

For the state of IL
Champaign County Courthouse
101 E. Main st. Urbana IL, 61801

dated: 12/ 30/ 10
trial# 10-MR906

JAMES FRANK OSTERBUR
2191 COUNTY ROAD, 2500 E, ST. JOSEPH, IL 61873

V.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
box 19281 Springfield IL 62794-9276
IL DEPT OF AGRICULTURE OVERSIGHT AND ENFORCEMENT.
Box 19281 Springfield IL 62794-9281
Environmental protection agency for the USA, chicago office IL:
US EPA region 5 Ralph Metcalfe Federal building 77 W. Jefferson blvd Chicago
IL 60604
Department of OSHA for this USA. Chicago area
701 Lee st. Suite 950 Des Plaines IL 60016
Department of traffic safety for IL
box 19245 Springfield IL 62794-9245
Department of human rights; 100 W. Randolph st. Chicago IL 60601-3218

RE: THE legal DEMAND FOR ENFORCEMENT OF RULES AND LAWS as are
applicable to this state and nation. With regard to the corporate entity called:
United Feeds of Illinois/ Indiana.

The corporation being based, within Indiana.

& its corporate hq: United Feeds Inc,
4310 W. State Rd 38 Sheridan IN 46069-9639

The facility in dispute located here in Illinois.

Les Busboom, manager: United Feeds / 101 N. Railroad st, Royal, IL
61871

The state of Illinois is listed/ due to the elevator location is in this state.
EPA; is listed due to the pervasive nature of noise/ and its impact on the entire

surrounding area: the reality of OSHA being limited to workplace environments. This noise affects a greater area than simply the workplace.

DUE TO, the interstate realities of this business/ the corporate legality of an alternate state being involved. Federal employees are included. Due to the fundamental demand placed upon this local court/ it is filed here.

OSHA is listed due to the impact of noise, dust, and the possibility of extensive mold due to operations carried out, during the year; as would be consistent with a grain elevator operating for three weeks at high volume: WHEN NOT a single grain has yet to be harvested. Each summer, For the last 3 years.

Agriculture; due to evidence of fans running when the humidity is very high: the possibility of illegal actions regarding the potential for re-wetting grain exists. An illegal act/ regardless of how you do it. If its intentional, through the use of aeration fans; with a clear result: its illegal.

Traffic safety & the protection of children; due to a massive increase in traffic: and statements of even more coming.

Department of human rights: establishes the composition of how do we take back this town and our environment; seeking through the law: **the clear path to democracy: we have rights.** Thereby regaining control of our residency, or more specifically my residency should the town decide not to care. Those area's, and people; clearly affected by the actions of a corporation whose only concern is greed. I cannot speak for all the people living close enough to be affected/ I can only let you explain to them what their legal options are. The decision is theirs.

This court is then instructed; as is consistent with a jury trial/ "people making a decision for the community". To give the citizens directly involved their due. The knowledge required, in making the necessary judgment, that will affect "people's lives", including their own, for years to come.

Each of these defendants, **ARE hereby legally informed of the following.** Thereby establishing:

that a formal request is made through the court to seek: the clear published results of an audit concerning the conditions that this corporation has inflicted upon this environment, these citizens, and me. So that we may all know for certain the damage being done, or not/ the rights and laws being fully understood and listed: **for our benefit under the laws and protections of this state and nation.**

Our rights, applied for by me, James F. Osterbur a declared "advocate" for this town (by my own decision/ NOT theirs; they have not been asked) in this particular matter/ and for me: due to the direct impact this corporation has on my life.

The demand: We/ I need to know: if this complaint is based within the law/ if compliance to the standards set by state and nation shall be applied/ or if this corporation conforms. Therefrom, whether or not, I should or could take this corporation to court IF NEEDED/ and make them comply to the standards set for our safety as citizens. **If our employees don't do their job; leaving that for me in court.** *NOT, my job, but if necessary the people will be asked: do they wish to go on to court; by this evidence you must create.* **The protection of the people/ the collection of evidence, is one in the same! The job of our employees.**

The business above; located in Royal IL at the above address consists of a grain elevator that has more than doubled in size in the last few years. Located in town center. It has now exceeded the capacity of this local area/ and clearly expects to draw business from an extended area for the future.

The primary issue raised and requiring the assistance of the environmental protection agency of IL; is one of NOISE. I live one and one half mile from this facility/ and during harvest time the noise is extreme and excessive. Be it known that I do have tinnitus/ but be aware that does NOT suggest an understatement of noise. The fact that I do have tinnitus, "makes me an expert" on noises that affect hearing, and as a consequence DO DAMAGE to the human body. Particularly when involved with long term exposures. This elevator runs continuously for months during the average harvest season. That fact can be attested to by establishing utility records for the business.

That means with little relief for the residents here, or me; for long period of time/ now one million bushels more. The residents and I, are bombarded with this noise containing the higher frequencies that do damage. Higher frequencies do most damage to hearing. The elevator runs without their consent for 24/7 hours, during weeks or months, dependent upon the year; inundating the area. Periods of noise, that can easily change their lives, as it has mine. This noise cannot be escaped/ without moving physically away. The issue of this day results from, the new addition of a one million bushel bin/ just finished after fall harvest; not yet fully involved. That increases the noise/ traffic/ drying/ dust; etc, with continuous fans running in the fall. That increases the noise and traffic involved with delivery trucks and tractors in this little town of 300 or so.

That changes my life/ and the lives of others without their consent or mine or opportunity to say no. These extensive periods and high volume; can cause tinnitus or deafness/stress and so on; in either the population of this town/ or the workers involved in this corporation. This increase of decibels; that NO ONE has to "strain to hear"; is of concern. Your job is to come and establish whether or

not, this noise is within the legal constraints allowed: for the workers and citizens of this place; and me. To insure those noise limits, and these changes without our consent: cannot physically damage/ are not beyond the limits & our rights as protected under the laws and constitutions of both state and nation: should this not be so?

Kindly remember, even when you turn the switch on for everything that would be running in the fall/ you still are missing all the trucks/ and the addition at times of trains; and track machines, running on the track.

It is also true, that several farm own bin fans operate at the same time for weeks/ but much shorter lengths of time than an elevator; in this area/ and some fans are "screamers". Adding to the mix. Evidence suggests: a sizeable portion of farm families do have hearing trouble to prove, "it ain't good". A side issue.

The fundamental of law being: the subjection of noise over the limits provided by the standards set into place by state and federal government protection agencies/ ARE A TRESPASS/ and criminal assault upon my, or our lives and body. As well as every other person subjected to these noises, over the limits allowed by that law or standard.

The foundation being: I have a right/ we have a need: to be protected from those who assault and batter us, without our consent. To have our lives protected from those who can do us damage and have proven the weapons to do so. I DO NOT consent, to be attacked, in my own chosen place of residency!

The legal demand is: establish the noise level, at its worst/ by taking control over the elevator and forcing a true and accurate level to be established for testing. So that compliance and or damage; can be known.

Thereby if the elevator agrees, or is made to comply: the possibility of repair, during this time when alterations may be made, without detriment to the farming operations, can begin. Or more simply: determine what, if anything must be done to protect me, and this town/ by the law. Apply that work, and demand it by law, for our protection.

The addition of another one million bushels/ is the addition of another endless line of truck traffic. The strain of significantly more trains involved in moving the freight out. The reality of several more train engines idling on the tracks for hours at a time. The reality of a grade school less than one block off the only main road available/ one block from the grain elevator. The demand that any or most children walking to school, or in the town must cross the road to get to school/

must cross the truck traffic and railroad directly in front of the elevator: to get across town. And the reality of “everyone is tired and in a hurry/ running machines that are commonly loaded to the maximum”, and cannot readily stop in an emergency. IS A CONSTANT description of fall harvest/ coupled with the truth it is one of the most dangerous jobs in the nation. Not to mention all the other traffic associated with this work. As they have exceeded the reality of a community business: Thereby fundamentals of traffic are now necessary to be applied.

The fundamental of law being: because the capacity is now far beyond the local area, and the fact is that most of the community is no longer involved with the business of farming/ having been physically removed from it by the competition of greed. This grain elevator has become an industry, and can no longer be considered as a business. The critical increase in **heavy traffic**, as would be consistent with industry. DOES NOT meet the fundamental requirements of protection provided to grade school children/ or the reality of those children’s needs before or after school. They physically cross paths both child and traffic; for any child walking: from sidewalk to road; with no option but to also cross the path of a service station business (now mechanic business) as well; to get to or from the school. The elevator and railroad divides the town.

Your job is to protect these children before “the funeral”/ or life ending/ altering disability. By appropriate traffic measures.

The elemental reality of: “considerably more dust” must be applied to the living conditions of those affected: that this elevator/ this industry will now inflict on its workers and this town. I live outside of this town/ but the noise is so extensive it forces me out, during the harvest season. In years past, I could survive it/ even with the addition of farm fans; because they are limited usage; an elevator is not/ it starts and does not shut off for months. The increase in their capacity now affects my ears, to the point I can no longer live on the property, my family has owned and lived on for about 100 years. That is a consequence to me! Working for fair standards to all; could easily be considered a duty to establish “because I know it affects hearing/ therefore, I do need to say something”. To protect the people whose ears can be damaged like mine (thereby established as an advocate).

Tinnitus is, a terrible thing/ that can cause deafness/ the elevator has caused over time, an additional possible 50% hearing loss in me. The cause: this elevator wants to prove: I am a winner, look at me/ to hell with you ;“the establishment of greed”. This community Certainly does not need more/ thereby NOT helping this community, or the communities that surround us by stealing their own businesses. The corporation is: Using this entire town, in a game, of greed and control. The

assumption of a business “to do what I want” ends/ with the demand we must endure; you took our rights away. With little or no rights or regard or respect for us, their decision for months is “you can’t do anything about this”. We have/ I have become a participant in their business: because I MUST endure their decision, their demand for MORE money/ they trespass on my life. YET I GET NOTHING, but pain. **THIS IS NOT about money/ this is about “stay on your side of the line”/ leave me alone, because my right to “do what I want to do” IS EQUAL to yours.** Or more simply: **I do not contend that this corporation cannot do what it wants to do within the law/ ON ITS SIDE of the property line. BUT I DO contend,** they cannot make me suffer beyond the limits and standards set as a people and nation/ **for what they do, on the property I inhabit.** They invade, the freedoms, home, and reality THAT ARE STRICTLY MINE. I do not attack them/ they attack me.

This is not a small matter: Why should anyone be forced, to have damage like me? For more clarity: an ear drum breaking once, made me deaf for a time. Contrary to common beliefs “can’t hear people talk/ or birds sing, etc”. The reality is very isolating; giving merely a narrowed window on this world by eyesight/ with absolutely no dimensional experience; “nothing exists, but what you see”. Included is the reality “we commonly listen to our heartbeat, our lungs breathe; and this ends; making deafness truly silent”. Literally an amazing, but unwelcome reality.

This elevator gave no warning as to the building of this new one million bushel bin/ the latest in a long line; thereby it was too late to stop it, when I knew. That leaves us, or more specifically me; with working within the situation that now exists. The town to the best of my knowledge had NO say whatsoever, in any of these expansions. The town collects essentially nothing of value in return/ and in fact home property values will soon plummet, do to the town’s now immersion into industry. Sucking the desire to live here completely away. It is NO LONGER simply a community business/ it now threatens to consume the town, for its own purpose. Nothing more than greed. The manager Les Busboom has already stated without any reason to doubt it being true: that they want and intend to **build another one million bushel bin soon.**

The increase in noise, has forced me to know I CANNOT tolerate the next fall whatsoever. That means I personally now must move from my home/ my business/ my inheritance/ my parents/ the people I know, and the place I grew up in: do to their greed! Nothing more or less. Three letters were sent to this manager and this corporate headquarters in Indiana; at the addresses shown: they are

included as letters to the court; A, B, C . CLEARLY WARNING; in the strongest language possible that consequences would come if they did not accept to let me have the rest of this year without any more “severe noise”. The first being sent: after I was forced out for three days due to bad management practice or more specifically a 200,000 bushel bin that was going bad. Their response: I was run out again one week later. They then received letter B, or step two,

They then received letter C after running a large percentage of fans continuously for several days in a row; after the humidity turned high due to rain. Their response, to continue running for another week; and could run longer. Prompting this “round one” initiation of courtroom procedure.

Until it started raining, the fans were off; apart from the incident with the 200,000 bin. No doubt due to the wide spread of initial grain wetness at the start of the season. My ears tell me whenever the fans are running/ I don’t have to guess; apart from differentiating between train and bin. When the humidity is high as in raining, or at any other time when water vapor is heavy in the air/ during the later part of the harvest season: the fans turn on at night; primarily running from about 10pm to 7am; although the latest siege has been largely twenty four hours. That commonly lasts about 3 weeks.

Growing up as a farmer; I know: this has NOTHING to do with the preservation of grain/ as grain is dried/ NOT moistened to store it. The introduction of high moisture at the bottom of bins, will leave the bottom subject to molds.

When fans turn on in extreme moisture conditions: IT IS FAIR to say, the fans are being used to pump moisture in/ NOT take it out, as is constant in drying. The only possible purpose then, is to re-wet grains (*prove me wrong; it is a fair assumption due to common practices*)/ particularly beans; and potentially corn in this season as nearly all, came in dry and without need to be dried at all. A five percent increase in the weight of beans for instance equals one more bushel/ per every twenty. One more bushel at \$13.00 per bushel equals in a million bushel bin= 50,000 bushels, or \$650,000.00 dollars, for pumping in water.

My purpose here is: **WHY do I need to tolerate this noise too?** In addition to the energy consumption/ pollution caused; both in the action and in the resultant water to be removed dependent upon the manufacturing process.

If your purpose is/ the reality of what you do as a result is: to increase the moisture content of grain. Then, IT IS NOT “aeration”. Your job is to investigate the reality, enforce the law, and determine if: ANY OTHER cause or reason exists to assert a different cause. The knowledge of a legitimate cause, would make all the difference; as there is no intent to control the elevator/ this is about noise. What

is critical for an elevator to do, simply must be tolerated/ but breaking the law need not be tolerated. Establish the truth.

The foundation of law requires “no adding water”/ which means it is the job of those hired to watch over agriculture: to stop bad or illegal practice. If you do your job, kindly inquire why it is for the last three years, I must listen to three weeks or so of constant noise PRIOR to harvest season. Not a kernel harvested/ but an elevator running hard and constant for three weeks: WHY? There has to be a reason.

In conclusion: this comes to court for the above reasons/ but it includes the foundation of democracy which means: WE THE PEOPLE, are in charge here. NOT simply you an individual or small group, that has chosen to infect our lives with your greed.

OR MORE DIRECTLY: the laws are lacking or unenforced/ which control the actions of one; who has deliberately and adversely affected all the rest. This town and its surrounding population NEEDS to know how the law can be used to protect and provide the necessary impetus for them to control their own environment/ and leave room for the elevator to operate as a business. That is a compromise of “best practices”/ and realistic size.

This farming community needs to know and be provided with the legal protections that guarantee: no possible harm can exist for them in the coming months or years with regard to taking control of this situation for the protection of all the people. That means: DELIBERATE punishments/ such as a forced sale of the elevator MUST be established if they do not meet the tests required of them to prove “no harm” shall be applied. They are in a position due to money; far superior to the others clearly affected by their choices. **That means JUSTICE demands: we must be equals/ before fair play can exist.** Or more simply the law must be clear: if you cause us harm/ we can and will cause you equal harm, or consequences. That is the job of the court. This is no longer a community business/ it has exceeded that authority; and inflicts upon this population an industry to which they did not agree. Not only taking over the community, but devaluing every property within its environmental touch. The law allows: either we get control over those who have so affected our lives/ or we will be paid, for the costs and damage inflicted upon our lives. It is that simple.

NOT A CLAIM FOR MONEY from me. Rather it is a demand upon government officials to do your job, which is to protect all our lives from injury, protect us from infraction of the law that harms without cause/ or subsequently takes away our freedom and our right to decide for our own lives: thereby

damaging our property or ability to remain in our homes. This is an unreasonable seizure of our environment/ trespassing and causing in effect *“an enemy soldier, to be quartered in my house/ without my consent”*; for sustained periods of time. MORE SIMPLY: keep this corporation from dramatically affecting our lives, by demanding they stay on their side of the line. Don't trespass over here/ not, past “the legal limit or this standard”. Is that not, “what the law means”?

United feeds is NOT yet a defendant here/ this is legal notice to the above “governmental employees” that there is work to be done here! They have a job to do! United feeds is however provided with a courtesy copy; so that they know and understand.

In a reality of simplicity as this is going to the epa the following is simply tacked on:

*[As to **other epa considerations**: I do suggest you look at the pollution, & energy consumption/ of these idling train engines. Thousands of train engines across the nation, all running/ all standing still for hours at a time. A simple “tiny diesel motor, for the purpose of producing heat or electricity” is more than enough/ or a plug in electrical service; as they sit in, or easily could set in; primarily the same places at all times. This Would save the environment and resources considerable; particularly over time. The same is true, for all engines that idle long periods, accomplishing nothing.]*

an excerpt **for the epa**: from www.justtalking3.info

7. *But lets not be depressive; after all, we got ethanol and cheap oil; “Its all good/ cause its money: let everyone who says different be damned”. Ain't that so/ HELL YEAH! WHO NEEDS WATER! But lets review: latest figures out demand we now use more ethanol that the oil we get from Saudi Arabia; ten percent of all the gasoline burned (look it up) is ethanol now : that means trillions of gallons of water used just for ethanol. They just passed “going to use 5% more 85 percent ethanol for the nation”. It takes at least 3 gallons of water to make a gallon of ethanol by the best practices (irrigation involved too), and lots of fuel. But thank goodness we have a new lease on oil reserves: by pumping in water to replace all the oil we took out of these old reservoirs we can “float the oil to the top” where we suck it up/ dry it out and get fuel” its all good, just a few trillion gallons of water. Even better hell we get lots of free natural gas from “sandy rock”; by pushing fresh water supplies, mixed with soaps and distillates*

(for better intrusion into the cracks and crevices formed) into the rocks to fracture it and the pressure collects around the pipes for pumping it out; it also escapes into the ground above it, to pollute/ but hey who cares “just a few damn people who live there”; TO HELL with them. Just a few trillion gallons more for that, in places that will soon be out of water forever; “too polluted to reuse (you going to mix oil and gas in your drinking water)?” Its all good/ ain’t that right: YOU CAN TELL; cause after all if the journalists and media don’t tell us its bad/ WHY THEN ITS GOOD. This is america, HELL, we know everything; its called a free press/ well except for the fact the supreme court allowed a tiny few people to own it all.

But that’s ok, because after all: with all the quadrillion gallons of fuel that we burn all the oxygen required for that fuel to burn will soon be gone anyway; who cares? You can figure it up for yourself: because we keep track of all the fuel we burn/ we buy it. Just remember it is not simply a five parts air to one part fuel ratio as is common to automobiles. Or up to; 14 parts air to one part fuel in natural gas; oxygen consumption is actually determined on a molecular scale; because the altering of bonds from one form to another is a mathematical model. That means with a very high degree of accuracy we can know just how much oxygen it takes to burn any amount of fuel. But for simple work, using the ratios given as a reference we can simply take the barrels of oil for instance and do it five to one/ as a beginning, because a sizeable portion/ but small percentage; goes into the manufacturing of alternate goods rather than oil. What is not so clear is the reality of how much oxygen do plants produce for us? That however has some scientific information to help: the experiment biosphere 2 locked up 5 people in an airtight container in the desert with all kinds of plants. “For space research”. Initially they were concerned with how to survive too much oxygen/ they broke the windows and climbed out after a few short weeks, because the oxygen content became low instead. Not to worry though, news and journalists have had this information for years, from my hands; and they have done such a good job of informing people: OH WAIT/ no they haven’t! Because the opinion at the university is: can’t survive/ WHY try, just kiss the children goodbye and be done. LETS TAKE EVERYTHING WE CAN GET. Ain’t they special?

And then all the trillions of gallons of water lost to every form of pollution, from direct chemical manufacturing to ground injection, to trash collection, to agricultural spraying and distribution everywhere; military and other radioactive sources; and on and on and on. It goes so well with all the antibiotics in soap and things pushed everywhere to mutilate and crucify and change the biological organisms that we need to “clean up the dead/ cause plants to rise/ and create the foundation of exchange from life to death that gives us the natural cycles that are

nature in action” and everything else. Who cares! But lets go back; how many billion tons of pollution created by fuels/ acid rain/ runoff from streets/ growing ground covered by concrete; etc/ etc/ etc.

Damn good thing it ain’t contaminating our ocean, where humanity has grown only because the ocean feeds one in six of us or so. Oh wait, the ocean is contaminated ; “a million square miles” in one spot/ just a garbage dump. All the incubators of life that create the food structure of the ocean chain under attack. People harvesting the base food chains upon which the entire ocean depends for livestock feeds. Over-fishing/ oil spills/ the university telling business WHERE to get the last remaining ones so that entire fish stocks can be depleted. Factory ships that consume ENTIRE colonies of feed stock fish that keeps the larger organism of life in the ocean going. The ocean currents under attack and may stop due to global warming changing the base forces at work in this food delivery chain for life in the ocean. But your sure no global warming aren’t you/ HELL YES, cause your special; you know, ain’t that right? On the other hand, lets review: we have satellite images which prove melting ice. We have accounting that proves just how much fuel is burned; so we know how many btu’s are being released: I forget how many is the equivalent, but its about enough in any one year; to raise the temperature of the first one hundred feet of atmosphere, by one degree around this earth. Prove me wrong? Could it be more? I actually don’t remember anymore, its been a long time since that calculation. Don’t worry the journalists will do that for you/ oh wait, no they don’t do they; ah well/ too bad. With a population increase of 2 million more mouths to feed each and every week across this earth. With one person already standing on each and every one acre of growing land across this world/ and the ocean near its life extinct. What could go wrong? Not to worry, them weapons of mass destruction are your saviors. You can count on them coming “to the rescue” soon. Hell wars over resources/ water/ food/ everything; “ITS YOUR FAULT”. Shit, what could go wrong; not to worry the university knows what its doing/ they got everything figured out, its all good. Kill the children/ SO WHAT! Cannibalism to the rescue, “not to fear”/ plenty of food. Hell, we can kill a billion people/ AND THERE ARE STILL 6 BILLION more to go! We can eat a long time/ ain’t that right? Good thing they don’t need water/ can you imagine what would happen if they did! Gosh, it would be a nightmare.

But its all good, “cause the university KNOWS what they are doing/ ain’t that right”? Hell, the damn people are so smart/ we don’t have to think of a thing; why they are just gods compared to us. Shoot making all the right decisions for life on earth, what could go wrong with them in charge. Well I mean besides the

gulf coast oil spill; when all they had to do, was unbolt a pipe, and put up another one to the surface to collect it in ships. Even unions leaders and workers all knew “just unbolt the damn pipe” and put up a new one/ BUT NO, no they couldn’t do that. Well they did do that at the very end, but can’t do that in the beginning. Putting a second valve on it was irrelevant, when in fact all they had to do was bring a pipe up to the surface, at least until they got a valve ready. Oh well, its just a century of damage/ who cares, “evolution will rebuild everything in a billion years or so”/ ain’t that right; HELL YEAH. Then damn disbelievers can just go to hell. After all, what’s a billion year wait. Its all good/ it must be; the media says it is! They protect us all the time/ we don’t need to worry about nothing. So there!