

ILLINOIS POLLUTION CONTROL BOARD
May 13, 1982

COUNTY OF PEORIA, A Body Politic)
and Corporate,)
)
Complainant,)
)
v.) PCB 80-38
)
BACON'S FARM LTD., and JOELL ALLEN,)
Manager, Second Chance; and STEVE)
CORICH, Manager, Second Chance, d/b/a)
"Second Chance,")
)
Respondents.)

ORDER OF THE BOARD (by Jacob D. Dumelle):

On February 4, 1982 the Board ordered the County of Peoria (County) and the Respondents (Second Chance) to provide to each other, to the Illinois Environmental Protection Agency (Agency) and to the Board within 14 days of the date of that Order, all further information not previously submitted concerning noise tests conducted at the lounge. Thirty-one days thereafter, the County and Second Chance were to comment regarding the present status of compliance and upon what penalty, if any, should be assessed. By Order of March 4, 1982, these dates were extended for fourteen days as requested by Second Chance.

On February 15, 1982 and March 24, 1982 the County complied with these two Orders. As of the date of this Order, Second Chance has complied with neither.

The County's February 15 submission includes Agency noise test results from October 8, 1980 which indicate noise violations at a date after which Second Chance's remedial measures had been completed. According to the County's latest submission, citizens have continued to complain about the noise levels.

The Board has been more than patient in this matter and must now reach a final disposition of this matter.

The County makes several recommendations as to abatement work including insulation of the roof and a noise monitoring and control system. The County also recommends "a substantial fine." The Board will follow its recommendation in part.

The Board will order Second Chance to insulate the roof of the lounge since that was recommended by its own consultant if further measures were to become necessary and because the roof is now, apparently, the predominant source of noise. That alone may remedy the problem. For that reason and since the Board has doubts as to whether the recommended noise monitoring and control system would be workable, the Board will not impose such a system upon Second Chance. The Board will, however, order that Second Chance cease and desist from noise violations from its lounge. Finally, the Board will impose a penalty to encourage Second Chance to become a more responsible neighbor and to follow applicable Board regulations and orders.

It is hereby ordered that:

1. Second Chance shall, within 45 days of the date of this Order, pay a penalty of \$1,000 by certified check or money order payable to the State of Illinois, to be sent to:

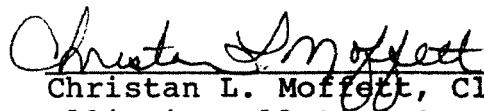
Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

Respondents shall be jointly and severally liable for this penalty.

2. Second Chance shall, within 90 days of the date of this Order, insulate the roof area of the subject facility so as to reduce noise emissions in accordance with the Thompson Electronics Company report which was done for the facility.
3. Within 90 days of the date of this Order Second Chance shall cease and desist from violations of Rules 102, 203 and 207 of Chapter 8: Noise Pollution, and Section 24 of the Environmental Protection Act.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 13th day of May, 1982 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board