

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

FEB 05 2007

STATE OF ILLINOIS  
Pollution Control Board

JOHN AND LINDA MARACIC, )  
)  
Complainant, )  
)  
v. )  
)  
TNT LOGISTICS NORTH AMERICA )  
INC., )  
)  
Respondent. )

PCB No. 05-212  
(Enforcement - Noise)

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
**(VIA FIRST CLASS MAIL)**

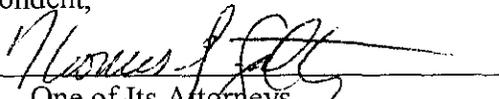
Bradley P. Halloran, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
**(VIA FIRST CLASS MAIL)**

**(PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of Respondent, TNT Logistics North America, Inc.'s **SUPPLEMENTATION OF AFFIDAVIT**, a copy of which is herewith served upon you.

Respectfully submitted,

TNT LOGISTICS NORTH  
AMERICA INC.,  
Respondent,

By:   
One of Its Attorneys

Dated: February 1, 2007

Edward W. Dwyer  
Thomas G. Safley  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

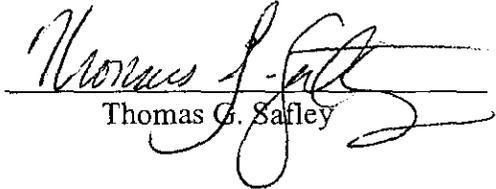
I, Thomas G. Safley, the undersigned, hereby certify that I have served the  
attached SUPPLEMENTATION OF AFFIDAVIT upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Bradley P. Halloran, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Mr. John Maracic  
Ms. Linda Maracic  
6850 S. Ridgeland Avenue  
Monee, Illinois 60449

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on February 1, 2007.

  
Thomas G. Safley

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

FEB 05 2007

STATE OF ILLINOIS  
Pollution Control Board

JOHN MARACIC AND )  
LINDA MARACIC, )  
) )  
Complainants, )  
) )  
v. )  
) )  
TNT LOGISTICS NORTH AMERICA )  
INC., )  
) )  
Respondent. )

PCB No. 05-212  
(Enforcement – Noise)

**SUPPLEMENTATION OF AFFIDAVIT**

NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC. ("TNT"), by its attorneys, HODGE DWYER ZEMAN, and files the attached Supplemental Affidavit of Steve McNeal in support of TNT's Objection to Complainants' "Amended Complaint," Motion to Dismiss Complaint as Originally Filed, and Alternative Motion for Reversal of Hearing Officer's Order ("Objection"), and in further support of its Objection, states as follows:

1. On January 16, 2007, TNT filed its Objection. This Objection objects to and opposes Complainants' filing of a document purporting to be an amended complaint, seeks dismissal of Complainants' original complaint, and alternatively seeks reversal of an order issued by the Hearing Officer in this matter.

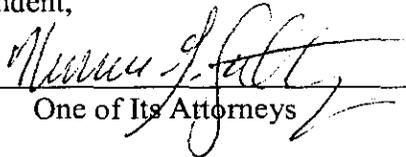
2. As stated in its Objection, TNT objects to Complainants' "Amended Complaint," and seeks dismissal of Complainants' original Complaint, as frivolous. Complainants' original Complaint and Complainants' "Amended Complaint" seek an Order of the Illinois Pollution Control Board ("Board") that would be unenforceable as of January 22, 2007, since TNT no longer operates or controls the Facility at issue as of that date.

3. As of January 22, 2007, TNT has left the Facility, and an unrelated company has in fact began operating the facility. See Supplemental Affidavit of Steve McNeal attached hereto.

WHEREFORE, Respondent, TNT LOGISTICS NORTH AMERICA INC., respectfully objects to Complainant's filing purporting to be Complainant's "Amended Complaint," and moves the Board to dismiss that "Amended Complaint" and Complainant's original Complaint as frivolous. Alternatively, TNT moves the Board to reverse the Hearing Officer's Order and reschedule this matter for hearing on Complainant's original Complaint. Finally, TNT moves the Board to grant TNT all other relief just and proper in the premises.

Respectfully submitted,

TNT LOGISTICS NORTH AMERICA INC.,  
Respondent,

By:   
One of Its Attorneys

Dated: February 1, 2007

Edward W. Dwyer  
Thomas G. Safley  
Ryan E. Mohr  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

TNTL:002/Fil/Haser/Supplementation of Affidavit - Objection to Amended Complaint

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KEN BLOUIN, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 TNT LOGISTICS NORTH AMERICA )  
 INC., )  
 )  
 Respondent. )  
 )

PCB No. 05-217  
(Enforcement – Noise)

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WAYNE HASER, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 TNT LOGISTICS NORTH AMERICA )  
 INC., )  
 )  
 Respondent. )  
 )

PCB No. 05-216  
(Enforcement – Noise)

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JOHN MARACIC AND )  
 LINDA MARACIC, )  
 )  
 Complainants, )  
 )  
 v. )  
 )  
 TNT LOGISTICS NORTH AMERICA )  
 INC., )  
 )  
 Respondent. )  
 )

PCB No. 05-212  
(Enforcement – Noise)

VINCENT NERI and JENNIFER NERI,	)	
	)	
Complainants,	)	
	)	
v.	)	PCB No. 05-213
	)	(Enforcement – Noise)
TNT LOGISTICS NORTH AMERICA	)	
INC.,	)	
	)	
Respondent.	)	

**AFFIDAVIT OF STEVE MCNEAL**

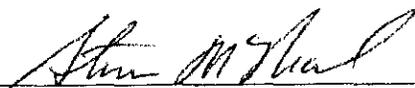
Steve McNeal, being first duly sworn, deposes and states under oath, and if sworn as a witness, would testify, as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. I currently am employed as Properties Director for TNT Logistics North America, Inc. (“TNT”).
3. TNT previously leased and operated a facility located 25850 Ridgeland, Monee, Illinois 60449 (“Facility”), which Facility is at issue in the above-captioned matters.
4. As of January 22, 2007, TNT is no longer leasing or operating the Facility.
5. Further, as of January 22, 2007, TNT no longer has any employees present at the Facility, nor does TNT retain any authority or control over any equipment, operations or activities of any new tenant at the Facility.
6. Further, as of January 22, 2007, TNT no longer has any ability to make any changes in any equipment located at, or any operations or activities taking place at, the Facility.

7. As of January 22, 2007, another company, not related in any way to TNT, began operations at the Facility.

*Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.*

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Steve McNeal

Subscribed and sworn to before  
me this 31<sup>st</sup> day of January, 2007.

  
\_\_\_\_\_  
Notary Public

TNTL:002/Fil/Affidavit of Steve McNeal -- Post Transfer



Joanne A. O'Brien  
MY COMMISSION # DD194006 EXPIRES  
June 1, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.