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State Of Illinois  
Pollution Control Board  
James R Thompson Center  
100 W Randolph Street Suite 11-500

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CLERK'S OFFICE  
JAN 05 2009  
STATE OF ILLINOIS  
Pollution Control Board

**FORMAL COMPLAINT**

**Before the Pollution Control Board**

In The Matter Of: ]  
Jerrald R West II ]

Complainant(s) -vs- ]

Nokomis Quarry Company ]  
P.O. Box #90 ]  
Nokomis, Il 62075 ]  
AKA: P.O. Box #500244 ]  
St Louis, MO. 63150-0244 ]

PCB 20 09-45  
{for Board Use Only}

RESPONDENT {s}

NOTE: If you do not use this formal complaint form and instead type and draft 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 completed, you must file the original and 9 copies of the formal complaint, notice to respondent, and certificate of service with the clerk of the Board at the above address.

1. Your Contact Information

Name: Jerrald R West II  
Street Address: 765 Wash Roberts Road  
McMinnville, TN. 37110  
County: WARREN  
State: ILLINOIS SOURCE LOCATION.  
Phone Number: (217) 565-3973

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

Name: -SAME-  
Street Address: 765 Wash Roberts Road  
McMinnville, TN. 37110  
County: WARREN  
State: IL  
Phone Number: (217) 565-3973

3. Name and address of respondent (alleged polluter)

Name: Hanson Material Service  
Street Address: Nokomis Quarry Company  
23311 Taylorville road  
Nokomis, IL 62075  
County: Montgomery  
State: ILLINOIS  
Phone Number: ( ) -

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.

Multiple Activities with Limestone Based Products, and Hazardous Practices that Result, My Body, and "Everyone else" (The Peoples) Require Unimpeded Fluid, and Gas Flows in order to properly function. As well "we" require Air which does NOT contain concentrations of finely ground drying Agent "Lime". Subsequently Limestone Remains on the Surface of Roads in many surrounding towns with "no cover". Magnetically the fine particles will settle into roadways to remain fugitive (see attached evidence)

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

By Definition, Sec 3.115, Being the Definition of Air Pollution, IT APPEARS AS WELL THAT PERMITS HAVE BEEN ISSUED TO POLLUTE AS A MINOR SOURCE. MEASUREMENT BY THE LB IS DECEIVING SINCE LIME IS VERY HEAVY, AS WELL TITLE #35, 212.301 ENTITLED FUGITIVE PARTICULATE MATTER IS FLAWED.

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

1. AIR, LAND, WATER, CAST INTO ATMOSPHERE ORIGINATING ALWAYS FROM QUARRYSITE. QUARRY CUSTOMERS INCLUDE: STATE OF ILLINOIS, DEPARTMENT OF DEFENSE, POWER COMPANIES, AGRICULTURE, ELEVATORS (MAKES CORN HEAVY) CITY + COUNTIES (ROAD MATERIALS), FOOD INDUSTRY. "STRONG ABSORBER OF CO<sub>2</sub>"

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)

ALTHOUGH, THE HANDLING OF LIMESTONE BASED PRODUCT HAS BEEN FLAWED FOR YEARS, I PERSONALLY BEGAN ANALYSING PARTICULATE MATTER IN THE LATE 80'S. FACTORS INVOLVED ARE:

- ① MOISTURE ON SURFACE
- ② TRACKING BY CARS WHICH REAEROSOLIZE FINE PARTICLES WHICH MAGNETICALLY ATTRACT TO OTHER LIMESTONE LEFT ON THE SURFACE.
- ③ TRACKING BY PEOPLE, INTO HOMES, HAIR, CLOTHING ETC.... ABNORMALLY SUPPRESSES INDOOR MOISTURE. "NOTE LIME IS CAUSTIC" THESE CONDITIONS HAVE BECOME MORE DIRE SINCE LIME HAS BEEN FOUND TO BE MORE

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

Lime, And Limestone Product. Can Be easily Linked To seasonal illnesses such as: Bronchitis, Asthma, COPD, Emphysema, Heart Disease, and the Acceleration of systemic problems similar to Aging, Fatigue, Back Pain, and Tissue Damage (abrasive). Must Remain Inside with windows closed to prevent illness.

9. Describe the relief that you seek from the Board (e.g., an order 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))

① Stop Processes which allows fugitive particles.

② Force Cities and States To use Road material which Does not Aerosolize, No Lime Left on Surface.

③ Pay Civil Penalty To Help State offset Health Costs and Disability Claims. + Personal Damages

④ Force Acknowledgment By Doctors For Cumulative Exposure

10. Identify any identical or substantially similar case you know of that is already pending 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-

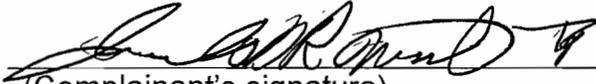
11. State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney and, if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local 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.)

Representing "SELF" AS AN INDIVIDUAL.

ASKING FOR DAMAGES INCURRED BY  
DEFINITION OF STATUTE

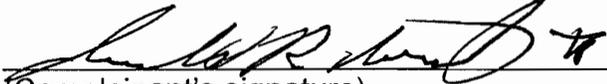
AMOUNT SOUGHT 6 MILLION DOLLARS.

12.

  
(Complainant's signature)

**CERTIFICATION**  
(optional but encouraged)

I, Jerrald R West II, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

  
(Complainant's signature)

Subscribed to and sworn before me

this \_\_\_\_\_ day

of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

## **NOTICE TO RESPONDENT**

**NOTE: THIS STATEMENT MUST BE INCLUDED IN THE SERVICE OF THE FORMAL COMPLAINT ON THE RESPONDENT**

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

Please take notice that today I 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. You may be required to attend a hearing on a date set by the Board.

Information about the formal complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.*) and the Board's procedural rules (35 Ill. Adm. Code 101 and 103). These can be accessed at the Board's Web site ([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. It is provided for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation:

#### **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) of the Act (415 ILCS 5/31(d)) and Section 101.202 of the Board's procedural rules (35 Ill. Adm. Code 101.202). "Duplicative" means that an identical or substantially similar case is already pending before the Board or in court. See 35 Ill. Adm. Code 103.212(a) and item 10 of the formal complaint.

"Frivolous" means that the formal complaint seeks relief that the Board does not have the authority to grant, or fails to state a cause of action upon which the Board can grant relief. For example, the Board has the authority to order a respondent to stop polluting and pay a civil penalty, to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs. The Board does not have the authority, however, to award attorney fees to a citizen complainant. See 35 Ill. Adm. Code 103.212(a) and items 5 and 9 of the formal complaint.

If you believe that this formal complaint is duplicative or frivolous, you may file a motion with the Board, within 30 days after the date you were served with the complaint, requesting that the Board not accept the complaint for hearing. The motion must state the facts supporting your belief that the complaint is duplicative or frivolous. Memoranda, affidavits, and any other relevant documents may accompany the motion. If you need more time than 30 days to file a motion alleging that the complaint is duplicative or frivolous, you must file a motion for an extension of time within 30 days after service of the complaint. A motion for an extension of time must state why you need more time and the amount of additional time you need. Timely filing a motion

alleging that the complaint is duplicative or frivolous will stay the 60-day period for filing an answer to the complaint. See 35 Ill. Adm. Code 103.204, 103.212(b).

All motions filed with the Board's Clerk must include an original, nine copies, and proof of service on the other parties. Service may be made in person, by U.S. mail, or by messenger service. Mail service is presumed complete four days after mailing. See 35 Ill. Adm. Code 101.300(c), 101.302, 101.304.

If you do not respond to the Board within 30 days after the date on which the complaint was served on you, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing. The Board will then assign a hearing officer who will contact you to schedule times for telephone status conferences and for hearing. See 35 Ill. Adm. Code 103.212(a).

### **Answer to Complaint**

You have the right to file an answer to this formal complaint within 60 days after you receive the complaint. If you timely file a motion alleging that the complaint is duplicative or frivolous, or a motion to strike, dismiss, or challenge the sufficiency of the complaint, then you may file an answer within 60 days after the Board rules on your motion. See 35 Ill. Adm. Code 101.506, 103.204(d), (e), 103.212(b).

The Board's procedural rules require the complainant to tell you as respondent that:

**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).**

### **Necessity of an Attorney**

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. In addition, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, even if an individual is not an attorney, he or she is allowed to represent (1) himself or herself as an individual or (2) his or her unincorporated sole proprietorship. See 35 Ill. Adm. Code 101.400(a). Such an individual may nevertheless wish to have an attorney prepare an answer and any motions or briefs, and present a defense at hearing.

### **Costs**

In defending against this formal complaint, you are responsible for your attorney fees, duplicating charges, travel expenses, witness fees, and any other costs that you or

your attorney may incur. The Board requires no filing fee to file your answer or any other document with the Board. The Board will pay any hearing costs (e.g., hearing room rental, court reporting fees, hearing officer expenses).

If you have any questions, please contact the Clerk's Office at (312) 814-3629.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

**Section 212.209 Village of Winnetka Generating Station (Repealed)**

(Source: Repealed at 20 Ill. Reg. 7605, effective May 22, 1996)

**Section 212.210 Emissions Limitations for Certain Fuel Combustion Emission Units Located in the Vicinity of Granite City**

- a) No person shall cause or allow emissions of PM-10 into the atmosphere to exceed 12.9 ng/J (0.03 lbs/mmbtu) of heat input from fuels other than natural gas during any one hour period from any industrial fuel combustion emission units, other than in an integrated iron and steel plant, located in the vicinity of Granite City, which area is defined in Section 212.324(a)(1)(C) of this Subpart.
- b) Emission units shall comply with the emissions limitations of this Section by May 11, 1993, or upon initial start-up, whichever occurs later.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

**SUBPART K: FUGITIVE PARTICULATE MATTER**

**Section 212.301 Fugitive Particulate Matter**

No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the source.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

**Section 212.302 Geographical Areas of Application**

- a) Sections 212.304 through 212.310 and 212.312 of this Subpart shall apply to all mining operations (SIC major groups 10 through 14), manufacturing operations (SIC major groups 20 through 39 except for those operations subject to Subpart S of this Part (Grain-Handling and Grain-Drying Operations) that are outside the areas defined in Section 212.324(a)(1) of this Part), and electric generating operations (SIC group 491), which are located in the areas defined by the boundaries of the following townships, notwithstanding any political subdivisions contained therein, as the township boundaries were defined on October 1, 1979, in the following counties:

Cook: All townships

(415 ILCS 5/3.115) (was 415 ILCS 5/3.02)

Sec. 3.115. Air pollution. "Air pollution" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

(Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/3.120) (was 415 ILCS 5/3.03)

Sec. 3.120. Air pollution control equipment. "Air pollution control equipment" means any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere. Air pollution control equipment includes, but is not limited to, landfill gas recovery facilities.

(Source: P.A. 92-574, eff. 6-26-02.)



Senator Vince Demuzio, center, checks out one of the books in the CRC library during his tour of the facility. Pictured (l-r): David Keppler, CRC adviser; Brenda Hanbury of the Illinois Dept. of Human Services; Cheryl Sale, CRC board member; and Jerrald West, CRC executive director. News photo

## Continuing Recovery Center Awarded \$20,000 State Grant

IRVING - The Continuing Recovery Center in Irving was awarded a one-time \$20,000 state grant this past legislative session, and CRC leaders were able to say "Thanks" on Friday, when 50th District Senator Vince Demuzio and Brenda Stanbury from the Dept. of Human Services toured the facility.

The one-time allotment from surplus state funds was used to purchase a van, computer and refrigerator, plus do tuckpoint-

ing on the center, the former Irving school building, and other general maintenance.

The center, which currently houses 14 individuals and has a waiting list, has been serving the homeless, alcohol and substance abuse victims for 11 years. It was the state's first recovery center and is one of only three operating now in Illinois.

Executive Director Jerrald West said that CRC is a success story, with 24% of its former clients staying sober, compared

to a national average of 3%.

West thanks the Illinois Dept. of Human Services Bureau of Homeless Services & Supportive Housing as well as the Office of Alcoholism and Substance Abuse for its continued contractual support and belief in the CRC mission.

Members of the center's board of directors are Harold Jurgena, Cheryl Sale, Michael Martinez, Lyn Lanter, Billy Smith, Dr. Doug Byers, Atty. Warren Benning and Jerrald West.