

ILLINOIS POLLUTION CONTROL BOARD

October 7, 2004

BONITA SAXBURY and RICHARD SAXBURY,)	
)	
)	
Complainants,)	
)	
v.)	PCB 04-79
)	(Citizens Enforcement - Noise)
ARCHER DANIELS MIDLAND, HULL, ILLINOIS DIVISION,)	
)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

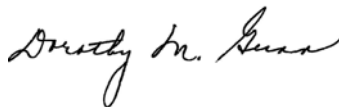
On November 6, 2003, Bonita Saxbury and Richard Saxbury (Saxburys) filed a complaint against Archer Daniels Midland, Hull, Illinois Division (ADM) alleging that ADM violated the Environmental Protection Act (Act) (415 ILCS 24 (2002)) as well as 35 Ill. Adm. Code 900.102 by emitting noise at a grain elevator located in Hull, Pike County.

A hearing in this matter is scheduled for October 6, 2004. On September 3, 2004, the parties filed a joint motion for site visit. In the motion, the parties request the Board to conduct a site visit in order to establish a more comprehensive record in this matter as provided for in 35 Ill. Adm. Code 101.632. Mot. at 1. In the motion, the parties assert that they believe that actually hearing the sounds emitted from bin dryer fans at the facility would place the Board in a much better position to decide this matter than if the Board were to base its decision solely on the written record. *Id.*

Section 101.632 of the Board's procedural rules provides, *inter alia*, that the Board may conduct a site visit to establish a more comprehensive record. 35 Ill. Adm. Code 101.632. The Board's decision in this matter is discretionary. At this time, the Board cannot properly determine whether a site visit would assist it in establishing a more comprehensive record. Accordingly, the Board will reserve ruling on the motion until after the record has been fully developed at hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 7, 2004, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board