

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DIANA LEINDL and KEVIN LEINDL,)	
)	
Complainant,)	
)	
v.)	PCB 19-59
)	(Citizens Enforcement – Noise, Air)
HARTSBURG GRAIN CO.)	
)	
Respondent.)	

NOTICE OF FILING

TO:	Mr. Don A. Brown	Diana Leindl and Kevin Leindl
	Clerk of the Board	204 South Second
	Illinois Pollution Control Board	Hartsburg, IL 62643
	100 West Randolph Street	
	Suite 11-500	
	Chicago, IL 60601	

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an **ANSWER TO SECOND AMENDED COMPLAINT**, a copy of which is herewith served upon you, along with a copy of this notice.

Respectfully submitted,

By: /s/David L. Wentworth II
David L. Wentworth II

Dated: August 19, 2019

David L. Wentworth II
Hasselberg Grebe Snodgrass
Urban & Wentworth
401 Main Street, Suite 1400
Peoria, IL 61602-1258
Phone: (309) 637-1400
Email: dwentworth@hgsuw.com

denies any violation of 35 Ill. Admin. Code Sections 901.102(a) and 901.102(b) regarding noise, and 35 Ill. Admin. Code Section 212.461 regarding air.

6. Respondent denies the allegations regarding noise pollution in first part of Paragraph 6 and has insufficient knowledge to form a belief regarding the existence of any measurements or studies. Respondent denies the allegations regarding air pollution in the second part of Paragraph 6, and states that pursuant to Order of the Board entered June 20, 2019, the definition section of 35 Ill. Admin. Code Section 212.301 was stricken; to the extent factual allegations regarding alleged air pollution survive, Respondent denies same.

7. Respondent admits a new grain bin was installed in 2015 and that Respondent's grain handling operations for new grain generally occur with the fall harvest and continue thereafter. Respondent denies the remaining allegations of Paragraph 7.

8. Respondent denies any violations of the regulations alleged by Complainants, including but not limited to the "flat land holding area." Respondent has insufficient knowledge to form a belief regarding the remaining allegations of Paragraph 8.

9. Respondent denies Complainants are entitled to any relief requested in Paragraph 9, and denies any violations of the regulations alleged by Complainants.

10. Respondent is unaware of any identical or similar case brought before the Board or in another forum for the same allegations as set forth in Complainants' Second Amended Complaint. Respondent has insufficient knowledge to form a belief regarding the remaining allegations of Paragraph 10.

WHEREFORE, the Respondent, HARTSBURG GRAIN CO., prays the Board deny Complainants Second Amended Complaint and enter an order against the Complainants, and for such other and further relief as the Board deems appropriate.

Respectfully submitted,

Dated: August 19, 2019

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CERTIFICATION


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

HARTSBURG GRAIN CO., Respondent

 (Signature)

By: Troy Bauer
Its: General Manager

Subscribed to and sworn before me this 19th day of August 2019.


Notary Public
My commission expires: Jan. 11, 2023



CERTIFICATE OF SERVICE

I, David L. Wentworth II, the undersigned, certify that I have served on August 19, 2019, the attached Answer to Second Amended Complaint upon the following persons by depositing said document in the United States Postal Service mailbox by the time of 5:00 PM, with proper postage prepaid, in Peoria, Illinois:

Mr. Don A. Brown
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Diana Leindl and Kevin Leindl
204 South Second
Hartsburg, IL 62643

Dated: August 19, 2019

/s/David L. Wentworth II
David L. Wentworth II