

COPY

ILLINOIS POLLUTION CONTROL BOARD

**BONITA SAXBURY and
RICHARD SAXBURY,**)

Complainants,)

v.)

**ARCHER DANIELS MIDLAND
COMPANY, HULL, ILLINOIS
DIVISION,**)

Respondent.)

**PCB 04-79
(Citizens Enforcement-Noise)**

**RECEIVED
CLERK'S OFFICE**

SEP 03 2004

**STATE OF ILLINOIS
Pollution Control Board**

NOTICE OF FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board a Joint Motion for Site Visit, a copy of which is herewith served upon you.

August 31, 2004

Archer Daniels Midland Company

BY: *Lee R. Cunningham*

Corporate Environmental Counsel
Archer Daniels Midland Company
4666 Faries Parkway
Decatur, IL 62526
(217)451-4883

ILLINOIS POLLUTION CONTROL BOARD

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JOINT MOTION FOR SITE VISIT

Bonita and Richard Saxbury (the Saxburys) and Archer Daniels Midland Company (ADM) hereby request the Board to conduct a site visit to establish a more comprehensive record in this matter pursuant to 35 Ill. Adm. Code 101.632. In support thereof, the Saxburys and ADM state as follows:

1. This matter is a citizen's enforcement action brought by the Saxburys alleging that sounds emitted from the operation of bin dryer fans which ADM uses from time to time at its elevator located in Hull, Illinois, constitute a noise nuisance pursuant to 35 Ill. Adm. Code 901.102.

2. As the Board is well aware, noise nuisance actions are among the most, if not the most, difficult cases to decide when there is conflicting testimony regarding the unreasonableness of the noise, which the parties anticipate will be the case in this matter.

3. Both parties believe that if the Board were to actually hear the sounds emitted from the bin dryer fans it would be in a much better position to decide this matter than if it were to base its decision solely on the written hearing record.

4. The Saxburys have authorized me to represent to the Board that they have read this motion and that they join in it.

WHEREFORE, the parties jointly request the Board to conduct a site visit to ADM's elevator in Hull, Illinois, for the purpose of listening to the sounds emitted from the facility's bin dryer fans.

August 31, 2004

Archer Daniels Midland Company

BY: Lee R. Cunningham

Corporate Environmental Counsel
Archer Daniels Midland Company

#30994

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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Joint Motion for Site Visit, by

United States Mail, upon the following persons:

Bonita and Richard Saxbury
P.O. #3
260 W. Miller
Hull, IL 62343

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

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

August 31, 2004

Archer Daniels Midland Company

BY: Lee R. Cunningham

Corporate Environmental Counsel
Archer Daniels Midland Company
4666 Faries Parkway
Decatur, IL 62526
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