

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Doug and Geri Boyer,)	
)	
Complainants,)	
)	PCB #22-9
v.)	
)	(Enforcement)
MRB Development, LLC d/b/a)	
Copper Fire, Renae Eichholz, and)	
Mark Eichholz)	
)	
Respondents)	

**RESPONDENTS MOTION TO STRIKE PARAGRAPHS
33 THROUGH 38 OF THE COMPLAINT**

Paragraphs 33 through 38 must be struck because Complainants are seeking to enforce local ordinances which are within the jurisdiction of other boards/entities and should be enforced by those entities. Under 35 Ill. Adm. Code 100.106, this board has authority to “conduct proceedings upon complaints charging violation of the Act, any rule or regulation adopted under the Act, any permit or term or condition of any permit or any board order” as well as the authority to address other issues not relevant to this noise complaint. *Id.* The Illinois Pollution and Control Board is not the catch all for all rules and regulations, and it makes no logical sense for this board to enforce ordinances and regulations of local entities. More importantly, this board does not have the authority to enforce the rules and regulations of local entities under 35 Ill. Adm. Code 100.106.

In paragraphs 33 through 35, Complainants are asking this board to enforce a Belleville ordinance. In paragraphs 36 through 38, Complainants are asking this board to enforce a St. Clair County zoning rule. Complainants are seeking this relief because they know the Belleville police department has already reviewed every single complaint raised by Complainants under the Belleville ordinance, have repeatedly asked for the ability to investigate the complaints, and found

no violation after complainants refused to allow such investigation. The Belleville police would have loved the opportunity to participate in the testing performed by Complainants, but Complainants choose to do this behind closed doors, veiled in secrecy. Respondents are unaware of any effort by Complainants to pursue the alleged zoning violation with St. Clair County, other than asking this board to address the zoning rules.

WHEREFORE, Respondents respectfully request that paragraphs 33 through 38 of the Complaint be struck and request all other relief that is just and proper.

Respectfully submitted,

Dated: December 6, 2021

GREENSFELDER, HEMKER & GALE, P.C.



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d/b/a Copper Fire, Renae Eichholz, and
Mark Eichholz

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the date of 6th day, 2021 this document upon the following person by depositing the document in a U.S. Postal Service mailbox by 6:00 p.m., with proper postage prepaid to:

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*Attorneys for Complainants,
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Paul E. Petruska