

State of Illinois
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 W. RANDOLPH STREET, SUITE 11-500
CHICAGO, ILLINOIS 60601

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CLERK'S OFFICE

JUL 05 2005

STATE OF ILLINOIS
Pollution Control Board

FORMAL COMPLAINT

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

ROBERT F. KASSELA JR + KELLIE R. KASSELA)

6610 LAKEVIEW LN.)

MONEE, IL. 60449)

(Insert your name(s) on lines)
above),)

Complainant(s),)

v.)

PCB 06-001
(For Board use)

TNT LOGISTICS)

25850 S. RIDGELAND AVE.)

MONEE, IL. 60449)

(Insert name(s) of alleged polluter(s))
on lines above),)

Respondent(s).)

Note: 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 completed, you must file the original and nine copies of the formal complaint, notice to respondent, and certificate of service with the Clerk of the Board at the above address.

1. Your name, street address,
county, state:

ROBERT F. KASSELA JR. + KELLIE R. KASSELA
6610 LAKEVIEW LANE
MONEE, ILLINOIS 60449
Will County

Phone: 708-534-9440

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

Phone:

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

TNT LOGISTICS
25850 S. RIDGELAND AVE.
MONEE, IL. 60449
Will County

Phone: 708-534-9125
(if known)

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:

WAREHOUSE / DISTRIBUTION FACILITY

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

901.102, 901.103, 901.104, 901.106

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 CAUSED BY TRUCKS ENTERING AND EXITING FACILITY, AIR HORNS, AIR BRAKES, SLAMMING OF TRUCKS INTO TRAILERS, SLAMMING OF TRAILERS INTO DOCKS, DROPPING AND DRAGGING OF TRAILERS, REVVING OF DIESEL ENGINES, AND LOUDSPEAKERS ON THE EXTERIOR OF BUILDING. ALSO ENGINE BRAKING.

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):

ALL HOURS OF DAY AND NIGHT. NOISE BEGAN AS OF OCTOBER 2004, AND CONTINUES TO DATE. DURATION OF INDIVIDUAL NOISES CAN BE FROM ONE SECOND TO SEVERAL MINUTES. FREQUENCY OF NOISES CAN BE FROM TEN TO HUNDREDS OF TIMES PER HOUR, ALL HOURS OF THE DAY AND NIGHT, SEVEN DAYS A WEEK.

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:

Reduced Quality of Life: Loss of sleep. Pets barking at noises.
Unable to enjoy outdoor living. Unable to enjoy fresh air due
to having windows closed to help curb noise. Overall stress and
aggravation caused by constant noise.

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)):

Control / suppress noise and hours of operation of facility.
Employ different / more effective means of noise control while
facility is in operation.

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.):

SELF

12. _____

(Complainant's signature)

CERTIFICATION (optional but encouraged)

I, Robert F Kasselaw Jr Kellie R Kasselaw, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Robert F Kasselaw Jr Kellie R Kasselaw
(Complainant's signature)

Subscribed to and sworn before me
this 20th day
of June, 2005

Jill A Medema
Notary Public

My commission expires: April 19, 2008



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>x Rachel Burnes</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Rachel Burnes</i></p> <p>C. Date of Delivery <i>6/21/05</i></p>
<p>1. Article Addressed to:</p> <p><i>TNT Logistics 25850 S. Rickland Ave Monee, IL 60449</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><i>7001 2510 0005 4531 2297</i></p>

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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



***** WELCOME TO *****
MONEE POST OFFICE
MONEE, IL 60449-8101
06/24/05 08:34AM

Store USPS	Trans	3
Wkstn sys5003	Cashier	KB3YJH
Cashier's Name	CHARLOTTE	
Stock Unit Id	SIACHARLOTTE	
PO Phone Number	800-275-8777	
USPS #	1615500449	

1. First Class	4.88
Destination:	60449
Weight:	2.50 oz.
Postage Type:	PVI
Total Cost:	4.88
Base Rate:	0.83
SERVICES	
Certified Mail	2.30
70012510000545312297	
Rtn Recpt (Green Card)	1.75
Subtotal	4.88
Total	4.88
Cash	5.00
Change Due	
Cash	0.12

Number of Items Sold: 1
Thank You
Please come again!

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). 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).