

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MR. GRIFFIN, Petitioner, v. **Knight Hawk Coal LLC**, Respondent.

PCB 2026-042 (Enforcement - Noise, Citizens)

PETITIONER'S MOTION FOR LEAVE TO FILE A RESPONSE OUT OF TIME

Now comes the Petitioner, Mr. Griffin, and respectfully requests leave from the Board to file the attached Response in Opposition to Respondent's Motion to Dismiss out of time. In support, Petitioner states:

1. Respondent served a Motion to Strike or Dismiss on April 13, 2026.
2. Petitioner is representing himself *pro se* and has been experiencing severe, ongoing physical fatigue and health complications directly resulting from the continuous sleep deprivation caused by the 2,500 horsepower industrial fan at issue.
3. No party will be prejudiced by allowing this response, as the Board has not yet ruled on the underlying motion, and a timeline has not been set.

Wherefore, Petitioner respectfully requests that the Board grant this Motion and accept the attached Response for consideration.

Date: June 18, 2026

Signature: _____ Michael and Angela Griffin

PETITIONER'S RESPONSE IN OPPOSITION TO RESPONDENT'S MOTION TO STRIKE OR DISMISS

Now comes the Petitioner, Mr. Griffin, representing himself *pro se*, and respectfully submits this Response in Opposition to Respondent's Motion to Strike or Dismiss. In support thereof, Petitioner states as follows:

I. INTRODUCTION & STANDARD OF REVIEW

1. Petitioner filed this citizen's enforcement action regarding an ongoing, severe noise pollution crisis caused by Respondent's newly installed 2,500 horsepower industrial axial ventilation fan, which sits immediately adjacent to Petitioner's residential property in Perry County, Illinois.
2. Respondent has filed a Motion to Strike or Dismiss, attempting to avoid a public hearing on the merits.
3. Under long-standing Board precedent and the Illinois Environmental Protection Act, a citizen complaint can only be dismissed prior to a hearing if it is determined to be either "duplicitous" or "frivolous" (35 Ill. Adm. Code 103.212).
4. The Board consistently holds that *pro se* complaints must be liberally construed. Because Petitioner's complaint clearly alleges a severe, ongoing violation of state noise limits that completely disrupts the baseline enjoyment of life and health, it is neither duplicitous nor frivolous, and Respondent's motion must be denied.

II. ARGUMENT

A. The Complaint Explicitly States a Valid Claim Under 415 ILCS 5/24

5. Section 24 of the Illinois Environmental Protection Act explicitly states: "*No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity.*"
6. Petitioner's property line sits in immediate proximity to Respondent's massive 2,500 HP axial fan. The unmitigated acoustic energy from this unit produces a continuous, high-frequency "blade-pass frequency" whine that penetrates the walls of Petitioner's home, rendering the primary bedroom completely unlivable.
7. Sleep deprivation is an established, active hazard to human health. By forcing Petitioner to endure an environment where sleep is impossible, Respondent is causing a direct, severe, and unreasonable interference with Petitioner's enjoyment of life, a textbook violation of **415 ILCS 5/24**.

B. Respondent's Acoustic Emissions Flagrantly Violate Nighttime Numeric Limits

8. Under the Illinois Administrative Code (*Title 35, Subtitle H, Chapter I*), the state mandates strict octave-band decibel limits for sound transiting from an industrial property (Class C land) to a residential property (Class A land).
9. These state regulations become significantly more restrictive during nighttime hours between **10:00 PM and 7:00 AM**, recognizing a citizen's fundamental right to rest.
10. The unique aerodynamic design of a 2,500 HP axial fan concentrates intense sound power into a piercing high-frequency band. This continuous nighttime scream clearly breaches the permissible state octave-band thresholds at Petitioner's property line.

C. The Complaint Requests Standard, Readily Achievable Remedial Relief

11. Respondent's motion implies that the complaint fails to state a claim for which relief can be granted. This is false.
12. Petitioner does not seek to permanently halt essential mining operations. Rather, Petitioner seeks standard, widely accepted industrial mitigation measures.
13. Specifically, industrial axial fans of this magnitude can be retrofitted with inline cylindrical sound silencers, discharge attenuators, or acoustic shrouds. Alternatively, operations can be restricted or throttled during the state's strict 10:00 PM to 7:00 AM nighttime window until proper sound dampening infrastructure is constructed. These are highly specific, standard remedies that the Board has full authority to order.

III. CONCLUSION & PRAYER FOR RELIEF

Wherefore, the administrative delays in this matter are actively multiplying an ongoing health crisis of sleep deprivation for the Petitioner. Petitioner respectfully requests that the Illinois Pollution Control Board:

- **DENY** Respondent's Motion to Strike or Dismiss in its entirety;
- **ORDER** Respondent to file its formal Answer to the complaint within 14 days; and
- **SET** an expedited timeline for a formal public hearing so this matter can be resolved on its true merits.

Respectfully submitted,

Dated: June 18, 2026

By: _____

Mr. and Mrs Griffin, Petitioner Pro Se

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