

ILLINOIS POLLUTION CONTROL BOARD

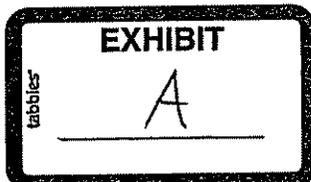
November 2, 2006

DALE L. STANHIBEL,)
)
Complainant,)
)
Vs.)
)
TOM HALAT d/b/a TOM'S) PCB 07-17
VEGETABLE MARKET) (Citizens Enforcement-Air, Noise)
)
Respondent.)
)
)
)
)

AFFIDAVIT

I, Thomas C. Halat, on oath, hereby affirm:

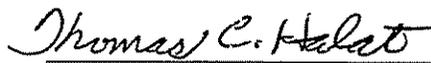
1. That I am the Respondent in the above entitled and matter and I am President of Tom's Farm Market and Greenhouses, Inc.
2. Tom's Farm Market and Greenhouses, Inc. does not do business as Tom's Vegetable Market as alleged in the Complaint in this matter incorporated herein by reference.
3. I, as an agent of Tom's Farm Market and Greenhouses, Inc. obtained nuisance animal removal permits from the Illinois Conservation Police/Illinois Department of Natural Resources to allow for the use of propane canons as a way to remove redwing black birds from the property.
4. No propane canons were utilized at any other time besides those times authorized by said permits, copies of which are attached hereto and incorporated by reference as group exhibit A.
5. All permits obtained were in full force and effect for all dates and times in which propane canons were utilized and propane cannons were specifically authorized as a device able to be utilized under all permits. In 2005, propane cannons were utilized in the southern portion of the property located at 10214 Algonquin Road, Huntley, Illinois 60142 which is adjacent to the property of the complainant, from August 4, 2005 to September 4, 2005. No cannons were utilized at that location in August prior to the issuance of the permit nor were any utilized after the permit expired on September 4, 2005, as no need for animal removal existed at the time.



6. In 2006, propane cannons were only utilized for removal of redwing black birds during the period of time authorized by the permit, September 8, 2006 to October 8, 2006. No propane cannons were utilized before or after these dates in 2006 as no need for animal removal existed because the sweet corn planted in that area was not attracting redwing black birds prior to September 8, 2006 and the crops were picked prior to October 8, 2006.

FURTHER AFFIANT SAYETH NOT

Respectfully Submitted,
Thomas C. Halat

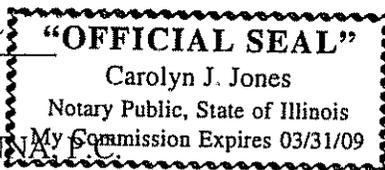


Thomas C. Halat

SUBSCRIBED and SWORN to
before me this 3 day
of Jan 2006.



Notary Public



FRANKS, GERKIN & McKENNA, P.C.
Attorneys for Respondent
19333 E. Grant Hwy, P.O. BOX 5
Marengo, Illinois 60152
Telephone: (815)-923-2107
Fax: (815)-923-2107

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Illinois Department of Natural Resources

NUISANCE ANIMAL REMOVAL PERMIT

Illinois Conservation Police

FAX: 847-669-5425 4390

Name TOM HAGAT Street 10214 ALGONQUIN RD, City HUNTLEY, IL PERMIT NO. 06-29 Phone 847-669-3421
Area: Township Section County McHENRY Acres
Damage: Type SWEET CORN CROP Amount
Species Causing Damage RED WING BLACKBIRDS

Method of Removal SCARING DEVICES - PROPANE CANNONS Method of Disposition
The above person(s) is/are hereby granted a 30 day permit under section 6/2.37 of the Illinois Wildlife Code to remove nuisance BLACKBIRDS causing property damage. This permit is valid from 9/8/06 to 10/8/06 and only on the lands described above, subject to the provisions listed on this permit.

PERSON ISSUING PERMIT: Signed Ray A. Eisenauer Title DWR#9 Date 9/8/06
TO BE FILLED OUT BY PROPERTY OWNER: A total of animals as described above were destroyed and disposition was by (method).

Signature of Owner Date

PERMIT PROVISIONS

- 1. Control methods may be used only on the property described on the permit.
2. Removal shall be by the method stated on the permit. No poison of any kind will be used.
3. No parts or parts of the animals may be used, sold or utilized in any manner.
4. No other wildlife may be taken or harmed in any manner.
5. You are required to submit a record of the animals destroyed and their disposition within ten (10) days of expiration date of this permit.

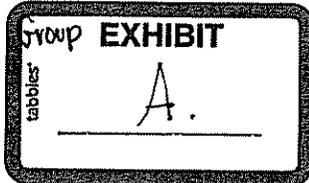
DISTRIBUTION:

- White - Permittee
Cenary - Region Office
Pink - Conservation Police, Springfield Office
Goldenrod - Division of Wildlife Resources, Springfield Office

IL 422-0080 (1/00)

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RESOURCE CONSERVATION

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Illinois Department of Natural Resources

NUISANCE ANIMAL REMOVAL PERMIT

Illinois Conservation Police

Name TOM HALAT Street RD. 60142 PERMIT NO. 5-25
 City HUNTLEY, IL Phone 847-669-3421
 Area: Township _____ Section _____ County MCHEERY Acres _____
 Damage: Type SWEET CORN CROP Amount _____
 Species Causing Damage RED WINGED BLACKBIRDS
 Method of Removal BIRD SCARE, AVIARIC DETONANT DEVICES Method of Disposition BURY ON SITE

The above person(s) is/are hereby granted a 30 day permit under section 5/2 37 of the Illinois Wildlife Code to remove nuisance RED WINGED BLACKBIRDS causing property damage. This permit is valid from 8/4/05 to 9/4/05 and only on the lands described above, subject to the provisions listed on this permit.

PERSON ISSUING PERMIT:

Signed Ray A. Eschbacher Title SUB # 9 Date 8/4/05

TO BE FILLED OUT BY PROPERTY OWNER: A total of _____ animals as described above were destroyed and disposition was by _____ (method).

Signature of Owner _____ Date _____

PERMIT PROVISIONS

- Control methods may be used only on the property described on the permit.
- Removal shall be by the method stated on the permit. No poison of any kind will be used.
- No parts or parts of the animals may be used, sold or utilized in any manner.
- No other wildlife may be taken or harmed in any manner.
- You are required to submit a record of the animals destroyed and their disposition within ten (10) days of expiration date of this permit.

DISTRIBUTION

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- Canary - Region Office
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