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

STATE OF ILLINOIS
Pollution Control Board

NOTE: All items must be completed. If there is insufficient space to complete any item, additional sheets may be attached, specifying the number of the item you are completing. Once completed, you must file the original and nine copies with the Board.

FORMAL COMPLAINT

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

PAUL AND DONNA FREDRICKSON,)
husband and wife)

Complainants)

v.)

JEFF GRELYAK,)

Respondent.)

PCB 04-19

COMPLAINT

1. The Complainants are Paul and Donna Fredrickson, husband and wife (hereinafter "Complainants"), who currently reside at 8915 Ferris Road, Harvard, McHenry County, Illinois 60033.

2. Complainants may be contacted at (815)943-3140 or (630)279-1942.

3. Respondent is Jeff Grelyak (hereinafter "Respondent"), who, upon information and belief currently resides at 8919 Ferris Road, Harvard, Illinois 60033.

4. The activity which is causing the pollution is the continuous operation of ATV's and motorcycles upon the Respondent's property which creates excessive and intolerable noise, dust, and fumes which directly travel on and through Complainant's property.

5. The specific Sections of the Environmental Protection Act and/or Board regulations which are being violated are:

i. Noise: Title 35, Subtitle H, Chapter I, Part 900.102 / Title 35, Subtitle H, Chapter I, Part 901.102(a);

ii. Air Pollution: Section 9A of the Environmental Protection Act.

6. The pollution and its location are as follows:

i. Noise: Horrific, excessive, intolerable noise created by the riding and "revving" of motorcycles and ATV's. The riding takes place on Respondent's property and along the property line between Complainant's and Respondent's properties. Complainant's home is located 50 feet from said property line. The noise is so excessive, Complainants are forced to closed all window and doors while the riding is taking place, and even then, the noise is great enough to disrupt normal conversation, phone calls, watching Television, and other everyday activities.

ii. Dust: The motorcycles and ATV's create dust that travels from the Respondent's property to Complainant's property at all times that the motorcycles and ATV's are operating on Respondent's property.

7. Regarding the frequency and duration of the pollution, Respondents state that the motorcycles and ATV's have been operating for several years. There are motorcycles and/or ATV's operating from March through November on nearly every Saturday and Sunday and sometimes weekdays as well. Motorcycles and/or ATV's are being ridden during all daylight hours of these days. There have been as many as 10 motorcycles and/or ATV's operating on the property during this time.

8. The operation of the motorcycles and ATV's on Respondent's property forces Complainants to leave their home during these times. The noise levels prohibit the quiet enjoyment

of the Complainant's property and have degraded the property value of the Complainant's home. These air and noise pollutants impose upon the Complainants and have caused great mental anguish and emotional stress. Complainants are unable to entertain guests at their home both outdoors and indoors during the weekends when motorcycles and ATV's are operating on Respondent's property and are unable to enjoy outdoor activities during these times. Complainants are being denied the right to use and enjoy their own property due to the noise, dust, and fumes created by the motorcycles and ATV's.

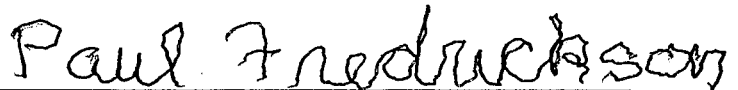
9 The Complainants are requesting that the Board issue an Order directing that all pollution generated on Respondent's property by motorcycles and ATV's be stopped and that the Respondent be ordered to cease and desist from further violations of the applicable statutes and regulations. The Complainants are entitled to enjoy their home without this unreasonable interference and intrusion into their lives.

10. There are no identical or substantially similar cases already pending against this respondent for the aforementioned violations.

11. This Complaint was prepared for Complainants by MILITELLO, ZANCK & COEN, P.C., attorney Jeremy W. Shaw (Ill. Atty. Reg. No. 6276809) 40 Brink Street, Crystal Lake, Illinois 60014. Telephone number: (815)459-8800.

Respectfully submitted,

COMPLAINANTS



Paul Fredrickson



Donna Fredrickson

CERTIFICATION

Paul and Donna Fredrickson, on oath, or affirmation, state that we have read the foregoing and that it is accurate to the best of our knowledge.

Paul Fredrickson

Paul Fredrickson

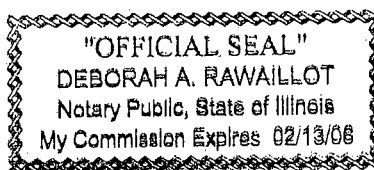
Donna Fredrickson

Donna Fredrickson

SUBSCRIBED and SWORN to before me
this 4th day of AUGUST, 2003.

Deborah A. Rawailot

NOTARY PUBLIC



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 and does not constitute legal advice or substitute for 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 "duplicitous" 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). "Duplicitous" or "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 duplicitous 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 duplicitous 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 duplicitous 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 duplicitous 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 duplicitous 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 duplicitous 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.

The Clerk's Office will provide you, upon request, with a list of *pro bono* attorneys. These individuals or organizations may, in certain circumstances, represent citizens before the Board without charge. The Board does not review the qualifications of these attorneys and makes no representations about their credentials, abilities, or willingness to act as your attorney. No attorney on the list is required to accept any particular case. If you wish to contact any of these attorneys, you must do so on your own.

Costs

In defending against this formal complaint, you are responsible for your attorney fees, duplicating charges, travel expenses, witness fees, and any other costs that you or your attorney may incur. The Board requires no filing fee to file your answer or any other document with the Board. The Board will pay any hearing costs (*e.g.*, hearing room rental, court reporting fees, hearing officer expenses):

If you have any questions, please contact the Clerk's Office at (312) 814-3629.