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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

JUN 11 2003

STATE OF ILLINOIS  
Pollution Control Board

Martin E. & Kathy L. Geber )  
 )  
 )  
 Complainants, )  
 )  
 v. )  
 )  
 Clayton Moushon )  
 12025 N. Knoxville )  
 Dunlap, Illinois 61525 )  
 )  
 Carri Scharf Trucking and Materials, Co. )  
 P.O. Box 305 )  
 Bloomington, Illinois 61702-0305 )  
 )  
 Respondents. )

PCB 03-96

PLEASE TAKE NOTICE THAT TODAY WE FILED WITH THE Clerk of the Illinois Pollution Control Board an amended complaint, a copy of which is served on you along with this notice. Section 103.204, Section 103.206. For the purpose of adding respondent parties. You may be required to attend a hearing on a date set by the Board.

AMMENDED COMPLAINT

1. We claim that the noise, and vibrations generated from the gravel operation adjacent to our residence is an enormous nuisance. It has severely disrupted the enjoyment of our home and our neighbors homes alike. We have witnessed minor structural damage to our home. We also feel the resale value of our home has been negatively effected. The property emitting the noise is owned by East Side Materials L.L.C., and operated by Carri Scharf Materials Co. We allege the respondents are in violation of Act 415 ILCS 5/24. Act 415 ILCS 5/25. 35Ill. Adm. Code 900.101. 35Ill. Adm. Code 900.102. 35Ill. Adm. Code 900.104.
2. We have been documenting the noise since the operation started in July of 2002. The noise typically awakens us between 6:00-6:30am and lasts until 5:00-6:00pm Monday thru Friday. On Saturday work typically starts at 6:00am and lasts until 12:00noon. Sunday work is not restricted, but we have rarely witnessed any substantial noises.
3. **The noise is constant with very few interruptions.** At times household items rattle in our home from the vibrations. We have documented noise from the various types of equipment used in the gravel operation. Examples of the most offensive noises are: Large wheel-loaders operating and loading semi-trucks, at times within 50 feet of our property. Track-type tractors and large off-road dump trucks operating in close proximity of our property. The gravel processing equipment {elevated and supported by steel structures) used to separate, clean, and crush the aggregate, the closest being located approximately 300 feet from our back door.

4. We feel it was very poor planning and judgement to place the main operation of the mining facility directly behind our home. We seek full compliance to Illinois Pollution Control Board Code. We see no suitable relief except for the expedient moving of the main operation to a more remote location.

Thank you for your time in this matter.

**'Notice to Respondent'**

**Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for the purposes of the proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. 35 Ill. Adm. Code 103.204(f).**

**PROOF OF SERVICE**

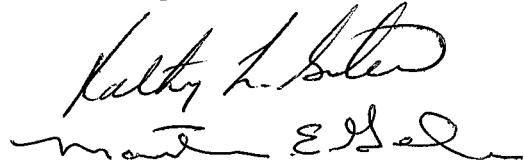
We the complainants, the undersigned states that the foregoing **AMMENDED COMPLAINT**, was served via certified mail to each of the following parties on this date of June 9<sup>th</sup>, 2003.

TO: Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, IL 62704

Carri Scharf Materials, Co.  
P.O. Box 305  
Bloomington, IL 61702-0305

Ms. Dorothy M. Gunn  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

East Side Materials, L.L.C.  
c/o Clayton W. Moushon  
12025 N. Knoxville  
Dunlap, IL 61525



Martin E. & Kathy L. Geber

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