

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

RECEIVED
CLERK'S OFFICE

JUN 10 2005

STATE OF ILLINOIS
Pollution Control Board

FORMAL COMPLAINT

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

John & Linda Maracic)
_____)
_____)
_____)
(Insert your name(s) on lines)
above),)
Complainant(s),)
v.)
TNT Logistics)
_____)
_____)
(Insert name(s) of alleged polluter(s))
on lines above),)
Respondent(s).)

PCB

(For Board use)

05-212

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:

John & Linda Maracic
6512 Lakeway Drive
Monee, IL 60449
Will County

Phone: 708-534-7587

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

Phone: 708-268-7587

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

TNT Logistics
25850 S. Ridgeland Ave.
Monee, IL 60449

Phone: 708-534-9125
(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:

Warehouse Distribution Center

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

901.102 - 901.103 - 901.104

901.106

6. 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:

Noise: Trucks entering & exiting Facility, connecting and disconnecting of trailers. Air Breaks disengaging on trucks. Air horns on trucks. Trailers being dragged across length of lot. Trailers hitting loading docks. Revving of diesel engines. Idling of the engines from the Trucks.

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):

24 hours a day - 7 days a week - 365 days a year
Continuous loading and unloading of trucks throughout the day and night.
Complaints of the noise filed with police both day and night.

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:

Lack of sleep - being woken up in the middle of
the night. Child not being able to sleep in bedroom
because the noise is too loud. Lack of enjoyment in
home life. Very stressful for everyday functioning. Unable
to enjoy outdoor living.

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)):

Stop the noise so we can go back to the
enjoyment of life before the facility came.
Unable to control noise - relocate facility

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):

None

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.):

Self

12.

John A. Maracic, Linda L. Maracic
(Complainant's signature)

CERTIFICATION (optional but encouraged)

I, John A. Maracic, Linda L. Maracic, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

John A. Maracic, Linda L. Maracic
(Complainant's signature)

Subscribed to and sworn before me

this 6th day

of June, 2005

Carol L. Neri
Notary Public



My commission expires: 12-5-08

CERTIFICATE OF SERVICE

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

06-06-05, I served the attached formal complaint and notice on the respondent by: (check appropriate line)

X 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 TNT Logistics

Street 25850 S. Redgeland Ave.

City, state, zip code Monee Ill, 60449

(list each respondent's name and address if multiple respondents)

John A. Marano Linda J. Marano
Complainant's signature

Street 6512 Lakeway Dr

City, state, zip code Monee Ill 60449

Subscribed to and sworn before me

this 6th day

of June, 2005

Carol L Neri

Notary Public



My commission expires: 12-5-08

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

X JOHN A. MARACIC
6512 LAKEWAY DR
MONEE IL 60449

06



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

X TNT LOGISTICS
25850 S. RIDGELAND
AVE

MONEE IL 60449

2. Article Number

(Transfer from service label)

7001 2510 0005 4527 3352

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Rachel Burnes ☐ Agent ☐ Addressee

B. Received by (Printed Name)

Rachel Burnes

C. Date of Delivery

11/6/05

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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. It is provided for general informational purposes only and does not constitute legal advice or substitute for the 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 "duplicative" 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). "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 duplicative 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 duplicative 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 duplicative 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 duplicative 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).