

August 13, 2007

Patricia Wallace
17235 Liberty School Road
Marion, Illinois 62959

Donald E. Grant
17712 Dean Road
Johnston City, Illinois 62951

Randy Grant
17235 Liberty School Road
Marion, Illinois 62959

ORIGINAL RECEIVED
CLERK'S OFFICE

AUG 15 2007

STATE OF ILLINOIS
Pollution Control Board

Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601

RE: Noise Pollution case #PCB2007-145
Response to letter dated 8-9-07

Dear Pollution Control Board,

Enclosed please find all of the United States Postal Services documents, from the mailing of the original complaint. All of the receipts and return receipt requested documents are enclosed for filing to our original complaint. The postal service lost the original green cards, so they have sent the computer copies and they are enclosed. These documents are to be attached to our complaint , Case # PCB 2007-145.

Thanking you in advance.

Your prompt attention in this matter will be greatly appreciated.

Sincerely,

Randy Grant
Donald Grant
Patricia Wallace

Randy Grant
Donald Grant
Patricia Wallace

Enclosures: Postal Service Documents
CC: Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
August 9, 2007

RANDY GRANT, DONALD GRANT, and)
PATRICIA WALLACE,)
)
Complainants,)
)
v.) PCB 07-145
) (Citizens Enforcement - Noise)
CLINE RESOURCE AND DEVELOPMENT)
COMPANY and MACH MINING LLC,)
)
Respondents.)

ORDER OF THE BOARD (by A.S. Moore):

On June 20, 2007, Randy Grant, Donald Grant, and Patricia Wallace (collectively, petitioners) filed a complaint (Comp.) against Cline Resource and Development Company (Cline) and Mach Mining LLC (Mach Mining) (collectively, respondents). See 415 ILCS 5/31(d) (2006); 35 Ill. Adm. Code 103.204. Petitioners allege that respondents violated Section 24 of the Environmental Protection Act (Act) (415 ILCS 5/24 (2006)) and Sections 900.102, 901.102(a), 901.102(b), and 901.106 of the Board's regulations (35 Ill. Adm. Code 900.102, 901.102(a), 901.102(b), and 901.106). Petitioners further allege that respondents violated these provisions in the operation of a coal mine, coal mine ventilation fan, and heavy equipment at Liberty School Road in Johnston City, Williamson County.

Section 31(d) of the Act allows any person to file a complaint with the Board. 415 ILCS 5/31(d) (2006). Section 31(d) further provides that "[u]nless the Board determines that such complaint is duplicative or frivolous, it shall schedule a hearing." *Id.*; see also 35 Ill. Adm. Code 103.212(a). A complaint is duplicative if it is "identical or substantially similar to one brought before the Board or another forum." 35 Ill. Adm. Code 101.202. A complaint is frivolous if it requests "relief that the Board does not have the authority to grant" or "fails to state a cause of action upon which the Board can grant relief." *Id.* Within 30 days after being served with a complaint, a respondent may file a motion alleging that the complaint is duplicative or frivolous. 35 Ill. Adm. Code 103.212(b). The Board has not received such a motion from either of the two respondents. However, for the reasons stated below, the Board today reserves ruling on whether petitioners' complaint is frivolous or duplicative.

The Board's procedural rules provide that "[p]roof of service of initial filings must be filed with the Board upon completion of service." 35 Ill. Adm. Code 101.304(b). The rules further provide that "[p]roof of proper service is the responsibility of the party filing and serving the document." 35 Ill. Adm. Code 101.304(d). With the complaint, petitioners filed a form certificate indicating that petitioners served Cline and Mach Mining by certified mail on an unspecified date. That form certificate directed petitioners to attach a copy of the certified mail

receipt, if available, or to file that receipt later with the Board's clerk. To date, the Board has not received proof that petitioners have served either respondent with a copy of the complaint.

Accordingly, the Board directs petitioners to file a certified mail receipt or other proof of service of the complaint on the respondents by Monday, September 10, 2007, which is the first business day after the 30th day from the date of this order. If petitioners fail to file proof of service on or before that date, the Board may dismiss this proceeding. *See* 35 Ill. Adm. Code 101.304(d).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 9, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board

USPS
 Marion, Illinois
 629599998
 2871440059 -0097
 (618)993-2933 09:06:07 AM
 06/18/2007

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	
Miscellaneous Purchases			\$1.20
AIC: 126			
Misc Rev - Other			
BECKLEY WV 25801 Zone-4			\$4.60
Priority Mail			
4.10 oz.			
Return Rcpt (Green Card)			\$2.15
Certified			\$2.65
Label #:	70053110000336144547		
Issue PVI:			=====
			\$9.40
MARION IL 62959 Zone-0			\$4.60
Priority Mail			
3.60 oz.			
Return Rcpt (Green Card)			\$2.15
Certified			\$2.65
Label #:	70053110000336144554		
Issue PVI:			=====
			\$9.40
CHICAGO IL 60601 Zone-3			\$4.90
Priority Mail			
1 lb. 6.80 oz.			
Return Rcpt (Green Card)			\$2.15
Certified			\$2.65
Label #:	70053110000336144530		
Issue PVI:			=====
			\$9.70

Total: \$29.70
 Paid by:
 Cash \$30.00
 Change Due: -\$0.30

Order stamps at USPS.com/shop or call
 1-800-Stamp24. Go to USPS.com/clicknship
 to print shipping labels with postage.
 For other information call 1-800-ASK-USPS.

Bill#: 1000303656770
 Clerk: 10

All sales final on stamps and postage.
 Refunds for guaranteed services only.
 Thank you for your business.

HELP US SERVE YOU BETTER

Go to: <http://gx.gallup.com/pos>

TELL US ABOUT YOUR RECENT
 POSTAL EXPERIENCE

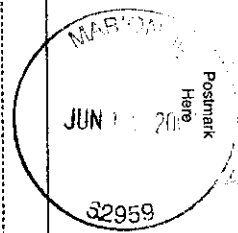
YOUR OPINION COUNTS

Customer Copy

CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

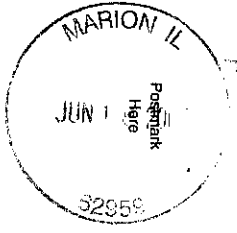


Sent to
 Mach Huring LLC
 Street, Apt. No. or PO Box No.
 11408 Liberty Sch Rd
 City, State, ZIP+4
 Marion IL 62959

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent to
 Clerk of the Board
 Street, Apt. No. or PO Box No.
 100 W. Randolph St. Suite 100
 City, State, ZIP+4
 Chicago IL 60601

Article Number
 (Transfer from service label)
 7554 479E E000 071E 5007

Domestic Return Receipt
 PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X *Pete Hendrick*

B. Received by (Printed Name) *Pete Hendrick*
 C. Date of Delivery *6-1-05*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

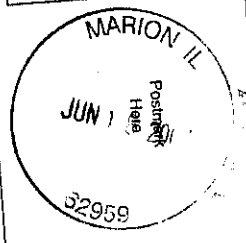
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Mach Huring LLC
 11408 Liberty Sch Rd
 Marion IL 62959
 Attn: Pete Hendrick

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent to
 Olive Resources Dev Co.
 Street, Apt. No. or PO Box No.
 130 Harper Blvd. A
 City, State, ZIP+4
 Buxley W. Virginia 25821

7005 3110 0003 3614 4547

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on _____, 20____,
I served the attached formal complaint and notice on the respondent by

certified mail (attach copy of receipt if available,
otherwise you must file receipt later with Clerk)

registered mail (attach copy of receipt if available,
otherwise you must file receipt later with Clerk)

messenger service (attach copy of receipt if available,
otherwise you must file receipt later with Clerk)

personal service (attach affidavit if available,
otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name Cline Resource + Dev Co.

Street 430 Harper Park Dr. Suite A

City, state, zip code Burkley, W. Virginia 25801
(list each respondent's name and address if multiple respondents)

Patricia Wallace
Complainant's signature

Street 17235 Liberty Seals Rd

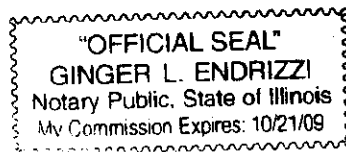
City, state, zip code Marion, IL 62959

Subscribed to and sworn before me

this 18 day

of June, 2007

Ginger L. Endrizzi
Notary Public



My commission expires: 10/21/09



Track/Confirm - Intranet Item Inquiry
Item Number: 7005 3110 0003 3614 4547

This item was delivered on 06/20/2007 at 11:33

Delivery Section	
Signature:	Signature: <i>Don Holcomb</i>
	Delivered to: <i>Don Holcomb</i>
Address:	City/State/Zip: <i>Don Holcomb</i>
	Address: <i>430 Harper Park</i>

Enter Request Type and Item Number:

Quick Search Extensive Search

[Explanation of Quick and Extensive Searches](#)

Version 1.0

Inquire on multiple items.

Go to the Product Tracking System Home Page.

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on June 18, 2007, I served the attached formal complaint and notice on the respondent by

certified mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

registered mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

messenger service (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

personal service (attach affidavit if available, otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name Clerk of the Board

Street 100 W. Randolph St. Suite 11-500

City, state, zip code Chicago, IL 60601
(list each respondent's name and address if multiple respondents)

Peterson Wallace
Complainant's signature

Street 17235 Liberty School Rd.

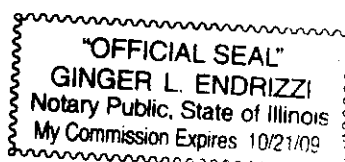
City, state, zip code Mason, IL 62959

Subscribed to and sworn before me

this 18 day

of June, 2007

Ginger Endrizzi
Notary Public



My commission expires: 10/21/09



Track/Confirm - Intranet Item Inquiry
Item Number: 7005 3110 0003 3216 4730

This item was delivered on 06/20/2007 at 12:22

	Delivery Section
Signature:	 J. THERIAULT
Address:	100 W Randolph 11500

Enter Request Type and Item Number:

Quick Search

Extensive Search

[Explanation of Quick and Extensive Searches](#)

Version 1.0

Inquire on multiple items.

[Go to the Product Tracking System Home Page.](#)

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on _____, 20____,
I served the attached formal complaint and notice on the respondent by

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otherwise you must file receipt later with Clerk)

registered mail (attach copy of receipt if available,
otherwise you must file receipt later with Clerk)

messenger service (attach copy of receipt if available,
otherwise you must file receipt later with Clerk)

personal service (attach affidavit if available,
otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name Mach Mining LLC

Street 11468 Liberty Sch Rd

City, state, zip code Marion, IL 62959
(list each respondent's name and address if multiple respondents)

Patricia Wallace
Complainant's signature

Street 17235 Liberty Sch Rd

City, state, zip code Marion, IL 62959

Subscribed to and sworn before me

this 18 day

of June, 2007

Ginger L. Endrizzi
Notary Public

My commission expires: 10/21/09

