ILLINOIS POLLUTION CONTROL BOARD January 4 , 1979

ENVIRONMENTAL PROTE	CTION AGENCY,)		
	Complainant,)		
V.)	PCB 7	8-43
DALE F. STRALEY,)		
	Respondent,)		

MR. DOUGLAS P. KARP, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. FRED L. WHAM, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a complaint filed on February 10, 1978 by the Environmental Protection Agency (Agency). The complaint alleges that Respondent has owned and operated a grain drying facility in the Village of Winnebago, Winnebago County, Illinois in violation of Rules 102 and 202 of the Chapter 8: Noise Pollution Regulations (Regulations). A hearing was held on November 3, 1978 at which time a stipulation and proposal for settlement was presented for the Board's acceptance. No interested public testified.

The stipulation provides that Respondent does own the grain drying operation in question. The facility operates approximately two months a year principally in the fall while the aeration fans operate intermittently for a period ranging from 6 to 8 months. The dryer operates from 6:00 a.m. to 10:00 p.m. and the aeration fans may run for 24-hour periods or longer. The facility is adjoined by land used as residential property. Respondent's facility constitues a property-line-noise-source located as a Class C land use. The main sources of the sound emitted from the facility are an M-C grain dryer and two aeration fans.

The parties stipulate that on November 4, 1976, June 9, 1977, October 13, 1977 and August 23, 1978 Respondent caused or allowed noise emissions in violation of Rule 202 of the Regulations. The Agency further asserts that if a hearing were held testimony would be given to show that sound emitted from Respondent's property caused interference with sleep, rest and relaxation, conversation and general use and enjoyment of

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property, therefore placing Respondent in violation of Rule 102 of the Regulations. Respondent does not refute these statements.

Respondent has cooperated in attempts to curb the sound. Between June 9, 1977 and October 13, 1977 Respondent installed plywood baffles near the grain dryer and around the gear box. Silencers were installed on each of the fans on August 23, 1978. However, these efforts were not enough to resolve the noise problems. Respondent between August 23, 1978 and August 28, 1978 replaced one of the belt driven fans with a direct drive fan and a silencer. Tests on this fan revealed no further violations.

The Agency contends that sound emissions can be reduced to a reasonable level at the facility through the application of known and readily available technology which would require only a reasonable expenditure. The parties believe the stipulated compliance program and schedule will bring the facility into compliance. The compliance plan includes a noise barrier around the holding bins, silencers on the aeration fan, and noise barriers around the aeration fans. All modifications must meet certain specifications and requirements. The Agency will test the results of the modifications and further work may be required. The Respondent has further agreed to pay a penalty of \$350.

The Board finds this stipulated agreement acceptable under Procedural Rule 331, and Section 33(c) of the Environmental Protection Act. The Board finds Respondent in violation of Rules 102 and 202 of the Regulations. A penalty of \$350 will be assessed. Respondent will be required to complete the stipulated compliance plan.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that:

- 1. Dale F. Straley is found in violation of Rules 102 and 202 of the Chapter 8: Noise Pollution Regulations.
- Respondent shall comply with all the stipulated settlement incorporated by reference as if completely set forth herein.

3. Respondent shall pay a penalty of \$350 within 35 days of this Order. Payment shall be by certified check or money order payable to:

State of Illinois Fiscal Services Division Environmental Protection Agency 2200 Churchill Road Springfield, Illinois 62706

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the day of the control by a vote of 4-5.

Christan L. Moffety/Clerk
Illinois Pollution Control Board