

ILLINOIS POLLUTION CONTROL BOARD
August 22, 1991

OATHER DRUEN, EVELYN DRUEN,)
and AMY PITLE,)
)
Complainants,)
)
v.) PCB 91-128
) (Enforcement)
)
JAMES LEONARD,)
)
Respondent.)

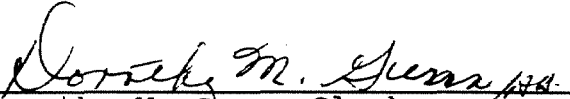
ORDER OF THE BOARD (by J. Anderson):

On July 25, 1991, Oather Druen, Evelyn Druen, and Amy Pirtle filed a formal noise complaint against Mr. James Leonard for the emission of excessive noise from his grain drying operations in violation of 35 Ill. Adm. Code 900.102. On July 31, 1991, Mr. Leonard filed a motion to dismiss the complaint. In support of his motion, Mr. Leonard states, in part, that 35 Ill. Adm. Code 901.107(c) exempts farm operations such as grain drying from the noise regulations at 35 Ill. Adm. Code 901.102 through 901.106.

Although 35 Ill. Adm. Code 901.107(c) exempts agricultural field machinery used during daytime hours from the numerical noise limitations of 35 Ill. Adm. Code 901.102 through 901.106, it does not exempt such machinery from the narrative noise provision of 35 Ill. Adm. Code 900.102. Accordingly, the Board denies Mr. Leonard's motion to dismiss, and this matter will be set for hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22nd day of August, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board