

COPY

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Bonita and Richard Saxbury,
Complainants,

v.

Archer Daniels Midland Company
(Hull Elevator),
Respondent.

PCB 04-79

(Citizens Enforcement – Noise)

RECEIVED

CLERK'S OFFICE

DEC 26 2003

STATE OF ILLINOIS

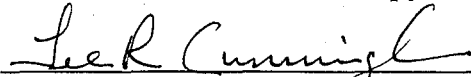
Pollution Control Board

NOTICE OF FILING

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

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

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the APPEARANCE and ANSWER OF ARCHER DANIELS MIDLAND COMPANY, a copy of which is herewith served upon you.



Lee R. Cunningham

December 23, 2003
Lee R. Cunningham
Archer Daniels Midland Company
4666 Faries Parkway
Decatur, IL 62526
(217)451-4883

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STATE OF ILLINOIS
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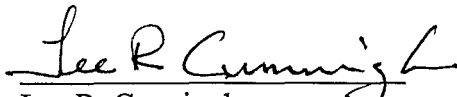
v.

Archer Daniels Midland Company
(Hull Elevator),
Respondent.

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APPEARANCE

I hereby file my appearance in this proceeding, on behalf of Archer Daniels
Midland Company.


Lee R. Cunningham

Corporate Environmental Counsel
Archer Daniels Midland Company
4666 Faries Parkway, P.O. Box 1470
Decatur, IL 62526
Telephone Number: 217-451-4883
Fax Number: 217-451-4181
Email Address: Cunningham@admworld.com

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

DEC 26 2003

Bonita and Richard Saxbury,
Complainants,

STATE OF ILLINOIS
Pollution Control Board

v.

PCB 04-79
(Citizens Enforcement – Noise)

Archer Daniels Midland Company
(Hull Elevator),
Respondent.

ANSWER OF ARCHER DANIELS MIDLAND COMPANY

The Respondent in this matter, Archer Daniels Midland Company (ADM), through its attorney, Lee R. Cunningham, hereby answers the Complaint in this matter which was filed on or about November 4, 2003, as follows:

1. ADM admits that this Complaint was filed by Bonita and Richard Saxbury at P.O. #3 – 260 W. Miller Street 62343; Phone: 217-432-5738.
2. ADM admits that the Complainants can be contacted during normal business hours at that address.
3. ADM admits that its address is 4666 Faries Parkway, P.O. Box 1470, Decatur, IL 62526, but in so admitting, notes that Complainants failed to include the P.O. Box number in their complaint.
4. ADM admits that the Complainants allege that a grain elevator is causing or allowing pollution, but denies that ADM is causing or allowing noise pollution at the grain elevator it owns and operates in Hull, Illinois.

5. ADM admits that Complainants allege violations of Section 24 of the Illinois Environmental Protection Act (415 ILCS 5/1, *et seq.*) and 35 Ill. Adm. Code 900.102, but denies that ADM committed such violations.
6. ADM admits that sounds, some of which may be high pitched at times, are caused by its operation of the Hull elevator, but denies that such sounds are loud, shrill or constant and further denies that such sounds constitute noise pollution.
7. ADM admits that certain pieces of machinery at the elevator cause sounds when operated, but denies that such sounds constitute noise pollution.
8. ADM does not have sufficient knowledge to state what, if any, impact the sounds caused by its operations have had on Complainants, but ADM denies that the sounds caused by its operation of the Hull elevator would affect a normal person's physical or psychological health or cause stress, headaches, hearing loss, fatigue or irritability.
9. ADM admits that the Complainants have requested the Board to order ADM to stop the noise pollution and pay a monetary penalty, but ADM denies that its operation of the Hull elevator causes pollution and, therefore, denies that any such order or penalty is appropriate.
10. ADM admits that no one other than the Complainants has filed suit or even complained about noise pollution at the Hull elevator, but ADM denies, based upon a reasonable inquiry of ADM personnel who may have spoken to the Complainants about the sounds emanating from the elevator, that it has told Complainants that they "are the only residence that the noise is hitting head

on.” In further answer, ADM states that there are four residences located closer to the elevator property than that of Complainants.

11. ADM admits that Complainants are the sole owners of the property and that they are not attorneys.

WHEREFORE, the Respondent Archer Daniels Midland Company denies that Complainants are entitled to the relief for which they pray, or any relief whatsoever.

December 22, 2003

Archer Daniels Midland Company

BY: Lee R. Cunningham

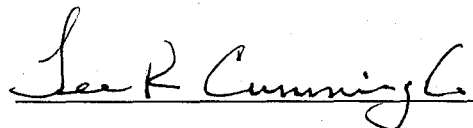
Corporate Environmental Counsel
Archer Daniels Midland Company

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached APPEARANCE and ANSWER OF ARCHER DANIELS MIDLAND COMPANY, by Certified Mail upon the following persons:

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

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

A handwritten signature in dark ink, reading "Lee R. Cunningham", is written over a horizontal line.

Lee R. Cunningham
Corporate Environmental Counsel
Archer Daniels Midland Company
4666 Faries Parkway, P.O. Box 1470
Decatur, IL 62526