

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

**RECEIVED**  
CLERK'S OFFICE  
SEP 18 2006  
STATE OF ILLINOIS  
Pollution Control Board

**FORMAL COMPLAINT**

**BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD**

DALE L. STANHIBEL )  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

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

Complainant(s), )

v. )

TOM HALAT )  
TOM'S VEGETABLE MARKET )  
\_\_\_\_\_)  
\_\_\_\_\_)

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

Respondent(s). )

PCB 07-17  
(For Board use)

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:

DALE L STANHIBEL  
10328 FLEETWOOD ST  
HUNTLEY, IL 60142.

Phone: 847-961-5980

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

NONE —

Phone: —

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

TOM HIALAT  
10214 ALHONQUIN RD  
HUNTLEY IL, 60142  
AKA - TOM'S VEGETABLE MARKET

Phone: 847-669-3421  
(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:

FARM STORE - THE GROWING OF VEGETABLES  
ETC - CORN - (MANUFACTURING), 10217  
ALHONQUIN - DIRECTLY SOUTH OF TOM'S,  
TOM'S SOUTH LOT

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

SECTION 24 OF THE ACT (415 ILCS 5/24(2002)  
AND 35 ILL ADM CODE 900.102.

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6. Describe the type of pollution that you allege (e.g., air, odor, noise, water, sewer backups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution:

(NOISE - AIR) AIR - THE RELEASE OF PROPANE IN THE AIR  
"NOISE" - THE FIRING OFF OF 4 PROPANE  
CANNONS 9:30 AM TO 5:30 PM IN FOM'S HALAT  
SOUTH LOT 10217 ALBONQUIN RD HUNTERLEY, IL 60142

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):

AUG - SEPT - OCT - 2005 - LATE SUMMER EARLY FALL  
AUG - SEPT - OCT - 2006 - LATE SUMMER EARLY FALL  
7 DAYS WEEK FROM - DAWN - TO - DUSK  
EVERY FEW SECONDS - STILL CONTINUING AS OF 9/14/06

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:

HEADACHE - NERVOUS = MY FIVE YEAR OLD  
BEAGLE HAS TO BE SEDATED - I CAN'T  
ENJOY MY OWN BACKYARD OR PATIO THE  
LAST 2 YEARS - THE NOISE AND LOUD LOUD POPPING  
SOON

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)):

I WANT TOM HALAT TO STOP -  
CEASE-DESIST - WITH HIS '4' FIREING  
OFF HIS PROPANE CANNONS

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):

STUART VS. FISHER  
PCB-02-164  
CITIZENS ENFORCEMENT-NOISE

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.):

MY SELF AS AN HOMEOWNER

12. Dale L. Stanhibel  
(Complainant's signature)

CERTIFICATION (optional but encouraged)

I, DALE L. STANHIBEL, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Dale L. Stanhibel  
(Complainant's signature)

Subscribed to and sworn before me  
this 15<sup>th</sup> day  
of SEPTEMBER, 2006

Patrick J. Blasi  
Notary Public

My commission expires: 9-13-09



**CERTIFICATE OF SERVICE**

I, the undersigned, on oath or affirmation, state that on (month, day, year) 9 15 06

Dale J. Stankhel, I 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 TOM HALAT - TOM'S VEG TABLE MARKET

Street 10214 ALHONQUIN RD

City, state, zip code HUNTLEY IL 60142  
(list each respondent's name and address if multiple respondents)

Dale J. Stankhel  
Complainant's signature

Street 10328 FLEETWOOD ST

City, state, zip code HUNTLEY, IL 60142

Subscribed to and sworn before me  
this 15<sup>th</sup> day  
of SEPTEMBER, 2006

Patrick J. Blasi  
Notary Public

My commission expires: 9-13-06

