

ILLINOIS POLLUTION CONTROL BOARD
April 17, 2014

MAURICE WHISENHUNT,)
)
 Complainant,)
)
 v.) PCB 14-34
) (Citizens Enforcement - Noise)
 JEFF MOORE,)
)
 Respondent.)

ORDER OF THE BOARD (by C.K. Zalewski):

On November 4, 2013, Maurice Whisenhunt (complainant) filed a *pro se* complaint (Comp.) against Jeff Moore (respondent). Complainant complained of noise pollution from two grain bins with dryers located east of complainant's property at 16147 East Saddle Club Road, Bonnie, Jefferson County. On December 9, 2013, respondent, through his attorney, filed an answer to the complaint.

In an order dated January 9, 2014, the Board found the complaint failed "to state a cause of action upon which the Board can grant relief" and was therefore frivolous. Specifically the complaint alleges a section of the Environmental Protection Act (415 ILCS 5 (2012)) (Act) that contains a legislative declaration that cannot be violated 35 Ill. Adm. Code 101.202; Maurice Whisenhunt v. Jeff Moore, PCB 14-34, slip op. at 2 (January 9, 2014). In the same order, the Board allowed respondent to file an amended complaint alleging a violation of another section of the Act. The Board stated, "[a]ny such amended complaint must be filed by February 10, 2014 . . . Failure to file an amended complaint before that date will subject this case to dismissal." *Id.*

To date, complainant has not filed an amended complaint. Accordingly, the Board dismisses this case and closes the docket. If complainant wishes, he may file a new complaint, which would be treated as a new case and assigned a new docket number.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 17, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board