

## **NOTICE OF FILING**

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

Please take notice that today I Michael Griffin / Angela Griffin, 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.

**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).**

Complainant's signature

Michael Griffin / Angela Griffin

4179 New Church Rd  
Pinckneyville, IL 62274

Date

12/15/2025

## **INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT**

The following information has been prepared by the Board for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation. Information about the Formal Complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5) and the Board's procedural rules (35 Ill. Adm. Code 101, 103). These can be accessed on the



Board's website ([www.ipcb.state.il.us](http://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.

### **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)(1) of the Act (415 ILCS 5/31(d)(1)) and Section 101.202 of the Board's procedural rules (35 Ill. Adm. Code 101.202 (definitions of the terms "duplicative" and "frivolous")). "Duplicative" means the complaint is identical or substantially similar to a case brought before the Board or another forum. 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 through 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 received 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. See 35 Ill. Adm. Code 101.504, 103.212(b). If you need more 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 you received 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 Formal 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(e), 103.212(b); see *also* 35 Ill. Adm. Code 101.506 (generally, all motions to strike, dismiss, or challenge the sufficiency of any pleading must be filed within 30 days after service of the challenged document).

The party making a motion must "file" the motion with the Board's Clerk and "serve" a copy of the motion on each of the other parties to the proceeding. The Board's filing



and service requirements are set forth in its procedural rules (35 Ill. Adm. Code 101.300, 101.302, 101.304), which are located on the Board's website ([pcb.illinois.gov](http://pcb.illinois.gov)).

If you do not file a motion with the Board within 30 days after the date on which you received the Formal Complaint, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing without any input from you. The Board will then assign a hearing officer who will contact you to schedule times for holding telephone status conferences and a 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 duplicative 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).

Failing to file an Answer to the Formal Complaint within 60 days after you were served with the complaint may have severe consequences. Failure to timely file an Answer will mean that all allegations in the Formal Complaint will be taken as if you admitted them 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. See 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.

### **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 with the Board your Answer or any other document in the enforcement proceeding. The Board will pay its own 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) 814-3461.



## FORMAL COMPLAINT

### Before the Illinois Pollution Control Board

	)	
	)	
Angela Griffin	)	
Michael Griffin	)	
	)	
Complainant(s),	)	
	)	
v.	)	PCB 20 -
	)	[For Board use only]
	)	
	)	
Knight Hawk Coal Company	)	
Respondent(s)	)	

**Note to the Complainant:** 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 you have completed the Formal Complaint, the Notice of Filing, and the Documentation of Service, you must "file" these three documents with the Clerk of the Board and "serve" a copy of each document on each respondent. Specific requirements for the

filing, service, and contents of these documents are set forth in the Board's procedural rules (35 Ill. Adm. Code 101, 103) and addressed in the explanatory materials accompanying this form.

1. Your Contact Information

Name:	<u>Michael Griffin</u>
Street Address:	<u>4179 New Church Rd</u>
	<u>Pinckneyville, IL 62274</u>

County: Perry  
State: IL  
Phone Number: (618) 534 - 7206  
Name: Angela Griffin

Street Address: 4179 New Church Rd  
Pinckneyville, IL 62274

County: Perry  
State: Illinois  
Phone Number: (618) 318-1667

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

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

Name: Knight Hawk Coal Company, Tom Hasenstab  
Street Address: 500 Cutler-Trico Rd  
Percy, IL 62272  
County: Perry  
State: Illinois  
Phone Number: ( 618 ) 426 - 3662

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.



Knight Hawk Coal ("KHC") underground mining operation, exhaust fan for underground operations. Intake for this fan is located approx 2.25 miles away at the underground entrance located at 1710 IL-154, Pinckneyville, IL 62274.

This exhaust fan is located at 4281 New Church Rd, Pinckneyville IL 62274

Listed on Illinois mine permits as permit 377, Knight Hawk Coal LLC, Mine: Prairie Eagle Pit Portal Name: North Portal

See Attachments for location of Fan, Rock Dust Bin, and our House

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

Title 35: Environmental Protection Subtitle H: Noise

Chapter I: Pollution control Board

Part 901 Sound emission standards and limitations for property

Line Noise Sources

We are 35 IAC 901 land class A land, function code 1100 private household

Knight Hawk coal is 35 IAC Land class C function code 8400 nonmetallic mining

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 pollution emitted from a 10' diameter, 2500 horsepower radial underground mine ventilation exhaust fan. Fan is located 1300' appx from our property line, 1600' from our nearest outbuilding, and 1800' from our bedroom window and at an elevation that is below our home. See attached photo for view from our bedroom window.



Falls under Section 901.102 Sound emitted to a Class A land from a Class C land, sections a) and b), daytime and night time hours, violations in excess of allowed DBs and frequency bands causing nuisance and **noise pollution that unreasonably interferes with, and deprives us of, the enjoyment of life and our property.**

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).

Fan was installed and put into service with no notification to the affected community. I had a neighbor describe chasing down a respondent's service vehicle to find out where this noise was coming from and how long it would last. Exhaust fan has been running 24 hours a day 7 days a week since January 12, 2025. We have noted a fan not running on two occasions, October 19, 2025 and November 8, 2025.

Noise continues all the time. When the wind is out of the south (installation is northwest of our property) the noise is somewhat tempered but still audible. When the wind is out of the northwest and when air humidity is optimum for sound transmission, it howls thru our property and residence. Cold winter conditions must be optimal for noise transmission.

In addition there is a rock dust silo appx 1000' from our property line, 1200' from and outbuilding, and 1400' from our residence. Semi tank trucks use an air blower as a motive force to fill the silo. The noise from this operation adds to the noise emitted by Knight Hawk Coal operations. These deliveries take place multiple times per day, at all hours of the day and night, seven days a week. This unloading station is fully exposed with no attempt to temper the noise emitted.

The elevation of the noise emitting fan site is appx 533', and our residence sits 37' higher at 570'. We are above the discharge of their 90 elbow and attenuator, and the noise can not be escaped on our property.



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Attachment is a satellite view showing approximate locations of our house and the respondents equipment (not showing on current satellite image), as well as images of the fans and rock dust bin.

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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.

The noise emitted from the exhaust fan is highly annoying and negatively affects our ability to enjoy activities both inside and outside the house. The noise disturbs the peaceful tranquility of the countryside (we have resided here for 26 years; 25 years and 2 months have been peaceful). The sound makes it difficult to enjoy activities in our yard. Outside activities have had to be relocated due to this noise pollution, it is quieter in town. We have to contend with a constant background noise while inside the house. We enjoyed opening our windows for 25 years and 2 months to enjoy the sounds of nature and use natural cooling in our house. This is no longer possible with the noise pollution from Respondent. Our sleep patterns are no longer the same. We are forced due to this noise pollution to wear earplugs to sleep at night. Approximately 35% of the time we are unable to even sleep in our own bedroom (it is on the NW corner of our upstairs, direct line to Respondent's fan), and must sleep on a non preferred smaller mattress in a spare bedroom that is on the NE corner of the upstairs. Other nights we attempt to sleep in our own bedroom only to be awoken in the middle of the night to the howl of the fan when the wind changes direction. I work swing shifts (12 hour days or nights) and my wife gets out of bed at 5 AM to get ready for work. Interrupted sleep patterns greatly affect the ability to perform our jobs and enjoy life when we both get sleep interruptions from the fan and rock dust bin trucks, and are unable to sleep in our own bed. There is nothing as startling as waking up in the middle of the night to find your spouse not in bed because they had to relocate to another bedroom after being awoken by this fan or a dust bin truck in the middle of the night.

An Extech 407730 (Calibration verified with 407660 sound calibrator) Sound Level Meter registered 72db at our bedroom window on November 12 at 5:01PM. On December 13 at 11:00 PM the Sound Level Meter registered 71db at our bedroom window. At 3:00 AM on



December 14 the sound level meter registered 73db at our bedroom window. On December 14 at 10:50 AM the sound level meter registered 67.1db. When the exhaust fan was out of service on November 8, the meter would not pick up a reading as it was below the meter's 40db detection threshold.

The sound resonates both off of, and inside of, all our metal outbuildings. I have a project truck that I have been unable to work on this summer because the noise in the shed is too loud. Any activities in the shed (as well as outside in general) have been curtailed.

Our patio furniture (NW corner of our house) was placed on the patio but unused this year due to the noise pollution. Sitting there and having an afternoon beverage WAS one of our regular, relaxing times on our property but that did not occur this past Spring, Summer, or Fall, and we can not get those days back. The enjoyment of our life and our property under these conditions has degraded immensely and wears on our sleep and mental state.

The noise pollution is the first thing you hear when you open a car door at our house and the last thing you hear when you close a car door to leave. It is all you can think of on a clear morning when you get home from work at 5:30 AM, and go out back to a shed to feed the cats, the stars are in the sky and instead of enjoying that feel like you are inside of the fan with noise bouncing off our buildings. There is also the lingering question in our minds if our property value is now significantly reduced due to the Respondents noise pollution being emitted onto our property. If a situation forced us into putting our property on the market right now, we feel certain the value would be at a fraction of its previous value. If identical properties were for sale, who would pay the same price for a polluted rural property without peace (as rural property should be) and a house they would not be able to sleep in? This weighs heavily on us as we have committed sweat and tears over the last 26 years into making this a great place to live, and that has been taken from us by the Respondent.

This complaint is the last thing we wanted or would have dreamed we would be faced with. We didn't choose this path, Respondent has forced us into it.



9. 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 mitigate the noise they emit from their operation to a level such that it doesn't infringe on our right to enjoy the property that we own and have owned and enjoyed for 25 years prior to the installation of this industrial complex by respondent. This installation unreasonably interferes with our enjoyment of life and property. We are seeking to be made whole by having the quality of life restored to the condition that existed prior to the installation and operation of the fan. We wish to have peace and tranquility back on our property.

We also feel that the respondent should pay a civil penalty for willfully installing the fan and causing noise pollution, and interfering with our enjoyment of life . As of 12/14/2025 we have endured 335 days of this noise pollution. We feel it needs to be a daily penalty from start up of fan until it is corrected. It should be an amount that is substantial because this isn't, rightfully, how they should have gone about the installation, commission and operation. They have monetarily benefited from not spending money for a compliant installation while we suffer.

10. 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 before the board.



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.)

We, Angela and Michael Griffin are representing ourselves and neither of us is an attorney

Michael Griffin

Angela Griffin

12.

Michael Griffin  
(Complainant's signature)

Angela Griffin

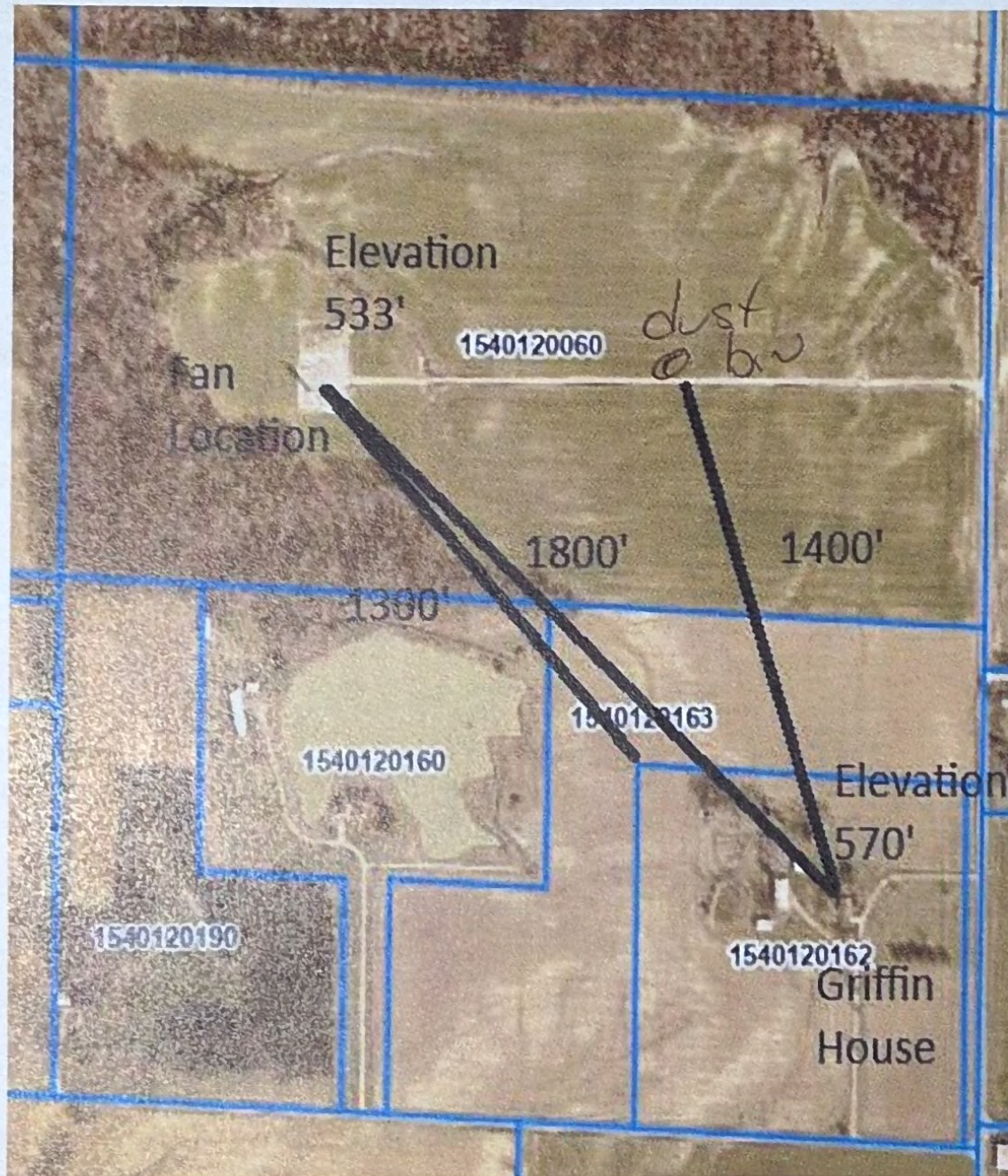
12/15/2025

12/15/2025



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

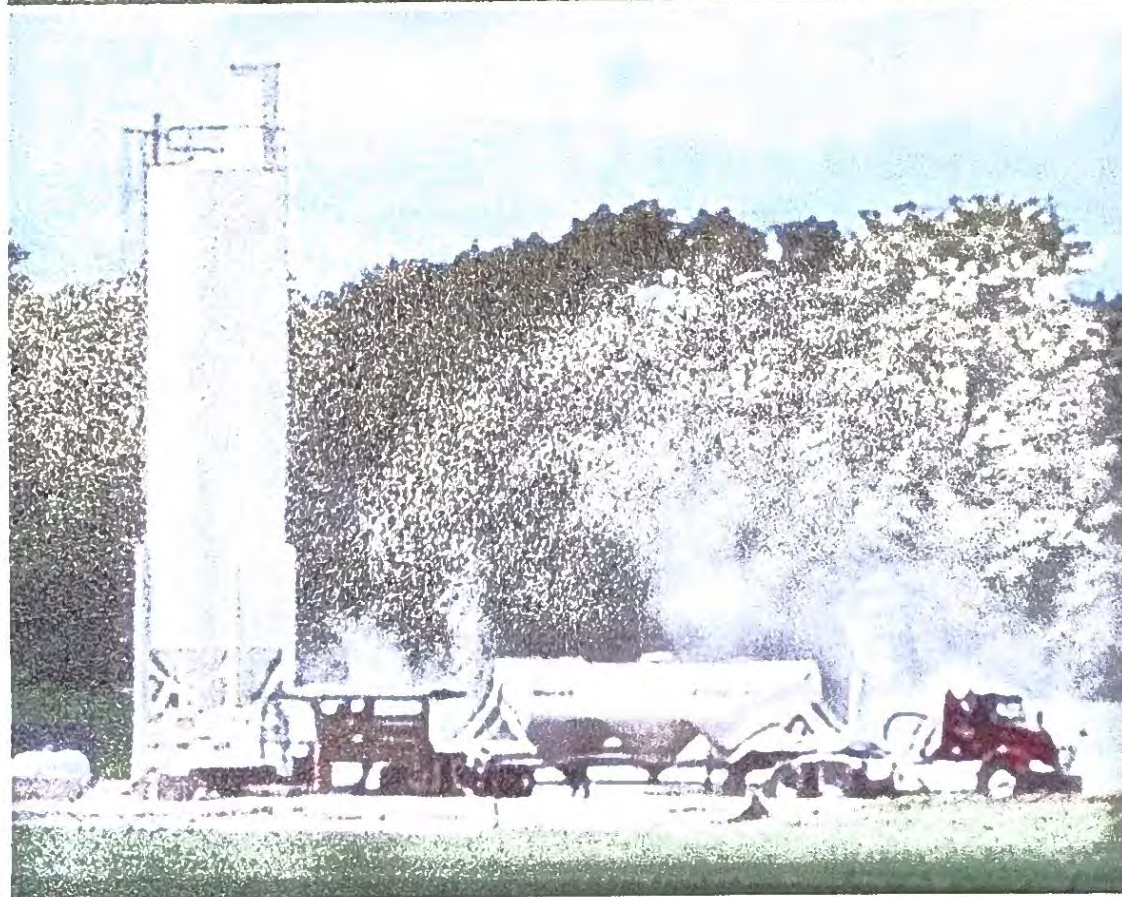
My commission expires: \_\_\_\_\_







Layout  
of Exhaust  
Fan with  
one Attenuator  
Installed



Rock dust  
unloading into  
bin, with  
truck off loading





direct line of site  
from our bedroom  
window

\*  
Picture taken out  
our bedroom  
window



## **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. \_\_\_\_\_ U.S. Mail or third-party commercial carrier with the recipient's signature recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. Attached is the delivery confirmation 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 delivery confirmation showing the date of delivery.*]

B. X U.S. Mail or third-party commercial carrier 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 delivery confirmation 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 December 16, 2025, by the time of 6:00 PM, at \_\_\_\_\_ 107 N 4th St, Coulterville, IL 62237, 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. [*Within seven days after it becomes available to you, file with the Board's Clerk the delivery confirmation—containing the recipient's signature and showing the date of delivery—and identify the Formal Complaint to which that delivery confirmation 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 (or the declaration of service signed by the process server) who made the personal delivery, showing the date of delivery as \_\_\_\_\_ [month/date], 20\_\_\_\_. *[Attach the other person's signed affidavit or declaration 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 (or the declaration of service signed by the process server) 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. *[Within seven days after it becomes available to you, file with the Board's Clerk the affidavit or declaration 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 or declaration corresponds.]*



RESPONDENT'S ADDRESS:

Knight Hawk Coal Company  
500 Cutler – Trico Rd  
Percy, IL 62272

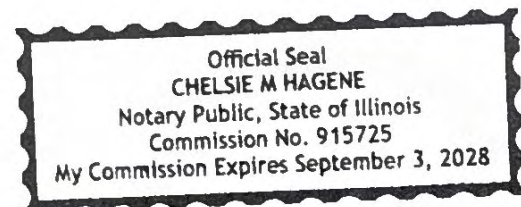
Complainant's signature *Angela Griffin*

Date December 15, 2025  
4179 New Church Rd  
Pinckneyville, IL 62274

Subscribed to and sworn before me

this 15<sup>th</sup> day

of December, 2025



*Chelsie M. Hagene*



USPS GROUND ADVANTAGE  
Electronic Filing: Received, Clerk's Office 12/17/2025 \*\*PCB 2026-042\*\*

MICHAEL E GRIFFIN  
4179 NEW CHURCH RD  
PINCKNEYVILLE IL 62274-2559

**0001**

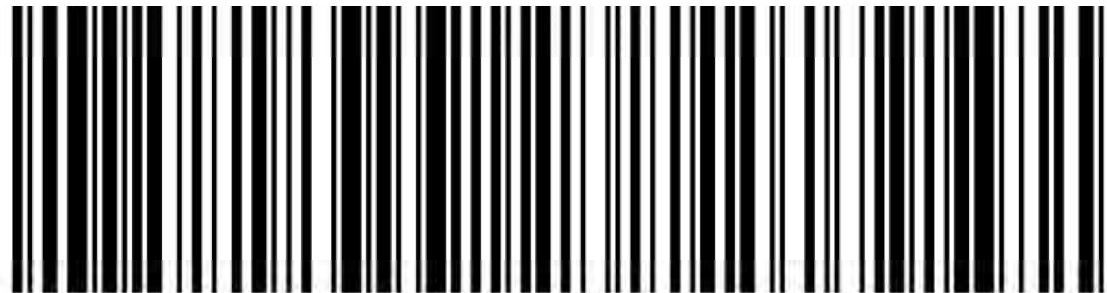
R011

SHIP TO: TOM HASENSTAB  
KNIGHT HAWK COAL  
500 CUTLER TRICO RD  
PERCY IL 62272-2716



Signature to follow after  
delivery

**USPS SIGNATURE TRACKING #**



**9402 1361 0619 5274 6824 99**

