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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**

_____ Kyle Nash _____)	
_____)	
_____)	
_____)	
(Insert your name(s) on lines)	
above).)	
)	
Complainant(s),)	
)	
)	PCB <u>07-97</u>
)	(For Board use)
_____ Louis Jimenez _____)	
_____)	
_____)	
_____)	
(Insert name(s) of alleged polluter(s))	
on lines above),)	
)	
Respondent(s).)	

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,

Kyle Nash

county, state:

1630 W. 33rd Place, Chicago

Cook County

Illinois

Phone: 773.744.1954

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

Phone: _____

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

Louis Jimenez

1628 W. 33rd Place

Chicago, Illinois

60608-6202

Phone: 773.847.3766
(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:

Residential wind chimes.

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 VI. NOISE

Section 24. Acts Prohibited.

No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, so as to violate any regulations or standard adopted by the Board under this Act.

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:

Wind chimes. They have been variably placed on the front porch and in the back yard.

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):

Over the years, we have experienced any number of difficult 24/7 noise problems with these neighbors. The first documented incident was in 1997.

As best I can recall, the initial set of wind chimes was audible on their front porch in August of 2004. At some point (I don't recall the date), that set of wind chimes was moved 24/7 into their backyard. Another set of wind chimes was then hung 24/7 on their front porch.

Whenever there is any kind of breeze noise can be heard. At those times, the noise can be heard incessantly 24 hours a day often for days and days at a time. There may then be a break of a day or so when there is no breeze but soon the noise begins all over again. Yes, the noise does continue.

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 negative effects my two sons and I experience include, but are not limited to: pain and hearing fatigue; exacerbated hearing impairment problems including tinnitus; annoyance and interference with regular social behavior (e.g., increased irritation, agitation, anxiety, frustration, and helplessness); interference with speech communication; sleep disturbance and the attendant consequences of that on both long and short term bases; cardiovascular effects including heart palpitations and higher blood pressure; gastric, digestive, and nutrition problems, negative hormonal responses (i.e., increased stress hormones) and their consequences on metabolism and the immune system (e.g. headaches, nausea, increased illness); cognitive problems including loss of concentration and memory difficulties; increased sense of alienation and hopelessness; and decreased performance and loss of productivity at work and school. (My older son and I work out of our home; my younger son is a college student who studies at home.)

My sons and I have experienced a marked loss of enjoyment of our lives and enjoyment of our property. As a result of this noise pollution, we often don't want to come home anymore, we don't like being in our home when we are there, and we don't any longer enjoy the neighborhood we've lived in and loved for almost 20 years now.

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)):

I am seeking an order that the respondent stop polluting.

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):

I have no knowledge of any identical or similar cases as described above.

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.):

I am representing myself as an individual. I am not an attorney.

12. Kyle Nash
(Complainant's signature)

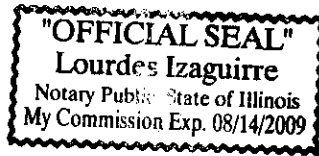
CERTIFICATION (optional but encouraged)

I, Kyle Nash, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

X Kyle Nash
(Complainant's signature)

Subscribed to and sworn before me
this 25th day
of March, 2007.

Lourdes Izaguirre
Notary Public ILID 03/612



My commission expires: 8-14-09

Sincerely, Kyle Nash
Homeowner

[Click here and type your name]
[Click here and type job title]

CHARGE TO (Name)	
ADDRESS	
CITY	STATE ZIP
SENDER'S NAME	
CHARGE ONLY TO AUTHORIZED CLIENT	
PICK UP FROM (Name) <i>Kyle NASH</i>	
ADDRESS <i>1632 W 33th PL</i>	ROOM
CITY <i>CHICAGO</i>	SEE
INSTRUCTIONS	
DELIVER TO (Name) <i>Louis Timenez</i>	
ADDRESS <i>1628 W 33th PL</i>	ROOM <i>1st.</i>
CITY	SEE
INSTRUCTIONS	
CASH	CASH RECEIVED BY
PRINT NAME	

DATE *3/25/07* YOUR CUSTOMER REF NUMBER **177794**



BEST EXPRESS
MESSENGER SERVICE, INC.
 P.O. BOX 617944
 Chicago, IL 60661-7944
312 / 733-8863

MESSENGER <input type="checkbox"/> FLASH <input type="checkbox"/> DIRECT <input type="checkbox"/> SPECIAL <input type="checkbox"/> DEFERRED <input type="checkbox"/> INSTANT <input type="checkbox"/> VEHICLE <input type="checkbox"/> VAN <input type="checkbox"/> WAGON <input type="checkbox"/> TRUCK <input type="checkbox"/> SKIDS <input type="checkbox"/> MAIL <input type="checkbox"/> HELPER	PICK-UP TIME (START)	OVERTIME		
		COLLECT		
		ROUND TRIP		
	DELIVERY TIME (FINISH)	WAITING TIME	Hour	Amount
		ADD'L WEIGHT	Pound	Amount
	WAIT OK'D BY	SPECIAL EQPT		
		ADD'L STOP		
	TOTAL PCS	NIGHT	SAT	SUN
	TOTAL WEIGHT	OTHER		
	DRIVER NO <i>203</i>	TOTAL <i>\$ 20.00</i>		

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