

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

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SEP 01 2011
STATE OF ILLINOIS
Pollution Control Board

FORMAL COMPLAINT

ORIGINAL

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

Anielle Lipe)	
Nykole Gillette)	
)	
Complainant(s),)	
)	
v.)	PCB 12-44
)	(For Board use)
Village of Richton Park)	
)	
Respondent(s).)	

Note: This document includes the original formal complaint, notice to the respondent, a copy of the public hearing notice, July 25, 2011 Village of Richton Park Regular Meeting Minutes approving the Special Use Permit, Ordinance # 1497, and the approved Special Use Permit, Ordinance # 1497.

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

Anielle Lipe
22123 Meadow Lake Place
Richton Park, IL 60471
Cook County
Phone: 630-235-9821

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

PO BOX 948
Richton Park, IL 60471
Phone: 630-235-9821

3. Name and address of respondent

Village of Richton Park
4455 Sauk Trail
Richton Park, IL 60471
Phone: 708-481-8950
(if known)

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

Nykole Gillette
22232 Scott Drive
Richton Park, IL 60471
Cook County
Phone: 708-748-0723

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

PO BOX 948
Richton Park, IL 60471
Phone: 708-748-0723

3. Name of address of respondent

Village of Richton Park
4455 Sauk Trail
Richton Park, IL 60471
Phone: 708-481-8950
(if known)

FORMAL COMPLAINT
BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

Complainant(s): Anielle Lipe
Nykole Gillette

Respondent(s): Village Of Richton Park

In reference to the May 29, 2011 Public Hearing notice in the Southtown Star Newspaper, John Sexton Sand And Gravel Corporation which is considered a Control Pollution Facility failed to properly notify citizens regarding their request of a Special Use Permit from the Village Of Richton Park to crush concrete, asphalt and other materials on their property located at the northeast corner of Sauk Trail and Central Avenue, Richton Park, IL. Therefore, citizens were not fully informed and didn't understand the intentions about John Sexton Sand And Gravel Corporation's proposal to crush concrete and other materials on their site in Richton Park, IL. As a result of the lack of due process, the Village Of Richton Park Board members and Village President voted unanimously to approve the Special Use Permit to crush concrete and other materials on the John Sexton Sand And Gravel Corporation Site in Richton Park, IL.

The John Sexton Sand And Gravel Corporation's Public Notice in the Southtown Star Newspaper didn't properly notify the citizens as required by law of the Illinois Environmental Protection Act which is located in the Illinois Compiled Statutes (ILCS) at 415 ILCS 5/1 et seq, in Section 3.330, 39, 39.2 and 40.1. The provisions that describes the local siting process are in Section 39.2 of the Act. John Sexton Sand And Gravel Corporation's Public Notice in the Southtown Star Newspaper fails to:

- Give the complete address of the applicant, John Sexton Sand And Gravel Corporation omitting the name of the suburb, Richton Park, IL.
- Give the complete nature and size of the development. Failing to mention other materials such as: asphalt, aggregate or other materials and their quantities proposed to be crushed on the John Sexton Sand And Gravel Corporation's site.
- Give the probable life of the proposed crushing operation.
- Give the date when the request for site approval or the Special Use application will be submitted to the Village Of Richton Park Board Of Trustees and Village President for approval.
- Give a description of the right of citizens to comment on the request for the Special Use Permit or site approval.

Since interested citizens were not properly informed about the public hearing hosted by the Richton Park Planning and Zoning Commission, many citizens were not able to comment at the public hearing regarding our concerns of:

- A continuous Fly of Ash, cement dust emitted in the air from the operation that contains harmful chemicals such as Crystalline Silica, Calcium Sulphur, Fly Ash that contains hex chrome, limestone and

other harmful chemicals that can cause Respiratory problems, Gastro Intestinal, Liver, Central Nervous System, Lymphatic, Eye, Skin and Bone illnesses. As well as negatively effect the environment. From our research:

(a) Crystalline Silica is known to cause respiratory problems such as lung cancer, lung diseases that consist of nodular lesions in the lungs, tuberculosis, chronic bronchitis and etc. This information was found in the Wikipedia encyclopedia. The internet address link: <http://en.wikipedia.org/wiki/Silicosis>

(b) Breathing Fly Ash from Power Plants or Coal Plants over a long period of time can irritate the respiratory system. People with existing lung diseases such as bronchitis, emphysema, and chronic obstructive pulmonary disease (COPD) should avoid breathing coal Fly Ash dust. This information was obtained from the Kingston Ash Pond Release article.

(c) From the Eatonville News article, it states "Hex Chrome from Fly Ash is a deadly known carcinogen and is hazardous to skin, eyes and lungs." This information was found in the Eatonville News. The internet address link: <http://www.eatonvillenews.net/SEPAcommentsbatchplant6.7.07.html>

d) When limestone from the cement dust settles on vegetable and flower plants, lawns, and bushes; it has a negative effect on these greenery, and can possibly kill them. The address internet link for Effect Of Dust From A Limestone Quarry, <http://www.springerlink.com/content/m464347806qj9785/abstract/?target=print>

- The John Sexton Sand And Gravel Corporation's work site where their partnering company, Tough Cut Concrete Services LLC wants to crush the concrete and other materials has a very close proximity to residential areas, schools, businesses and the general public that travel the Interstate 57 and well traveled thoroughfares in Richton Park.
 - a. The Interstate 57 and well traveled thoroughfare, Sauk Trail is within 250 feet of the John Sexton Sand And Gravel Corporation's work site.
 - b. One of the closest residential areas on Scott Drive, Richton Park, IL takes 1 to 2 minutes to drive to the John Sexton Sand And Gravel Corporation's work site.
 - c. Other residential areas, daycares, high school, elementary school, church, bowling alley, beauty salons, gas stations and etc are within a few block distance of the John Sexton Sand And Gravel Corporation's work site.
- It being unknown as to how much a person has to inhale or be exposed to the cement dust before they can become sick from the life threatening diseases of lung cancer or other respiratory problems such as: asthma, emphysema, lung nodulations, obstructive and restrictive lung disease. As well as damage to other organs such as: gastro-intestinal diseases, eye, skin and bone disorders.
- If the quality of air is compromised by the crushing of concrete and other materials, it has a negative affect on our property values. Please see the internet link address for the Journal Of Environmental Economics and Management, <http://www.sciencedirect.com/science/article/pii/S0095069607000204> that states "the effect of polluting manufacturing facilities on the economic characteristics of nearby neighborhoods. It tests the

hypothesis that communities exposed to high levels of pollution will have lower house prices and poorer residents than cleaner locations. The estimates suggest that being a mile closer to a polluting manufacturing plant reduces house values by 1.9%, which is smaller than estimates from existing studies."

As a result of these concerns and others that may have not been raised at the public hearing on July 14, 2011, the Richton Park Village Board may have not objectively considered the citizen's concerns of how the pollutants from the crushing operation can negatively affect human health, cost to property, productivity, quality of life and the environment. As a result, the Richton Park Village Board voted unanimously to approve the Special Use permit to have this crushing operation performed on the John Sexton Sand And Gravel Corporation's worksite in Richton Park, IL.

Wherefore, Complainants, Anielle Lipe and Nykole Gillette would like the Illinois Pollution Control Board to appeal the Special Use Permit, Ordinance # 1497 to crush concrete and other materials granted to the John Sexton Sand And Gravel Corporation by the Village Of Richton Park as a result of improper public notification.

Respectfully Submitted By,

Complainant (s) Anielle Lipe Date 8/28/11

Complainant (s) Nykole Gillette Date 8/28/11

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.

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 RICHTON PARK IL 60471

Postage	\$ 1.48	0804
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Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.63	08/28/2011

Sent To
 Village OF Richton Park
 Street, Apt. No.
 or PO Box No. 4455 Sauk Trail Ave
 City, State, ZIP+4
 Richton Park, IL 60471

7011 0470 0001 4968 2716

ORIGINAL

RECEIVED
CLERK'S OFFICE

SEP 01 2011

STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

We, the undersigned, on oath or affirmation, state that on (month, day, year)
8/28/11, we served the attached formal complaint and
notice on the respondent by: (check appropriate line)

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 Village OF Richton Park

Street 4455 Sauk Trail Ave

City, state, zip code Richton Park, IL 60471

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

Complainant's signature Arielle Lipe

Street 22123 Meadow Lake Place

City, state, zip code Richton Park, IL 60471

and

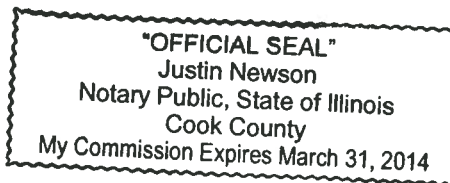
Complainant's signature Lydia Dellelitta

Street 22232 SCOTT DRIVE

City, state, zip code RICHTON PARK, IL 60471

Subscribed to and sworn before me this 29 day of August, 2011.

Justin Newson
Notary Public



My commission expires: _____