

FORMAL COMPLAINT

 ORIGINAL

Before the Illinois Pollution Control Board

David C. Miller)
 Mark G. Miller)
 Lisa E. Miller)
 Michelle A. Page)
 Anthony L. Page)
 Richard A. Kinter)
 Stacy L. Kinter)
 Walter G. Fleser)
 Tammy Johnson)
 Complainants,)
 v.)
 Sugar Camp Energy LLC)
 Respondent)

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OCT - 6 2015

STATE OF ILLINOIS
Pollution Control Board

PCB 20 16 - 55
[For Board use only]

1. Complainant Contact Information

Name: David C. Miller
Street Address: 6296 Louis Edmund Ct
Springfield
County: Fairfax
State: Virginia 22152
Phone Number: (703) 451-4208

2. Complainant Contact Information

Name: Mark G. Miller
Street Address: 648 County Rd 1000 N
Macedonia
County: Hamilton
State: Illinois 62860
Phone Number: (618) 728-4511

3. Complainant Contact Information

Name: Lisa E. Miller
Street Address: 648 County Rd 1000 N
Macedonia
County: Hamilton
State: Illinois 62860
Phone Number: (618) 728-4511

4. Complainant Contact Information

Name: Michelle A. Page
Street Address: 1158 County Rd 900 N
Macedonia
County: Hamilton
State: Illinois 62860
Phone Number: (618) 728-4331

5. Complainant Contact Information

Name: Anthony L. Page
Street Address: 1158 County Rd 900 N
Macedonia
County: Hamilton
State: Illinois 62860
Phone Number: (618) 728-4331

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6. Complainant Contact Information

Name: Richard A. Kinter
Street Address: 9509 Campbell's Corner Rd
Macedonia
County: Hamilton
State: Illinois 62860
Phone Number: (618) 308-0400

7. Complainant Contact Information

Name: Stacy L. Kinter
Street Address: 9509 Campbell's Corner Rd
Macedonia
County: Hamilton
State: Illinois 62860
Phone Number: (618) 308-0398

8. Complainant Contact Information

Name: Walter G. Fleser
Street Address: 1388 County Rd 900 N
Macedonia
County: Hamilton
State: Illinois 62860
Phone Number: (618) 728-4399

9. Complainant Contact Information

Name: Tammy Johnson
Street Address: 1388 County Rd 900 N
Macedonia
County: Hamilton
State: Illinois 62860
Phone Number: (618) 728-4399

10. Name and address of the respondent (alleged polluter)

Name: Sugar Camp Energy LLC
Street Address: 1351 N Thompsonville Rd
Macedonia
County: Franklin
State: Illinois 62860
Phone Number: (618) 435-2491

11. 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.

Ventilation fan at a bleeder shaft of the Sugar Camp Energy LLC located in Hamilton County, Illinois, North of County Road 850 N. (See page 2 of the May 2013 Approval of Illinois coal Lease Mine Plan – Sugar Camp Mine No. 1, Supplemental Environmental Assessment, Hamilton and Franklin Counties, Illinois. (Attachment #1).

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

Illinois Administrative Code, Title 35: Environmental Protection,
Sub Title H: Noise, Chapter I: Pollution Control Board, Part #901
General Provisions, Section: 102 Sound Emitted to Class A Land

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

Type of pollution: Noise emitting from a bleeder shaft fan owned by Sugar Camp Energy LLC, located at (see page 2 extract of the May 2013 Approval of Illinois Coal Lease Mine Plan – Sugar Camp Mine No. 1, Supplemental Environmental Assessment, Hamilton and Franklin Counties, Illinois (Attachment #1) and an attached printout from Google Earth (Attachment #2).

14. 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).

The noise emitted from the bleeder shaft fan is constant 24 hours a day and has occurred since November 2012 except for a few minor shutdowns for repairs.

15. 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.

The noise emitted from the bleeder shaft fan is highly annoying and negatively affects activities outside the house. The noise disturbs the peaceful tranquility of the countryside and makes it difficult to carry on a normal conversation outside the house. Residents of the houses have to contend with a constant background noise while inside. The enjoyment of life and property in this environment is degraded immensely and it wears on the residents' sleep and mental state.

16. Describe the relief that you seek from the Board (e.g., an order requiring 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)).

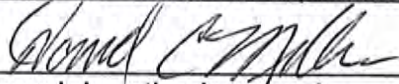
We are seeking relief from the Board in the form of an order requiring the respondent to put a 90 degree bell housing on the end of the fan blower shaft to redirect the noise up into the air instead of directly at the Miller house. We are seeking to be made whole by having the quality of life restored to the condition that existed prior to the operation of the bleeder shaft fan by having the peace and tranquility of the countryside restored to its natural state.

17. Identify any identical or substantially similar case you know of brought 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).

We are not aware of any identical or substantially similar case.

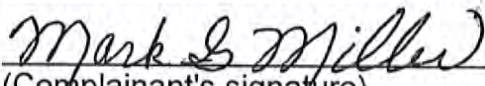
18. State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney and, if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local 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.)

I, David C. Miller, am representing myself and I am not an attorney.



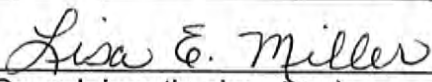
(Complainant's signature)

I, Mark G. Miller, am representing myself and I am not an attorney.



(Complainant's signature)

I, Lisa E. Miller, am representing myself and I am not an attorney.



(Complainant's signature)

I, Michelle A. Page, am representing myself and I am not an attorney.

Michelle A. Page
(Complainant's signature)

I, Anthony L. Page, am representing myself and I am not an attorney.

Anthony L. Page
(Complainant's signature)

I, Richard A. Kinter, am representing myself and I am not an attorney.

Richard A. Kinter
(Complainant's signature)

I, Stacy L. Kinter, am representing myself and I am not an attorney.

Stacy Kinter
(Complainant's signature)

I, Walter G. Fleser, am representing myself and I am not an attorney.

Walter G. Fleser
(Complainant's signature)

I, Tammy Johnson, am representing myself and I am not an attorney.

Tammy Johnson
(Complainant's signature)

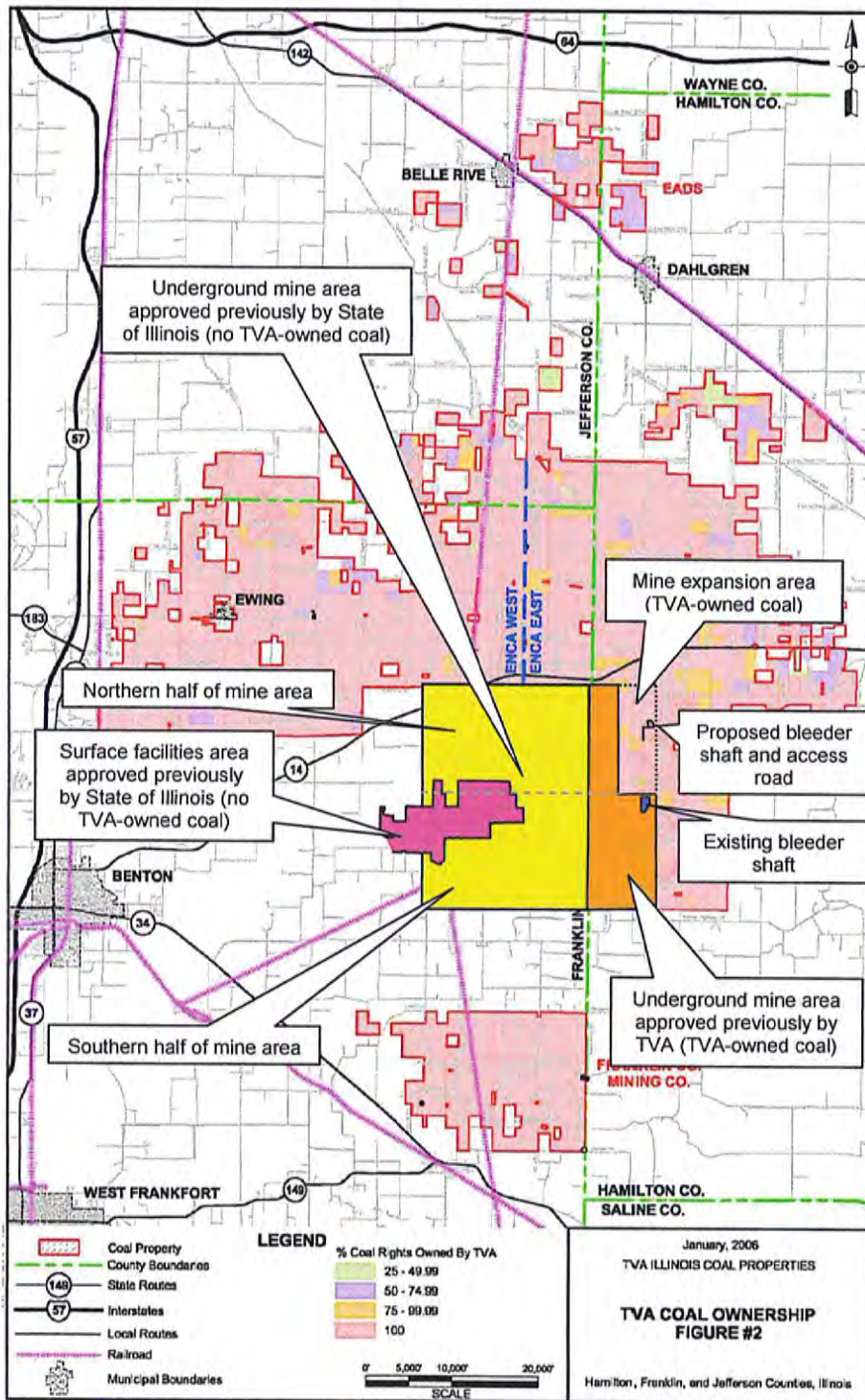


Figure 1-1. Sugar Camp Mine Areas in Southern Illinois



Google earth



ATTACHMENT #2

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NOTICE OF FILING

Please take notice that today I, David C. Miller, et al. 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 of Filing. You may be required to attend a hearing on a date set by the Board.

STATE OF ILLINOIS
Pollution Control Board

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).

David C. Miller
Complainant's signature

Street 6296 Louis Edmund Ct

City, state, zip code Spangereid, VA 22152

Date 9/21/2015

OCT - 6 2015

DOCUMENTATION OF SERVICE

Note to the Complainant: This Documentation of Service must accompany the Formal Complaint and the Notice of Filing. Once you have completed the Documentation of Service, the Formal Complaint, and the Notice of Filing, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

This form for the Documentation of Service is designed for use by a non-attorney and must be notarized, *i.e.*, it is an "affidavit" of service. An attorney may modify the form for use as a "certificate" of service, which is not required to be notarized.

Affidavit of Service

I, the undersigned, on oath or affirmation, state that on the date shown below, I served copies of the attached Formal Complaint and Notice of Filing on the respondent at the address listed below by one of the following methods: [*check only one—A, B, C, D, or E*]

A. _____ Registered mail or certified mail or messenger service with the recipient's signature recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. Attached is the receipt from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature and showing the date of delivery as _____ [month/date], 20___. [*Attach the signed receipt showing the date of delivery.*]

B. Registered mail or certified mail or messenger service with a recipient's signature recorded or to be recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. However, the receipt from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature is not available to me at this time. On 9/21 [month/date], 2015, by the time of 3:55 PM AM/PM, at Springfield, Va [*address where you provided the documents to the U.S. Postal Service or the third-party commercial carrier*], copies of the attached Formal Complaint and Notice of Filing were provided to the U.S. Postal Service or the third-party commercial carrier, with the respondent's address appearing on the envelope or package containing these documents, and with proper postage or delivery charge prepaid. [*When it becomes available to you, file with the Board's Clerk the receipt—containing the recipient's signature and showing the date of delivery—and identify the Formal Complaint to which that receipt corresponds.*]

C. _____ Personal service and I made the personal delivery on _____ [month/date], 20__, by the time of __:__ AM/PM.

D. _____ Personal service and another person made the personal delivery. Attached is the affidavit of service signed by the other person who made the personal delivery,

showing the date of delivery as _____ [month/date], 20___. [Attach the other person's signed affidavit showing the date of delivery.]

E. _____ Personal service and another person made or will make the personal delivery. However, the affidavit of service signed by the other person who made or will make the personal delivery is not available to me at this time. On _____ [month/date], 20__, by the time of __:__ AM/PM, at

[address where you provided the documents to the person making the personal delivery], copies of the attached Formal Complaint and Notice of Filing were provided to _____ [name of the person making the personal delivery], with the respondent's address appearing on the envelope or package containing these documents, and with proper delivery charge prepaid. [When it becomes available to you, file with the Board's Clerk the affidavit of service—containing the signature of the person who made personal delivery and showing the date of delivery—and identify the Formal Complaint to which that affidavit corresponds.]

RESPONDENT'S ADDRESS:

Name Sugar Camp Energy LLC

Street 11351 N Thompsonville Rd

City, state, zip code Macedonia, IL 62860
(list each respondent's name and address if multiple respondents)

[Signature]
Complainant's signature

Street 6296 Louis Edmund Ct

City, state, zip code Springfield, VA 22152

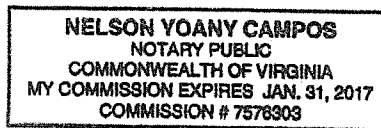
Date 9/21/2015

Subscribed to and sworn before me

this 21 day

of September, 2015

[Signature]
Notary Public



My commission expires: January 31, 2017