

ILLINOIS POLLUTION CONTROL BOARD  
March 29, 1979

JOHN M. BOAST, INC., )  
 )  
 ) Petitioner, )  
 ) )  
 ) v. ) PCB 78-181  
 ) )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 ) )  
 ) Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On July 6, 1978, John M. Boast, Inc. (Boast) an Iowa Corporation, filed its Petition for Variance before the Board requesting relief from the Board's rules and regulations, Chapter 8, Noise Regulations, Rules 203, 206, and 207. No hearing has been held in this matter, and the Board has received no public comments.

The subject of this Petition is Boast's wood pallet recycling facility located in the City of Champaign, Champaign County, Illinois. The facility has an annual payroll of \$500,000 and employs 18 workers, most of whom are unskilled laborers residing in the neighborhood. The area surrounding the facility is a mixed residential commercial area. During the pallet recycling procedure, a number of sources in the process create various types of noise which result in violation of the allowable db(A) sound levels. In its original recommendation, the Illinois Environmental Protection Agency (Agency) stated that it had made efforts to ascertain the views of persons in the area who might be affected by the proposed variance and found reactions to be mixed. On March 16, 1979, the Agency requested leave to withdraw its recommendation previously filed and requested the Board's leave to substitute in its place the stipulation and proposal for settlement filed in a companion enforcement case, PCB 78-170 which was attached to the motion. In addition, the Agency withdrew its request for hearing and indicated that interested members of the public have commented on the compliance plan at the hearing in the aforementioned enforcement action. The Board hereby grants the Agency motion to withdraw its recommendation and cancel the hearing. The Board will consider the Stipulation and Proposal for Settlement filed in PCB 78-170 in its deliberations in this case.

The Stipulation and Proposal for Settlement (Stipulation) indicates that the Agency filed a complaint before the Board in PCB 78-170 alleging certain violations of the Board's Noise Regulations. In the Stipulation Boast admits that it has emitted noise from its pallet manufacturing in excess of the emissions allowed by Noise Rules 203, 206 and 207. As a result of discussions between the parties, there was agreement that the interests of the public and the parties would be best served by resolution of the proceeding without further litigation and under the terms and conditions of the proposed stipulation.

In the proposed settlement, Boast agrees that within 30 days of the Board Order approving the settlement proposal the company execute a repair and work rules program designed to diminish sound emissions from the plant, particularly after 10:00 p.m. By May 15, 1979, Boast proposes to install sound baffling and automatic door openers in the main building, an 8' high wood barrier on the north boundary of the property, coverings between the building and trucks being unloaded, and governors on the motors of the fork-lifts used at the facility. By May 15, 1980 Boast proposes to seal the main building and to install an operative ventilation system approved by the Agency.

The Board accepts the Stipulation as the Agency's amended recommendation and agrees that the proposed compliance plan is reasonable and will adequately protect the public. The Board finds it would be an arbitrary and unreasonable hardship on Boast to deny the variance and will therefore grant Boast variance from Rules 203, 206 and 207 of the Board's Noise Regulations until July 1, 1980, under certain conditions.

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

#### ORDER

It is the Order of the Pollution Control Board that John M. Boast, Inc. be granted variance from Rules 203, 206 and 207 of the Board's Noise Regulations for its facility located in Champaign, Illinois until July 1, 1980 under the following conditions:

- (A) John M. Boast, Inc. shall execute the compliance program set forth in paragraphs 9, 10, 11 and 12 of the settlement agreement filed in PCB 78-170 and included herein as the Environmental Protection Agency's amended recommendation except: any extension of the term of this variance shall be by grant of variance by this Board only.

- (B) Within 45 days of the adoption of this Order, John Boast, Inc. shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

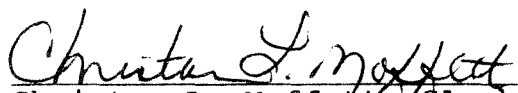
I (We), \_\_\_\_\_, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-181, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 29<sup>th</sup> day of March, 1979 by a vote of 5-0.

  
 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board