: 10/25/2022

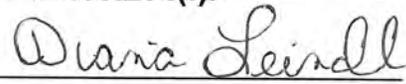
## **NOTICE OF FILING**

**Note to the Complainant:** This Notice of Filing must accompany the Formal Complaint and the Documentation of Service. Once you have completed the Notice of Filing, the Formal Complaint, and the Documentation of Service, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

Please take notice that today, Kevin and Diana Leindl, filed with the Clerk of the Illinois Pollution Control Board (Board) a Formal Complaint, a copy of which is served on you along with this Notice of Filing. You may be required to attend a hearing on a date set by the Board.

**Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. 35 Ill. Adm. Code 103.204(f).**

  
Complainant's signature



Street: 204 S. 2nd \_\_\_\_\_

City, state, zip code: Hartsburg, Il. 62643 \_\_\_\_\_

Date April 15, 2019

### **INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT**

The following information has been prepared by the Board for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation. Information about the Formal Complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5) and the Board's procedural rules (35 Ill. Adm. Code 101, 103). These can be accessed on the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)). The following is a summary of some of the most important points in the Act and the Board's procedural rules.

#### **Board Accepting Formal Complaint for Hearing; Motions**

The Board will not accept this Formal Complaint for hearing if the Board finds that it is either "duplicative" or "frivolous" within the meaning of Section 31(d)(1) of the Act (415 ILCS 5/31(d)(1)) and Section 101.202 of the Board's procedural rules (35 Ill. Adm. Code 101.202 (definitions of the terms "duplicative" and "frivolous")). "Duplicative" means the complaint is identical or substantially similar to a case brought before the Board or another forum. See 35 Ill. Adm. Code 103.212(a) and item 10 of the Formal Complaint.