

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WILLIAM H. LEESMAN,)
)
 Complainant)
)
 v.)
)
 CIMCO RECYCLING, STERLING)
)
 &)
)
 CIMCO RESOURCES, INC.)
)
 Respondent(s))

**RECEIVED
CLERK'S OFFICE**

JUL 09 2010

**STATE OF ILLINOIS
Pollution Control Board**

16-001
PCB ~~XXXXXX~~
(Enforcement-X)

COMPLAINT

Complainant alleges that Respondents have violated 415 ILCS 5/24, which states “[n]o 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 regulation or standard adopted by the Board under this Act.”

Since 2008, the Respondents have operated a metal recycling facility in Sterling, primarily as an auto salvage yard. This facility causes daily noise disruptions to citizens in Galt, who live approximately three quarters of a mile to one mile away from the facility. The noise that this facility emits is so loud that people living in Galt cannot be outside of their homes for even short periods of time.

The metal shredder starts up at 7:00 a.m. and I have heard it run as late as 7:10 p.m. In nice weather with the windows open I have been awakened from a sound sleep. There have been explosions that emanate from the area of CIMCO. These explosions have, on occasion, shaken the houses in Galt, not unlike an earthquake. I have had neighbors comment on the noise and

explosions. According to a neighbor north of me, a Whiteside County Sheriff's Department deputy stopped in his driveway to inquire about a recent explosion that took place in February. The noise emanating from this recycling center sounds like a war zone all day long. Due to this noise, residents of Galt cannot sit outside and enjoy their yards and nature. There is a constant crashing and banging that covers Galt like a wave. It is almost impossible to carry on a conversation outdoors with friends and neighbors.

Frequently I have walked to the north end of Galt Road, which is approximately two miles from CIMCO, and can clearly hear the crashing and banging. I have also walked around the north side of Galt on Spruce Street, Anne Street and Birch Street and can clearly hear the noise from CIMCO. This area would be approximately one to one and one half miles from CIMCO "as the crow flies".

I have also walked to the 4400 block of West Lincolway, a residential area, which is east of Galt and approximately one and one half miles from CIMCO and could clearly hear the noise.

Several examples follow that demonstrate the extent of the problem we are having. On March 10, 2010 I walked west on South Street, which is a block north of my residence, and could hear the crashing and banging so loudly that you could not have a conversation. On March 11, 2010, is just as bad. I tried to go outside and enjoy some of the sun and warmer weather in the early afternoon and had to go back indoors. The noise was still emanating from CIMCO at 6:30 pm. On March 18, 2010, the noise was still crashing over Galt at 6:30 p.m. On April 02, 2010, Good Friday, I was attempting to speak with some workers at 106 Galt Road, next door to my house, and the crashing and banging was so loud we had trouble hearing each other.

On Monday, April 12, 2010, the noise was still crashing over the area at 7:10 p.m.

On Friday, June 11, 2010, I was speaking with a contractor at the house directly north of my house and about 12:00 p.m. the noise from CIMCO was so loud that we each had to raise our voices a little to hear each other. The contractor shook his head in disbelief.

On June 19, 2010, a Saturday, the shredder ran until approximately 3:30 p.m.

On Tuesday, June 22, 2010, the shredder was still running at 10:45 p.m.

On Wednesday, June 23, 2010, the shredder was still running at midnight.

During the week of June 14, 2010, there were incidents when the shredder crashed and banged most of the day. I walked west of Galt on Harvey Road to a point where I was about 1.5 miles from CIMCO and could plainly hear the noise.

Residents cannot have their windows open to enjoy fresh air due to the noise from CIMCO overwhelming us.

There is also an acrid odor that comes from CIMCO on occasion that smells like burning rubber and oil or transformers. A resident who lives directly east of CIMCO told me the odor is very uncomfortable at his house, inside, or out. I have walked west of Galt on Harvey Road and can smell the acrid odor. This distance would be approximately one to one and one half miles due north of CIMCO.

I have also been informed that due to a massive explosion and a resulting fire in 2009 that the concrete base beneath the shredder has been cracked allowing contaminants into the soil and water table.

On Wednesday, June 23, 2010, the noise from CIMCO was washing over Galt, and surrounding areas, like a wave. There was also a strong acrid smell not unlike burning tires, or transformer coming from CIMCOs. The odor made it more unpleasant to be outside.

These are just some examples of how CIMCO has completely disrupted and destroyed the ability of Galt residents to enjoy our homes and yards. This has been going on since CIMCO opened. We, the residents, have kept thinking that CIMCO would take measures to contain the horrendous crashing and banging, but they have not. To that end I am pursuing action through your agency.

Galt has been here for about one hundred sixty years, and until recently, was a quiet community surrounded by farmland. Galt's residents are now unable to enjoy what we have worked so hard to enjoy. Accordingly, Complainant requests that the Board, as an initial matter, enjoin the Respondents from conducting further business operations. Complainant then requests the Board to hold an informal hearing on this matter and, if necessary, conduct an informal investigation into this Complaint.

PROOF OF SERVICE

I, the undersigned, on oath [or affirmation] state that I have served on the date of July 7, 2010,
the attached Notice and Complaint, by certified registered mail, upon the following persons:


Cimco Recycling, Sterling
Attn: Tina Ashpole and Troy Ashpole
13509 Galt Road
Sterling, IL 61081

Cimco Resources, Inc.
6801 Spring Creek Road
Suite 2C
Rockford, IL 61114



William H. Leesman

SUBSCRIBED AND SWORN TO BEFORE ME this 7th day of July,
20 10.



Notary Public

