



ORIGINAL

State of Illinois
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
<http://www.ipcb.state.il.us/>

RECEIVED
CLERK'S OFFICE

FEB 28 2014

STATE OF ILLINOIS
Pollution Control Board

FORMAL COMPLAINT

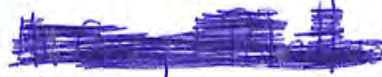
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of:

MR GARY L POLEHOW)
)
)
)

(Insert your name(s) in the space above)

Complainant(s),



v.

ARON WARREN + SEAN McALLISTER)
)
)
)

(Insert name(s) of alleged polluter(s))

Respondent(s))
)
)
)

14-112
PCB-20 -
(For Board use only)

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 Contact Information

Name:

GARY L Polchow

Street Address:

319 NORTH GUTHRIE AVE

RANKIN ILLINOIS 60960

County:

VERMILION

State:

ILLINOIS

Phone Number:

(217) 397-2315

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

Name:

N/A

Street Address:

County:

State:

Phone Number:

() -

3. Name and address of respondent (alleged polluter)

Name:

AARON WARREN + SEAN McALLISTER

Street Address:

116 S MAIN ST.

RANKIN ILLINOIS

County:

VERMILION

State:

ILLINOIS

Phone Number:

() -

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

Village of Rankin Public Works
RAILROAD PROPERTY Burner UNWANTED ITEMS
Big tree trunk by plastics Chemicals Etc.
(Soil Contaminant)

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

SEE ATTACHED Not yard Waste
Smoke touching ground

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.

(AIR, WATER) odor HAZARDOUS WASTE
Soil Ashes filled with Chemicals
(Water PCB Ashes) in Creek (75 ft away) Not yard Waste
Burning

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)

2 TIMES A WEEK 2 YEARS ~~ago~~ (STILL CONTINUING)
MORNING AFTER NOON FOR DAYS SUMMER FALL
Chemicals USED to start Green Big tree trench
started in Burning

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

AIR POLLUTION CHILDREN BREATHING
ALL ANIMAL LIFE of ALL SORTS ALL HOMES
Neighbors HUMAN BEINGS BREATHING FOR days
(Odor) going inside homes

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))

Location to near to buildings also hazardous for
fire risk change its operation

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)

UNKNOWN

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.)

My SELF NOT ATTORNEY

12. Mr. Gary J. Tolchou
(Complainant's signature)

CERTIFICATION
(optional but encouraged)

I, Mr. Gary J. Tolchou, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Mr. Gary J. Tolchou
(Complainant's signature)

Subscribed to and sworn before me

this 19th day

of February, 2014.

Shirley Bruens
Notary Public



My commission expires: 9-15-16



PCB Cully
Mined 2007





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

October 24, 2012

Mr. Gary Polchow
319 North Gurthrie & Northwest Ave
Po Box 23
Rankin, IL 60960 - 7018

Re: Freedom of Information Act Request - 73862

Dear Mr. Polchow:

This letter is in response to your Freedom of Information Act (FOIA) (5 ILCS 140/1 et seq.) request dated August 22, 2012 and received by the Illinois Environmental Protection Agency (Illinois EPA) on August 28, 2012.

After reviewing the Illinois EPA's files, and pursuant to Section 7 of FOIA and 2 Ill. Adm. Code 1828.202, the Illinois EPA has determined that some of the public records requested are exempt from disclosure under FOIA. A list of the public records that are exempt from disclosure will be enclosed, including a detailed factual basis for why an exemption is being claimed. Pursuant to Section 9.5 of FOIA and 2 Ill. Adm. Code 1828.505, you may file a request for review with the Public Access Counselor (PAC) established in the Office of the Attorney General not later than 60 days after the date of the Illinois EPA's final denial. Contact information for the PAC is as follows:

Sarah Pratt
Public Access Counselor (Acting)
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
Phone: 312-814-5526 or
1-877-299-FOIA (1-877-299-3642)
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

The public records that are not exempt from disclosure are described below.

Requested Information

Village of Rankin-North Guthrie & 2 nd Ave SW

The records responsive to your request are attached.

Illinois Environmental Protection Agency
Bureau of Air
Complaint Record

Complaint No.:
Received by: Todd A. Bennett
Date: 3/19/2012
Time: 10:35 AM
Received Via: Phone Mail USEPA
 DLPC DWPC ERU
 Other:

Suspect Source Information	Complainant Information
Name: Village of Rankin	Name: [REDACTED]
Address:	Address: [REDACTED]
City, County: Rankin, Vermilion	City, County: [REDACTED]
State, Zip: Illinois, 60960	State, Zi: [REDACTED]
Tel. No.:	Tel. No. [REDACTED]
I.D. No.: 183070AAB	Return call requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Directions to Source: Take US Route 150 toward Danville. Turn north (left) on IL Route 49 to Rankin. Turn west (left) on 5th Avenue. Turn north (right) on Guthrie Street. The suspect source is on the west side of the street, along the former railroad right-of-way.

Complaint Description: The Rankin public works people are burning the landscape waste pile. We are breathing in smoke in our part of town. Please put a call in to have them put out the fire.

Referred to: BOA/DAPC/FOS-Champaign

Assigned Engineer: Todd A. Bennett

Investigation Findings: At 12:00 PM on March 19, 2012, Todd A. Bennett, FOS-Champaign, investigated the open burning complaint in Rankin, Illinois. The landscape waste pile was actively burning at the time of the investigation. The wind that day was out of the south at 5-10 MPH. At times there was some dense smoke that crossed onto four properties directly north and east of the burn pile along Second Avenue. The smoke, though you could still smell it, dissipated as it travelled farther north along [REDACTED]

[REDACTED] I do not believe that the smoke constituted a Section 9(a) violation on the complainant's property that particular day, but, if there were any complaints from the residents along [REDACTED] along Guthrie Street closer to the burn pile, I would definitely agree that the smoke was causing a Section 9(a) violation.

X While I was observing the burn pile, one of the town workers arrived on the scene to check on me. He said that the Village has put a lot of effort into running the landscape waste site well. To his knowledge, there haven't been any complaints about the smoke from the residents. He said that they put the new fence up around the site, because an unsupervised neighborhood kid was burned while climbing on the pile.

I also spoke with one of the residents, who happened to be home that day and lives at the [REDACTED] [REDACTED] said that two of the four homes that were directly being affected by the smoke are empty. The third one, the owner is almost never home. The owner of the fourth home seemed to be home

551
10/24/12

Complainant contacted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USEPA contacted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	EPA DIVISION OF RECORDS MANAGEMENT RELEASABLE
Date: Phone conversation on 4/10/2012	Name: _____ Date: _____	

OCT 25 2012

REVIEWER EAV

that day, but [redacted] is usually gone with work. [redacted] said that there is only one person in town who is strongly against the burning. [redacted] property occasionally is affected by the smoke, when the wind is more out of the southwest, but it doesn't really bother [redacted] since the burning isn't all that frequent. [redacted] considers it a blessing that there is a place in town that everyone can bring their landscape waste.

I attempted to talk to the neighbor in the fourth house being affected rather heavily by the smoke, but no one answered the door.

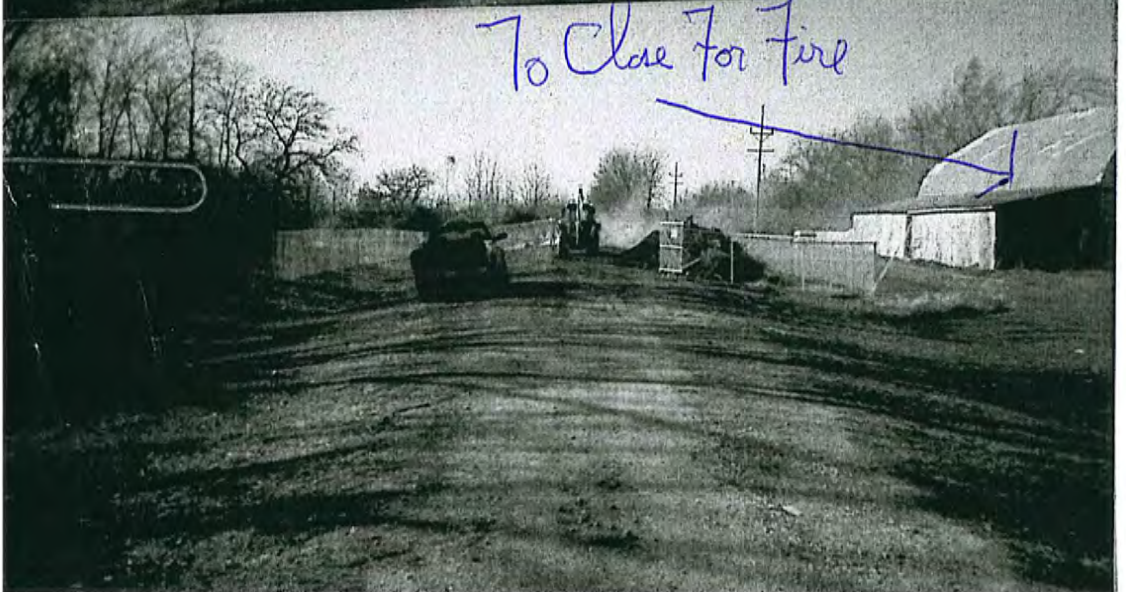
At 11:15 AM on March 20, 2012, I made a second observation of the burn pile. The fire was still active, but the weather conditions were more favorable for dispersing the smoke. The smoke was not staying as low to the ground and was not crossing onto neighboring properties.

At 1:30 PM on March 22, 2012, I called and left a message with the complainant explaining my findings, especially regarding other residents along [redacted]. I asked the complainant to provide my contact information to anyone in that area that would like to make a complaint.

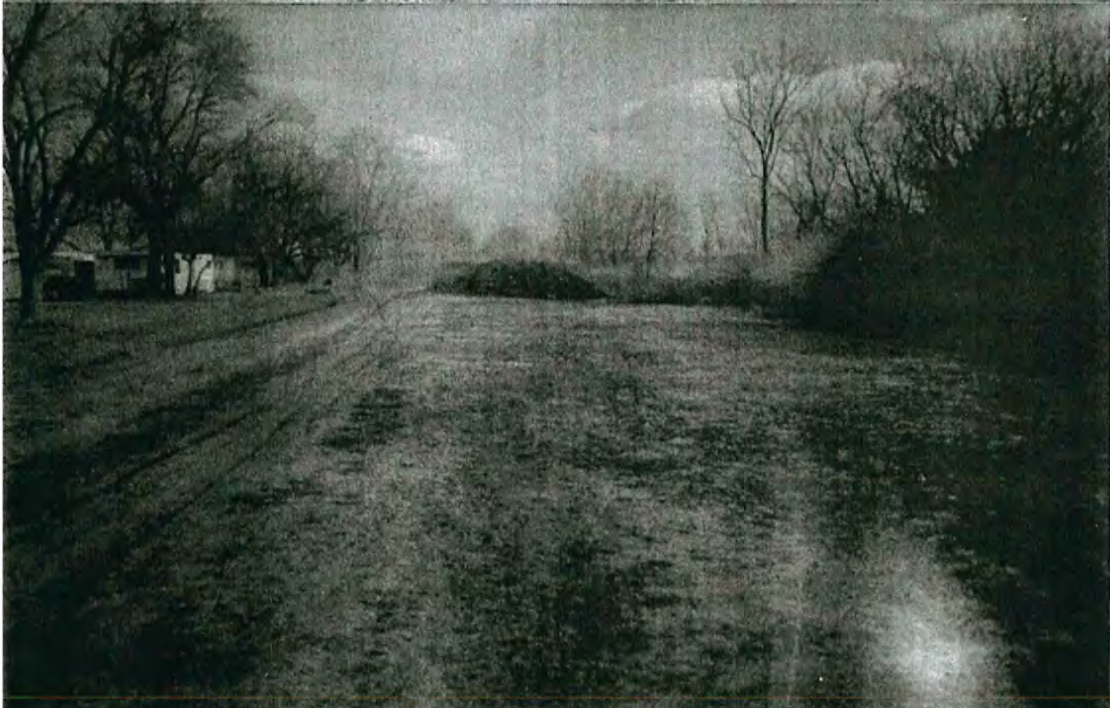
At 10:39 AM on April 6, 2012 I discussed the situation with Jeff Benbenek, FOS Regional Manager, and he informed me that Section 9(f) of the Environmental Protection Act clearly states that there is no limitation to the open burning of landscape waste at sites provided and supervised by local governments.

At 12:35 PM on April 10, 2012, I called and spoke with the complainant to explain that IEPA is unable to issue a letter to the Village of Rankin addressing the smoke problems due to the limitation in Section 9(f) of the Act.

Complainant contacted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USEPA contacted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Date: Phone conversation on 4/10/2012	Name: _____ Date: _____



Bad Ash
Soil
removed
to Railroad
Property on
other side
of town East
Side placed
on Railroad Property
not owner



Ashes Asphalt leaking
to Creek Water
(East side)

Not owner
of Railroad
Property
Clump Bay

Village (Mayor)
Mr Warren
Sean McAlhity
(Public Works)

filled with
Chemicals
of all sorts
in Ireland

Ashes unwanted
Tom Mizec in
Dumping of Yard Waste



Cannot Live
Here because
of smoke



No Need
To Burn
yard Waste



Porous x
smoke for
Days at
time!!



Poisonous
Smoke
Children
Breathery
and Wildlife



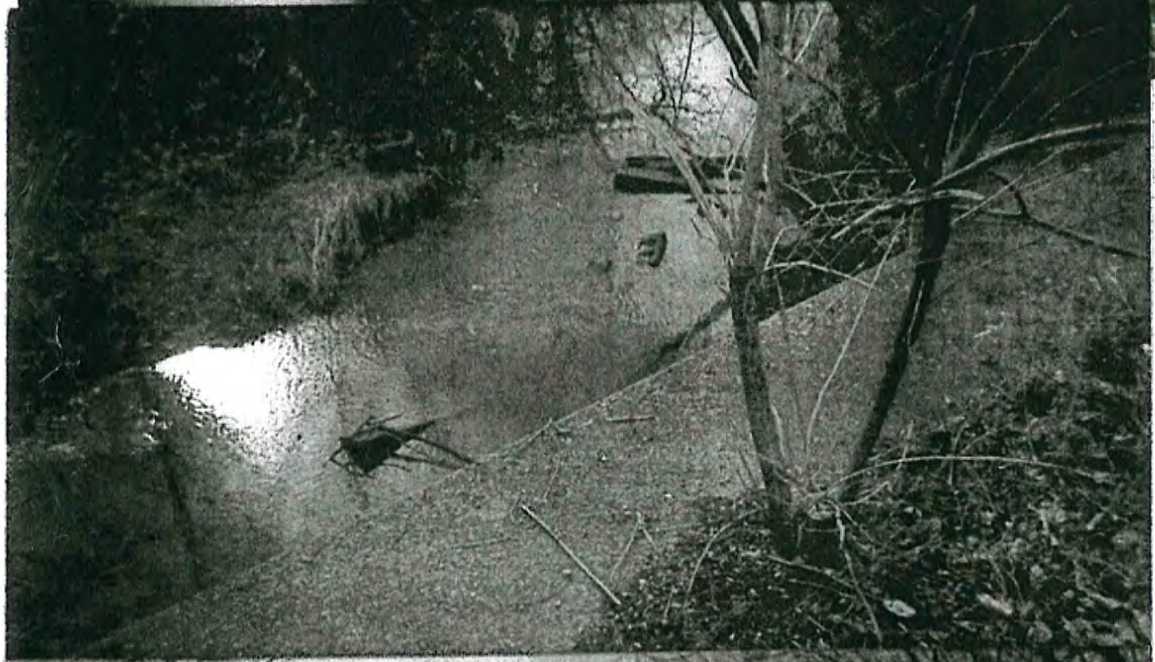
(No Meep)



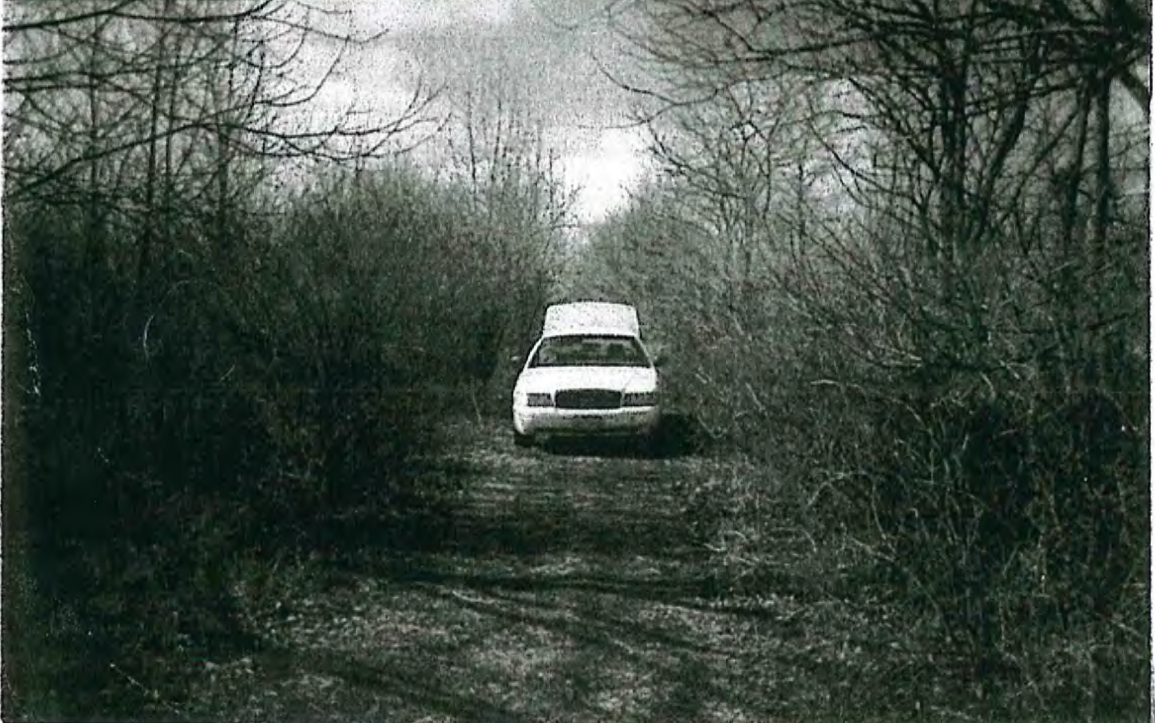
East side and
West side
drainage off
in Creek
Poisonous soil



Plastic +
shoes
rubbish
UnWanted
Items



Dangerous
to Chelobrey
and to the
Water Fire
Pit 75^{FT}
from
911 Creek



responds
Block Bay
Concrete Blocks



← Pulling to Close

Burning for tree
services Big tree







Plastic +
shoes



Wildlife
Dangerous
to Children
and to the
Water Fire
Pit 75^{ft}
from
911 Creek



response



Mr Neway
Has No rail
road Deed
Stopping 911
respones

Installation

Fiber Glass

←
Chemicals

←
Not Yard
Waste



That
old Cars trucks
Fallen down Blody



Stopping 911
Trenton Village
Mayor
Mr Newant
Sean McCarter
F. Paige
Walker



Children
Have fallen
off and hurt
themselves
Area



oil + Chem
Hazardous Waste
Asks



Plastic



Mature
Walk
My Railroad
Property!

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on 2/26, 2014,
I served the attached formal complaint and notice on the respondent by

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 AARON WARREN SEAN McALLISTER

Street 116 S MAIN ST

City, state, zip code RANKIN ILLINOIS 60960
(list each respondent's name and address if multiple respondents)

[Signature]
Complainant's signature

Street 319 North Luther

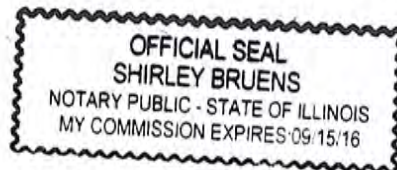
City, state, zip code Rankin, Illinois 60960

Subscribed to and sworn before me

this 19th day

of February, 2014.

[Signature]
Notary Public



My commission expires: 9-15-16

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS FOLD AT DOTTED LINE
CERTIFIED MAIL™



7012 1010 0001 4275 4975
 7012 1010 0001 4275 4975

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

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OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Carol Warren
 Street, Apt. No., or PO Box No. 116 S. Main St.
 City, State ZIP+4 Rocky IL 60960

PS Form 3800, August 2006 See Reverse for Instructions

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:
Carol Warren
116 S. Main St.
Rocky IL 60960

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

7012 1010 0001 4275 4975