

Milton C. and Virginia L. Kamholz  
1306 Sullivan Road  
Woodstock, Il. 60098  
Phone: 815 5686166

ORIGINAL

RECEIVED  
CLERK'S OFFICE

SEP 26 2001

STATE OF ILLINOIS  
Pollution Control Board

September 4, 2001

BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Clerk of the Board  
State of Illinois  
Pollution Control Board  
100 W. Randolph Street  
Chicago, Il. 60601

PEB 03-41

Dear Sir or Madam,

Enclosed is an original copy of a formal complaint filed by us, on our own behalf, in response to a source of noise and air pollution, at a location next to our property. Also enclosed, please find nine photocopies of the original complaint, and of the original Certificate of Service sent with the original complaint to the Respondent.

An original copy of the complaint was served, along with a copy of the "Information for Respondent Receiving Complaint," via certified mail to the Respondent cited in the complaint, and a copy of the receipt for such certified mail service is attached to the executed original of the Certificate of Service.

If you have any questions, or need any additional information, I can be reached at my home at any time, 815 568 6166. Thank you for your time and consideration in this matter. I will look forward to hearing from you.

Sincerely yours,

Milton C. Kamholz  
Virginia L. Kamholz  
Milton C. and Virginia L. Kamholz

cc: Lawrence and Mariane Sporleder  
1316 Sullivan Road  
Woodstock, Illinois 60098

Mr. Greg Zak  
Noise Solutions by Greg Zak  
36 Birch Drive  
Chatham, Il. 62629

Enclosure(s)

Milton C. and Virginia L. Kamholz  
1306 Sullivan Road  
Woodstock, Illinois 60098  
Phone: 815 568 6166

September 5, 2001

BY CERTIFIED MAIL ✓  
Return Receipt Requested ✓

Lawrence and Mariane Sporleder  
1316 Sullivan Road  
Woodstock, Illinois 60098

Re: Noise and Air Pollution

Dear Mr. and Mrs. Sporleder,

Enclosed, please find a complaint which we are filing with the Pollution Control Board, together with a statement entitled "Information For Respondent Receiving Complaint." Respondent's attendance at a hearing, at a date set by the Board, may be required.

Sincerely yours,

*Milton C. Kamholz*  
*Virginia L. Kamholz*

Milton C and Virginia L. Kamholz

cc: Greg Zak, INCE

**RECEIVED**  
CLERK'S OFFICE

SEP 26 2001

**STATE OF ILLINOIS  
POLLUTION CONTROL BOARD  
100 W. RANDOLPH STREET, SUITE 11-500  
CHICAGO, ILLINOIS 60601**

STATE OF ILLINOIS  
*Pollution Control Board*

**NOTE:** All items must be completed. If there is insufficient space to complete any item, additional sheets may be attached, specifying the number of the item you are completing. Once completed, you must file the original and nine copies with the Board.

---

**FORMAL COMPLAINT**

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

Milton C. and Virginia L. Kamholz )

\_\_\_\_\_ )

\_\_\_\_\_ )

\_\_\_\_\_ )

(insert your name(s) on lines above) )

Complainant, )

PCB 02-41  
(For use by the Board)

v. )

Lawrence and Mariane Sporleder )

1316 Sullivan Road )

Woodstock, Illinois 60098 )

\_\_\_\_\_ )

(Insert names of alleged polluter (s) )

on lines above) )

Respondent. )

1. Your Name, Address, and Phone:: )

Milton C. and Virginia L. Kamholz  
1306 Sullivan Road  
Woodstock, Illinois 60098  
Phone: 815 568 6166

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

SAME

3. Name and Address of Respondent (Alleged Polluter)

Lawrence and Mariane Sporleder

1316 Sullivan Road

Woodstock , Illinois 60098

Phone: 815 568 6831  
(if known)

4. Describe the type of business or activity which you allege (believe) is causing pollution. (for example, manufacturing company, grain elevator, home repair shop)

"ACTIVITY" The inconsiderate, continuous riding of dirt bikes, Atv's and go carts. The mentioned vehicles create excessive, intolerable noise, offensive, sickening, smelly exhaust fumes, and in dry weather, annoying dust.

5. List specific Sections of the Environmental Protection Act and/or Board regulations which you allege (believe) are being violated.

Noise: Title 35; Subtitle H: Chapter I: Part 900.102 / Title 35: Subtitle H: Chapter I: Part 901.102 (a)

Air Pollution: Title 35: Subtitle B: Chapter I: Subchapter a: Part 201: Subpart A: Section 201.102

Air Contaminant: Air Pollution: Title 35: Subtitle B: Chapter I: Subchapter I: Part 243: Subpart A: 243 102 (a) Section 9 A of the environmental protection act.

6. Describe the type of alleged pollution (for example, air, odor, noise, water, drinking water, sewer back-ups) and the location of the alleged pollution. Be specific as possible in describing the pollution discharge or emission. "NOISE": Horrific, excessive, intolerable noise created by the riding and "revving" of dirtbikes. Riding takes place on Respondents property, (5acres) close to the dividing property line. Our home is located 50 feet north of the dividing property line. Our recreation room windows face the property line. The noise is so excessive and loud, we cannot even have a conversation on the phone, or hear our TV . We cannot have our windows open, or use our patio and screened in porch. "ODOR" : Extremely offensive, irritating, exhaust fumes emitted from dirt bikes, atv's and go carts. Fumes make our house smell bad, causes sore throats, and headaches. Must keep windows closed, and can't go outside while they are riding. Entire living area is consumed with noise and fumes. "DUST" All mentioned vehicles create annoying dust during dry weather. Atv's and go carts are worse . Respondents used to have a dirt track. They do have a jump area directly in line with our windows. This sends exhaust fumes and revving noise directly at us.

---

---

---

7. Describe the duration and frequency of the alleged pollution. Be specific as possible about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing; include dates and/or times of day if available. The first Atv started way back in the early 90's. Noise wasn't so bad, and dust was only a problem occasionally. Dust became worse when the appearance of a dirt track came about. Go carts also arrived. Got alittle noiser, and alittle dustier. October of 1995 came the arrival of the FIRST DIRTBIKE. School hours were the ONLY quite hours during the week, and weekends were horrible. Constant riding morning till night. August, 1996, We sent a registered letter requesting relief from this activity. Response to letter was more riding and Revving, especially near window area. A month or so later, the bike broke down, and the next toy was a Pick Up Truck. This was driven around their property and close to dividing property line, just the same as the dirt bike had been ridden. Friends came and there would be drag races between truck and car, up and down, and all around. Noise, Fumes, and Dust were the pollutants we put up with on a daily basis. Approx. one year later, the rider turned 16, quit school, and for awhile school hours were no longer quiet. Some quiet times were enjoyed for a time, but a younger grandson moved in with Respondents, and riding started all over again. Atv's and go carts. Approx. the end of April of this year, 2001, This younger boy got his first dirtbike. He rides all weekend from 10 am. to 8pm. School hours were quiet, but riding took place every day when not in school. ALL DAY on weekends. MOTHER'S DAY 2001. 3 dirtbikes, and a ATV RIDING UP AND DOWN 70 FEET FROM OUR WINDOWS. Noise was earpiercing and horribly unbelievable. Fumes were gagging. Called county rep. and they couldn't even hear me talk. (I was inside my house) They told me to call Sheriff. I did. Riding stopped, No further action taken. Riding started again later that day,(early evening.) and continued until 8pm. Presently, riding is minimal and of short duration. Sunday, August 26th was a bad day. A dirtbike and a Atv most of the day. Older boy back home with Respondents,so when he's not working, riding can take place at any time. Younger boy appears to be gone from Respondents home presently, but he visits alot. He rides when he's there. He's only about 13 years old,and there are more younger grandchildren . This is what they do for fun, and there is no end in sight for relief from these pollutants. They are not about to change their ways.

---

8. Describe bad effects which you believe the alleged pollution has on human health, plant or animal life, or the environment. "HUMAN HEALTH" Since 1993, the Respondents have created the pollutants of NOISE and AIR, in such an inconsiderate manner, as to have it cross our dividing property lines, and impose upon us, "their" noise and "their" odors. This has caused us great anguish, as we cannot escape their intrusions. There is no relief or safe haven for us. The interior of our home is contaminated with "their" pollutants, and our patio, deck, screened porch, and back yard, is unusable when they are having "fun". This creates frustration beyond belief. This creates anger, an emotion that will cause emotional stress. We cannot have a cookout, entertain friends "OR" family. Our family doesn't even want to come here, because of this problem. (Mother's Day, one of my daughters and her family, wouldn't come after hearing the bikes on the phone. The other daughter and her family only stayed an hour. This means our 5 grandchildren weren't here either.) This is not right or fair. Imagine having 5 beautiful acres of land, a nice home, and a will to simply enjoy life, and having it completely ruined because the respondents grandchildren want to RIDE, RIDE, RIDE. We deal with alot of emotional problems because of this. Our property value is next to nothing. Who would buy our place with this kind of activity going on? No one!

9. Describe the relief you wish the Board to grant (for example, an order that the Respondent stop polluting, perform a specific action, make a specific change in it's operation, and/or pay a money penalty;) The Board cannot order Respondent to pay you money damages, attorney's fees, or any out of pocket expenses which you incur by filing this complaint.

We request that "ALL" mentioned pollutants be stopped. We request that the board enter an "Order", directing the Respondents to cease and desist from further violations of applicable statutes and regulations. Due to our home's positioning on our property, and being close to the dividing property line, the polluting and offending activities must be stopped, as there is no possibility of acceptance of any more of these pollutants at any time of the day. We have lived here for 31 years, and the Respondent's have lived on their property for 30 years. Pollutant problems started approx. 10 years ago, and we simply can't tolerate anymore. We need and deserve to get our lives back. We need and deserve to be able to have a peaceful existance, and to be able to enjoy our home. This is more important than their need to have this form of activity. We NEED to have our Property value returned to us. We have worked hard all of our lives, and it is not right that we cannot even sit on our deck with a cool drink, or open our windows to enjoy a cool breeze. We have planted over 400 trees on our property, but can't enjoy being outside to walk among them. They have stolen our rights and property value away from us. We ask the Board to help us and enable us to enjoy our rights to a "normal" life.

10. State whether you know if there is any court or other forum in which you are, or anyone else is suing or complaining against this Respondent for the same alleged pollution discharge or emission.

None

---

11. CERTIFICATION (Optional, but encouraged)

I, Milton C. and Virginia L. Kamholz, having read the above, do hereby swear and attest that I have read the forgoing, and I have filled out the above form accurately, and to the best of my knowledge.

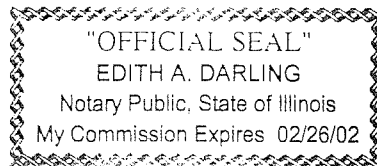
Milton C. Kamholz  
Virginia L. Kamholz

Subscribed to and sworn before me this  
5<sup>th</sup> day of Sept, 2001.

Edith A. Darling  
Notary Public

My Commission expires

2-26-02



**NOTE: THIS FORM MUST BE INCLUDED IN THE SERVICE TO RESPONDENT  
INFORMATION FOR RESPONDENT RECEIVING COMPLAINT**

The Board will not accept this complaint that has been served upon you if the case is determined to be either duplicitous or frivolous. Duplicitous means that a similar case is pending in another court or in another action before the Board. The response to question #10 in the complaint states the opinion of the Complainant(s) on this issue.

Neither can the Board accept the complaint if the action is frivolous. Frivolous means that the requested relief is beyond the Board's authority to grant. For example, the Board has the authority to order the Respondent(s) to cease and desist the polluting activity and order a fine after following certain procedures. The Board does not have the authority for example to grant monetary compensation to the Complainant for damage to health or property. Also, the Board cannot order the polluting activity to cease while the case is pending, except under special circumstances. The response to question #9 in the complaint states the opinion of the Complainant(s) on this issue.

If you believe this case is duplicitous or frivolous, please file a motion with the Board within two weeks from the date of service. The motion must state the basis for which the motion is made and a concise statement of the relief sought. Memoranda, affidavits, and any other relevant documents should accompany the motion. If more time than two weeks is necessary to gather supporting evidence, please indicate this within the two weeks and state your reasons as well as the amount of additional time needed. Upon good cause, the Board may grant an extension at its next Board meeting.

Ten (10) copies of the motion must be filed with the Clerk of the Board with proof of service. Service may be done either personally or by First Class United States mail. Mail service is presumed completed four days after mailing.

If no response is received by the Board within two weeks, the Board, at its discretion, may find that the complaint is not duplicitous or frivolous and may accept the case for hearing.

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



Milton and Virginia Kamholz  
1306 Sullivan Rd.  
Woodstock, Il.  
Phone: 815 568 6166

September 24, 2001

Clerk of the Board  
State of Illinois  
Pollution Control Board  
100 Randolph Street  
Chicago, Il. 60601

Re: Certificate of Service

Dear Sir or Madam,

Our complaint was unable to be delivered on September 6, 2001, and the Respondents ignored the notice of a "certified mailing". They refused to pick the mailing up, and it was returned to us on September 21, 2001, after the proper waiting period of 15 days. We have been informed that this can be considered "Delivered" and go ahead with a re-mailing of our complaint, via regular first class mail. That is what I'm going to do today, September 24 th, along with your envelope containing an original copy of our formal complaint, and 9 photocopies. I've held your envelope back since September 5th, as I wanted to enclose the copy of the receipt with the Certificate of Service. Since I am unable to do this, I'm attaching a copy of the original envelope showing the Postal Stamp declaring the mailing "UNCLAIMED". This is the only receipt the Postal Clerk would give me.

We trust that our information concerning this next mailing procedure is correct, and that this complaint can move forward. If we are wrong, please let us know, and we will make the necessary correction immediately. We can be reached at our home phone number most anytime. Again, we thank you for your time and consideration in this matter.

Sincerely yours,

*Milton C. Kamholz*  
*Virginia L. Kamholz*  
Milton and Virginia Kamholz

CERTIFICATE OF SERVICE

The undersigned, being first sworn, states that an original copy of the complaint and a copy of the notice of filing, was mailed, or personally served, to the Respondent of this action at the below listed address on this date, Sept 5, 2001, by: (Check appropriate line)

- Certified Mail (attach copy of receipt) *"Unclaimed"*
- Registered Mail (attach copy of receipt)
- Personal Service

RESPONDENT'S ADDRESS

NAME: Lawrence and Mariane Sporleder

STREET: 1316 Sullivan Road

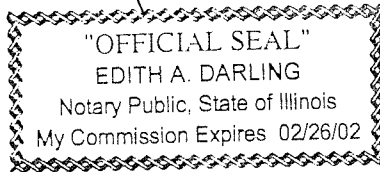
CITY, STATE, AND ZIP: Woodstock, Illinois 60098

*Milton C. Kamholz*  
*Virginia L. Kamholz*  
Milton C. and Virginia L. Kamholz  
 Complainant (s)

SIGNED AND SWORN to before me  
this date

*Edith A. Darling*      *9.24.01*

Notary Public



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.

1. Article Addressed to:  
**LAWRENCE + MARIANE SPORLEDER**  
**1316 SULLIVAN RD**  
**WOODSTOCK, IL. 60098**

Agent  
 Addressee  
**X**  
D. Is delivery address different from item 1?  
If YES, enter delivery address below:  
 Yes  
 No

3. Service Type  
 Certified Mail     Express Mail  
 Registered     Return Receipt for Merchandise  
 Insured Mail     C.O.D.

4. Restricted Delivery? (Extra Fee)     Yes

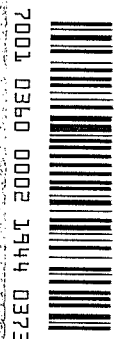
2. Article Number  
(Transfer from service label)    **7001 0360 0002 1944 0373**  
PS Form 3811, March 2001    Domestic Return Receipt    102595-01-M-1424

*1316 Sullivan Rd  
Woodstock, IL 60098*

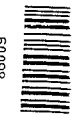
**RETURN RECEIPT  
REQUESTED**

*LAWRENCE + MARIANE SPORLEDER  
1316 SULLIVAN RD  
WOODSTOCK, IL 60098*

**REASON FOR RETURN**  
 Undeliverable  
 Return to Sender  
 No Such Street Address  
 No Such Office or State  
 No Such ZIP Code  
 No Such Postal Service  
 No Such Country



UNITED STATES  
POSTAL SERVICE  
926-4



POSTAGE  
PAID  
\$4.17  
00024737-4

*9/11/01*



\*\*\*\*\* WELCOME TO \*\*\*\*\*  
 WOODSTOCK  
 WOODSTOCK, IL 60098-9998  
 09/05/01 11:32AM

Store USPS Trans 13  
 Wkstn sys5003 Cashier RKDHOB  
 Cashier's Name Yolanda  
 Stock Unit Id YOLANDAWIN  
 PO Phone Number 815-338-0630

1. First Class 60098 4.17  
 Destination: 60098  
 Weight: 1.60oz  
 Postage Type: PVI  
 Total Cost: 4.17  
 Base Rate: 0.57  
 SERVICES  
 Certified Mail 2.10  
 Return Receipt 1.50

Subtotal 4.17  
 Total 4.17  
 Change Due 5.00  
 Cash 0.83

Number of Items Sold: 1

Thank You  
 again!

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

WOODSTOCK, IL 60098 OFFICIAL USE

Postage	\$ 0.57	UNIT ID: 0098  Postmark Here Clerk: RKDHOB  09/05/01
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.17	

Sent To *Lawrence Sporleder*  
 Street, Apt. No.;  
 or PO Box No. *1316 Sullivan Rd*  
 City, State, ZIP+4 *Woodstock IL 60098*

7001 0360 0002 1944 0373

Mr. and Mrs. Henry Sperleder  
 1316 Sullivan Rd  
 Woodstock, IL 60098

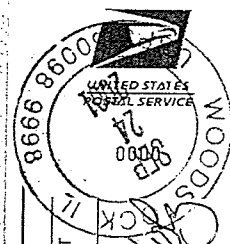
1306 Sullivan Rd  
 Woodstock, IL 60098



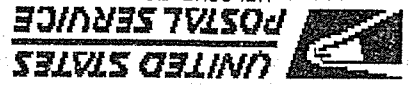
U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**  
 MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
 PROVIDE FOR INSURANCE - POSTMASTER

Received From:  
 Milton & Virginia Kamler  
 1306 Sullivan Rd  
 Woodstock, IL 60098

One piece of ordinary mail addressed to:  
 Mr & Mrs Henry Sperleder  
 1316 Sullivan Rd  
 Woodstock, IL 60098



U.S. POSTAGE  
 PAID  
 WOODSTOCK, IL  
 60098  
 SEP 24 1981  
 AMOUNT  
**\$0.75**  
 00062567-45



\*\*\*\* WELCOME TO \*\*\*\*  
 WOODSTOCK  
 WOODSTOCK, IL 60098-9998  
 09/24/01 11:42AM

Store USPS Trans 3  
 Wkstn sys5002 Cashier RZCMBB  
 Cashier's Name Stephanie  
 Stock Unit Id STEPHANIEWIN  
 PO Phone Number 815-338-0630

1. First Class 0.75  
 Destination: 60098  
 Weight: 1.50oz  
 Postage Type: Affixed  
 Affix. Post.: -0.57  
 Total Cost: 1.32  
 Base Rate: 0.57  
 SERVICES  
 Cert of Mailing 0.75

Subtotal 0.75  
 Cash 1.00  
 Change Due  
 Cash 0.25

Number of Items Sold: 1

Thank You  
 Please come again!