

June 15, 2007

Patricia Wallace
17235 Liberty School Road
Marion, Illinois 62959

Donald E. Grant
17712 Dean Road
Johnston City, Illinois 62951

Randy Grant
17235 Liberty School Road
Marion, Illinois 62959

BY CERTIFIED MAIL
Return Receipt Requested

Cline Resource and Development Company
Attn: Christopher Cline
430 Harper Park Drive
Suite A
Burkley, West Virginia 25801

RE: Noise Pollution

Dear Mr. Christopher Cline,

We are righting this letter to inform you of the action we are taking in regards to the lack of concern of the Mach Mining Company in Johnston City, Illinois. I (Patricia) have been to see the land agent at Mach Mining (Gary Schmitz) a number of times to try and resolve the enclosed problems and at one point Mr. Schmitz offered to purchase ear plugs to remedy the noise problem we are facing, however cute that was it does not solve the problem. We have got the run around from the mine staff, hurry up and wait or sorry about your luck. I'm not sure they understand how bad this problem is to us who have to live here on a regular basis'.

The Grant family has lived in this rural area (property and roads) for the past 68 + years. This area is primarily rural farm homes and family. Normal traffic on our roads (Liberty School Rd and Dean Rd) were local's a proximally 15 - 20 cars per day, we were able to let our children walk, ride bikes and ride horses up and down these rural roads. I (Patricia) moved in this area about 10 years ago. The reason I moved here is because it was peaceful, quiet, safe and I could ride my horses up and down the roads and not worry.

All of these things changes when "Cline Resource and Development Company" purchased the old Zeigler property on Liberty School Road. Once ground was broke and the mining process was started back in spring of "2005" everything changed in our once quiet farming community. We no longer feel safe to ride our horses, or let our children ride there bikes or walk back and forth to each others homes because of the increase of traffic and heavy equipment using Liberty School Rd . Sitting outside to listen to nature is impossible because of the traffic, noise, dirt and dust created by Cline Resource and Development project adjunct to our property. In short this once quiet place is now riddled with, large buildings, massive coal and dirt piles, cranes, drilling rigs, hoist towers, coal towers, and the

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STATE OF ILLINOIS
Pollution Control Board

PCB07-145

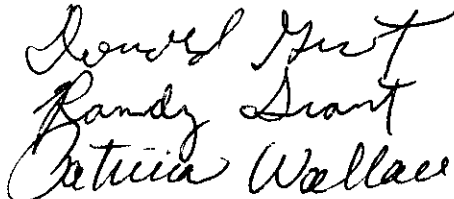
noise from the mine vent fan, and a rail road track. Traffic increased due to employees, concrete trucks (some times running 24 hours a day), delivery trucks, heavy equipment (running at all hours using back up beepers), semi trucks using jake-breaks, and most every one speeding.

Mr. Cline, my primary concern is with the noise from the mine vent fan running 24/7 adjunct to our property, the location of said fan is North/East approximately 1/8 mile from the front door of Randy Grant and Patricia Wallace, the location to Donald Grant 's residents is South/East approximately 1/8 to 1/4 mile. I believe the noise pollution generated by the operations at Mach Mining Coal Company on Liberty School Road in Williamson County, Johnston City, Illinois, may be over the limits set by Illinois Pollution Control Board.

We do not wish to move from our homes. We are hoping that you will consider our concerns and we can come up with an solution to satisfy all of us. We would rather work this problem out amicably, but if forced to we will pursue this matter through the legal system to obtain the relief we are seeking. I have enclosed all regulations pertaining to my formal complaint that I will be filing, if we do not resolve this problem with in the next (15) days, I will be filing a Formal Complaint with the Illinois Pollution Control Board, complaint enclosed.

Your prompt attention in this matter will be greatly appreciated.

Sincerely,

Handwritten signatures of Randy Grant, Donald Grant, and Patricia Wallace. The signatures are written in cursive and are stacked vertically.

Randy Grant
Donald Grant
Patricia Wallace

Enclosures: Formal Complaint

CC: Illinois Pollution Control Board

June 15,2007

Patricia Wallace
17235 Liberty School Road
Marion, Illinois 62959

Donald E. Grant
17712 Dean Road
Johnston City, Illinois 62951

Randy Grant
17235 Liberty School Road
Marion, Illinois 62959

BY CERTIFIED MAIL
Return Receipt Requested

Mach Mining LLC
Attn: Pete Hendrick
16468 Liberty School Road
Marion, Illinois 62959

RE: Noise Pollution

Mr. Pete Hendrick ,

We are righting this letter to inform you of the action we are taking in regards to the lack of concern of the Mach Mining Company in Johnston City, Illinois. I (Patricia) have been to see the land agent at Mach Mining (Gary Schmitz) a number of times to try and resolve the enclosed problems and at one point Mr. Schmitz offered to purchase ear plugs to remedy the noise problem we are facing, however cute that was it does not solve the problem. We have got the run around from the mine staff, hurry up and wait or sorry about your luck. I'm not sure they understand how bad this problem is to us who have to live here on a regular basis'.

The Grant family has lived in this rural area (property and roads) for the past 68 + years. This area is primarily rural farm homes and family. Normal traffic on our roads (Liberty School Rd and Dean Rd) were local's a proximally 15 - 20 cars per day, we were able to let our children walk, ride bikes and ride horses up and down these rural roads. I (Patricia) moved in this area about 10 years ago. The reason I moved here is because it was peaceful, quiet, safe and I could ride my horses up and down the roads and not worry.

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Pollution Control Board

State of Illinois
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
<http://www.ipcb.state.il.us/>

FORMAL COMPLAINT

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of:

Randy Grant
Donald Grant
Patricia Wallace

Complainant(s),

v.

Mach Mining LLC
Attn: Pete Hendrick
P.O. Box 300
Johnston City, Illinois 62951

Respondent(s),

2007-145
PCB 20

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 items 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.

ATTACHMENT A
NAMES OF ALLEGED POLLUTERS

Cline Resource and Development Company
430 Harper Park Drive, Suite A
Berkley, West Virginia 25801

Mach Mining LLC
16468 Liberty School Road
Marion, Illinois 62959

ATTACHMENT B
NAMES AND ADDRESSES OF RESPONDENTS

Mr. Christopher Cline
Cline Resource and Development Company
430 Harper Park Drive
Berkley, West Virginia 25801

Mach Mining LLC
Pond Creek 1 Mine
16468 Liberty School Road
Marion, Illinois 62959

MSHA#11-30141
Permit # 355
NPDES # IL007766

1. **Your Contact Information**

Name:	Donald E. Grant	Randy Grant
Street Address:	17712 Dean Road	17235 Liberty School Rd
	Johnston City	Marion
County:	Williamson	Williamson
State:	Illinois 62951	Illinois 62959
Phone Number:	618-983-8293	618-983-8866

Name:	Patricia Wallace
Street Address:	17235 Liberty School Rd
	Marion
County:	Williamson
State:	Illinois 62959
Phone Number	618-922-5969

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

Name:	<u>All of the above are the same for business hours.</u>
Street Address:	
County:	
State:	
PhoneNumber:	

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

Name:	Pete Hendrick
	Mach Mining LLC
Street Address:	P.O. Box 300
	Johnston City
County:	Williamson
State:	Illinois 62951
Phone Number:	618-983-3020

(Name and address of the location of the alleged polluter)

Mach Mining LLC	MSHA#11-30141
Pond Creek 1 Mine	Permit # 355
16468 Liberty School Road	NPDES # IL007766
Marion, Illinois 62959	618-983-3020

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.***

Operation of a coal mine and the operation of the coal mine ventilation fan and the heavy equipment operated at this site. This operation of this coal company is located at Liberty School Road Johnston City, Williamson County, Illinois 62951

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

415 ILCS 5/24 (formerly Ill. Stat. 1991, Ch. 111 ½, Par. 1024)
35 IL Adm. Code, Subtitle H, Chapter I, Section 900.102
35 IL Adm. Code, Subtitle H, Chapter I, Section 901.102,A)
35 IL Adm. Code, Subtitle H, Chapter I, Section 901.102.B)
35 IL Adm. Code, Subtitle H, Chapter I, Section 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.***

Low rumble, echoing whirl noise coming from an air shaft exhaust fan (temporary fan) located on Dean Road in Williamson County Illinois, approximately 1/8 mile N.E. of Randy Grant and Patricia Wallace's home and farm property on Liberty School Rd, the proximity to Donald Grant is S.E. about 1/8 to less than ¼ mile from his home and farm property on Dean Road. Additional noise at the same location are as follows back-up beepers from heavy equipment, coal dropping from the raw coal tower, train cars banging together and the train whistle, Additional traffic noise at all hours of the day and night from employees of the coal company, delivery trucks to the coal company, semi trucks hauling material, rock and miscellaneous material, and concrete trucks. The lights from the coal company property shine in our house all night long.

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 weather it is still continuing (include seasons of the year, dates, and times of day if known).***

The noise from the coal company started in the summer of 2005. This includes, at least a 75% increase of traffic (semi's, concrete trucks, on a few occasions the concrete trucks were 24 hours a day, heavy equipment, back-up beepers, dirt, dust). The fan noise started on 9-16-06, this is the temporary fan, according to the land agent for Mach Mining (Gary Schmitz). It is the sole source of air for their long wall operation belonging to the Respondent at this time, Mr Schmitz did inform us that the permanent fan will be in operation by the end of January 2007. The temporary fan noise started on 9-16-06 and runs 24/7 unless there is a power failure or shut-down. There is not one place on our property adjunct to this coal company that the fan can not be heard.

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.***

The effect on the complainants personal health has been numerous, lack of restful sleep, headaches, unable to relax in our own homes, irritability and fatigue, At time's I (Patricia) have the uncontrollable urge to just cry because the noise is never ending. We can not enjoy sitting outside any more because of the fan noise. Donald has gone to the expence of adding a room on the other side of his home to try to get away from the noise from the fan. All this is due to the noise from the Respondent's property.

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

Complainants request that the Board order the Resopndents to cease and desist from further violations of applicable statutes and regulations and, more specially, order the Respondents to permanently reduce the noise level to a point that it no longer causes a disturbance to the Complainants personal and emotional health and or their property. We feel that a silencer installed on the fans will greatly reduce the noise levels.

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 and complaints made to the Environmental Protection Agency or any of local government).**

A suit has been filed in Williamson County Court by, Attorney Jay Schafer of 111 West Main Street, Marion, Illinois 618-997-5611 he is under retainer for the family's of Phil Anderson, Shirley Davies, and Roland Rogers all located on Liberty School Road in Williamson County, Marion, Illinois. This Suite was filed in the early 2006.

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 coporation 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 of herself as an individual or (b) his or her unincorporated sole proprietorship, though the individual may prefer having attorney representation.)**

The complaintants all representing themselves.

12.

(Complainant's signature)

CERTIFICATION

I, Randy Grant , Donald Grant, Patricia Wallace, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Donald Grant
Randy Grant
Patricia Wallace

Subscribed to and sworn befor me this 18 day of June, 2007

Notary Public *Diandra Endrizz*
"OFFICIAL SEAL"
GINGER L. ENDRIZZI
Notary Public, State of Illinois
My Commission Expires 10/21/09

My commission expires: 10-21-09

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).

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.

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CLERK'S OFFICE

JUN 20 2007

STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on June 18, 2007,
I served the attached formal complaint and notice on the respondent by

certified mail (attach copy of receipt if available,
otherwise you must file receipt later with Clerk)

registered mail (attach copy of receipt if available,
otherwise you must file receipt later with Clerk)

messenger service (attach copy of receipt if available,
otherwise you must file receipt later with Clerk)

personal service (attach affidavit if available,
otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name Clerk of the Board

Street 100 W. Randolph St. Suite 11-500

City, state, zip code Chicago, IL 60601
(list each respondent's name and address if multiple respondents)

Peterson Wallace
Complainant's signature

Street 17235 Liberty School Rd.

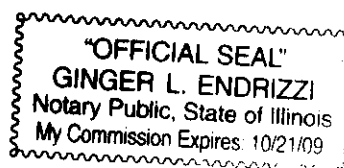
City, state, zip code Mason, IL 62959

Subscribed to and sworn before me

this 18 day

of June, 2007

Ginger Endrizzi
Notary Public



My commission expires: 10/21/09

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STATE OF ILLINOIS
Pollution Control Board

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_____ messenger service (attach copy of receipt if available,
otherwise you must file receipt later with Clerk)

_____ personal service (attach affidavit if available,
otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name Mach Mining LLC

Street 14408 Liberty Sch Rd

City, state, zip code Marion, IL 62959

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

Patricia Wallace
Complainant's signature

Street 17235 Liberty Sch Rd

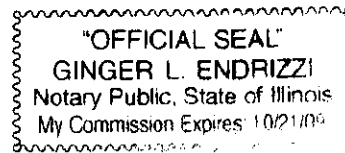
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otherwise you must file receipt later with Clerk)

personal service (attach affidavit if available,
otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name Clim Resource + Dev Co.

Street 430 Harper Park Dr. Suite A

City, state, zip code Burkley, W. Virginia 25801
(list each respondent's name and address if multiple respondents)

Patricia Wallace
Complainant's signature

Street 17235 Liberty Seh Rd

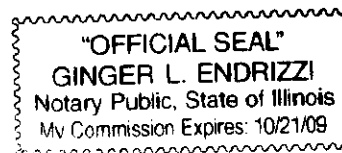
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