

RECEIVED
CLERK'S OFFICE

JUN 27 2005

STATE OF ILLINOIS
Pollution Control Board

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

FORMAL COMPLAINT

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

Kenneth E. Medema, Jr.)
6603 Lakeview Lane)
Monee, Illinois 60449)
_____)
(Insert your name(s) on lines)
above,))
_____)
Complainant(s),)
_____)
v.)
_____)
TNT Logistics)
25850 S. Ridgeland Ave.)
Monee, Illinois 60449)
PH: 708-534-9125)
(Insert name(s) of alleged polluter(s))
on lines above,))
_____)
Respondent(s).)

PCB 05-220
(For Board use)

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: Kenneth E. Medema, Jr.
6603 Lakeview Lane
Monee, Illinois 60449
Will County

Phone: 708-534-6618

2. Place where you can be contacted during normal business hours (if different from above): Same as Above
Cell #708-906-4085

Work #708-534-3759

Phone: _____

3. Name and address of respondent (alleged polluter): TNT Logistics
25850 S. Ridgeland Ave.
Monee, Illinois 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 - Excessive at all hours of the night. Horns, Loud Speakers,

Engine Breaking, Dock Plate Noises, Hooking Transfers, Air Horns,

Air Brakes.

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):

The Alleged Noise Pollution occurs at various times of the night and day, and can last for a short period of time or for awhile depending on the activity of the facility. This problem started as soon as they moved into

the plant at which time they operated around the clock, 7 days a week. The noise is an aggravation to the residence, especially when it occurs

during the night time hours and wakes up our children. It seems that the plant although they say they want to be a GOOD NEIGHBOR, just really does

not care about the people that they are next to, yet the noise still continues.

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:

We use to be able to sit on our decks at night and look at the stars
and just plain relax. Now we hear BANG, BANG, BANG of the truck
docks and trucks. This has really affected the quality of life
and how we moved out here five years ago.

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)):

We would seek from the board a decision to have this facility change
its hours of operations as to not interfere with the quality of life
of the adjacent neighbors. We would also seek to have the facility plant
2 - 3 rows of pine trees, high enough to help absorb the sounds
on top of the berm on both sides of the fence.

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.):

Myself as a Home Owner.

12.

(Complainant's signature)

Kenneth E. Medema, Jr.

CERTIFICATION (optional but encouraged)

I, Kenneth E. Medema, Jr., on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

(Complainant's signature)

Subscribed to and sworn before me
this 20th day
of June, 2005

April 19, 2008
Notary Public

My commission expires: April 19, 2008



ORIGINAL

RECEIVED
CLERK'S OFFICE

JUN 27 2005

CERTIFICATE OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

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

June 20th, 2005, I served the attached formal complaint and notice on the respondent by: (check appropriate line)

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)

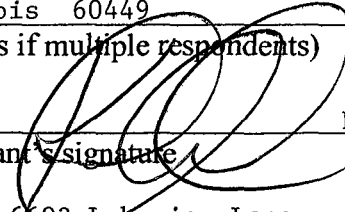
personal service (attach affidavit if available, otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name TNT Logistics LFI, Inc
25850 S. Ridgeland Ave. ATTN: Mr. Martin Burke
9440 Enterprise Dr.
Mokena, Illinois 60448

City, state, zip code Monee, Illinois 60449
(list each respondent's name and address if multiple respondents)



Complainant's signature Kenneth E. Medema, Jr.

Street 6603 Lakeview Lane

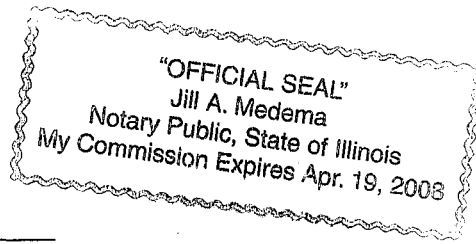
City, state, zip code Monee, Illinois 60449

Subscribed to and sworn before me

this 20th day
of June, 2005.

Jill A. Medema
Notary Public 

My commission expires: April 19, 2008



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).

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 Ken Medema
PO Box 746
Monroe, Ill.
60449

2. Article Number

(Transfer from service label)

7001 2510 0005 4531 2525

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

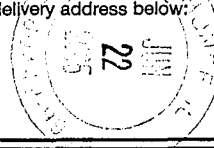
X Rachel Burnes Agent Addressee

B. Received by (Printed Name)

Rachel Burnes 6/22/05

C. Date of Delivery

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:



3. Service Type

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

4. Restricted Delivery? (Extra Fee)

Yes



**** WELCOME TO ****
MONROE POST OFFICE
MONROE, IL 60449-8101
06/22/05 08:28AM

Store USPS
Wkstn sys5002
Cashier's Name
Stock Unit Id
PO Phone Number
USPS #
Trans 1
Cashier KDRV8W
JO
STAJDANN
800-275-8777
1615500449

1. First Class 4.88
Destination: 60462
Weight: 2.30 oz.
Postage Type: PVI
Total Cost: 4.88
Base Rate: 0.83

SERVICES
Certified Mail 2.30
7001251000545312525
Rtn Recpt (Green Card) 1.75

Subtotal 4.88
Total 4.88

Cash 5.00
Change Due 0.12
Cash

Number of Items Sold: 1

Thank You
Please come again!

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

ORLAND PARK, IL 60462

Postage	\$ 0.83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

UNIT ID: 0449

Postmark
Here

Clerk: KDRV8W

06/22/05

Sent To: TXT Logistics
Street, Apt. No.,
or PO Box No.: 25850 S. Ridgeland Ave
City, State, ZIP+4: Monroe, Ill. 60449

PS Form 3800, January 2001

See Reverse for Instructions

7001 2510 0005 4531 2525