

ILLINOIS POLLUTION CONTROL BOARD  
September 3, 2020

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

**HEARING OFFICER ORDER**

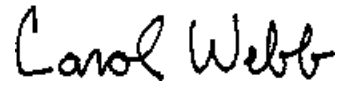
On September 3, 2020, the parties participated in a telephone status conference with the hearing officer. On July 6, 2020, complainants filed a motion to compel discovery. Respondent's response cited delays due to the pandemic. At the status call on August 6, 2020, the parties discussed the discovery situation, which may be summarized as follows: complainants' document requests were unclear, and respondent construed the requests more broadly than complainants intended. It was decided that complainants would come to respondent's facility to review and select which documents they wanted. Respondent has not refused to produce discovery, thus complainants' blanket motion to compel is denied. If respondent refuses to produce discovery relating to a specific document or issue, complainants may file a new motion to compel.

At the status call on September 3, 2020, the parties reported that complainants provided respondent with a supplemental discovery request on August 19, 2020. The supplemental questions were intended to clarify the original request. Additionally, complainants sent respondent decibel readings for the first time. Respondent plans to hire a noise expert to review the readings, and possibly testify. Respondent hopes to respond to the new discovery requests by September 14, 2020. Before the next status call, the parties will disclose hearing witnesses, and if possible, schedule depositions.

While preparing for hearing, the parties are reminded that at hearing, and in briefs, each party should consider: (1) proposing a remedy for a violation, if any (including whether to impose a civil penalty), and supporting its position with facts and arguments that address any or all of the factors outlined in Section 33(c) of the Illinois Environmental Protection Act (Act)(415 ILCS 5/33(c)); and (2) proposing a civil penalty, if any (including a specific total dollar amount and the portion of that amount attributable to the respondent's economic benefit, if any, from delayed compliance), and supporting its position with facts and arguments that address any or all of the factors outlined in Section 42(h) of the Act.

The parties are directed to participate in a telephone status conference with the hearing officer at 3:30 p.m. on October 1, 2020. The status conference shall be initiated by the respondent.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Carol Webb". The signature is written in a cursive, slightly slanted style.

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Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/524-8509  
Carol.Webb@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on September 3, 2020 to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on September 3, 2020:

Don A. Brown  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601



Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
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Springfield, Illinois 62794-9274  
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[Carol.Webb@illinois.gov](mailto:Carol.Webb@illinois.gov)

@Consents to Electronic Service

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