

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MICHAEL and ANGELA GRIFFIN,

Complainant,

v.

KNIGHT HAWK COAL, LLC,

Respondent.

Docket No. PCB 2026-042

(Citizen Enforcement - Noise)

NOTICE OF FILING SUPPLEMENTAL EXHIBIT

PLEASE TAKE NOTICE that on July 21, 2026, Complainant Michael and Angela Griffin hereby submits **Exhibit AA**, consisting of official correspondence from Perry County Special Assistant State's Attorney Aaron A. Atkins dated July 9, 2026.

This exhibit is offered to demonstrate:

1. Complainant has formally notified local health and administrative authorities of the ongoing noise emissions; and
2. Perry County authorities have formally declined local jurisdiction, directing Complainant to the Illinois Pollution Control Board as the proper venue for relief.

Respectfully submitted,

Michael Griffin and Angela Griffin

4179 New Church Road

Pinckneyville, IL 62274

EXHIBIT AA

Aaron A. Atkins

ATTORNEY AT LAW

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July 9, 2026

Mr. & Mrs. Michael Griffin
4179 New Church Road
Pinckneyville, Illinois 62274

Re: Formal Complaint dated July 1, 2026

Dear Mr. & Mrs. Griffin:

The Perry County Health Department is in receipt of your formal complaint of July 1, 2026, regarding Knight Hawk Coal, LLC, creating industrial noise pollution.

The Perry County Health Department has referred the complaint to my attention and that of the Perry County States Attorney's office. States Attorney Matt Foster and I have both reviewed the complaint, and the County ordinances regarding noise. Mr. Foster has also referred your complaint to Zoning Administrator Rebecca Tracy. Mr. Foster and I both concur with her analysis, which is as follows:

"The proper venue to look at this is the Illinois Pollution Control Board within their noise pollution regulations. I understand it takes time; but, it is the proper venue. They have the authority, statutory guidelines and experience to look at this matter..... and, it is my opinion that our code on noise is not applicable to this situation as we do not govern or regulate coal mines to almost any degree. All permitting comes from the state. The only permitting coming from the county would be buildings and some structures. In our solar ordinance, we require an acoustic study for the SUPs to be approved; however, we really have little control or regulations to go on with coal mines as they are basically governed at a state and federal level.

The IPCB will make a decision and order (if applicable)."

It is therefore, the County's position that you should pursue relief through the Illinois Pollution Control Board given that the IPCB has the statutory authority to deal with the issue

and the instruments necessary to measure the level of noise pollution which is present.

The members of the County Board and all office holders whom you have contacted empathize with your situation. However, given the way in which the Illinois Statutes are written, the County has very little jurisdiction over the matter, and even fewer enforcement mechanisms with which to address the problem. The General Assembly has vested that authority in the Illinois Pollution Control Board.

Should you require anything further pertaining to this matter, please do not hesitate to so advise.

Thanking you for your anticipated understanding in this matter, I am...

Very truly yours,


Aaron A. Atkins

AAA;ac

cc: Hon. Matt Foster
Ms. Rebecca Tracy
Ms. Rebecca Ferrari
Hon. Bruce Morgenstern