

ILLINOIS POLLUTION CONTROL BOARD
August 23, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-170
)
 JOHN M. BOAST, INC.,)
 an Iowa corporation,)
)
 Respondent.)

MS. ANNE MARKEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT;
MR. ROBERT W. DODD, DODD, STOUT, TOWNSEND, MARTINKUS AND COLE, APPEARED ON BEHALF OF RESPONDENT.

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

This enforcement action was filed before the Board on June 14, 1978 by the Illinois Environmental Protection Agency (Agency) alleging violation of Rules 102, 203, 206 and 207 of the Pollution Control Board Rules and Regulations, Chapter 8: Noise Regulations, and of Section 24 of the Environmental Protection Act (Act) by John M. Boast, Inc. (Boast). On July 5, 1978, Boast requested a variance from Rules 203, 206 and 207, and a hearing was held on October 12, 1978. At the hearing, the Agency and Boast presented a proposed settlement agreement and submitted written, narrative testimony in lieu of a stipulation of facts. The parties responded to public testimony regarding both the settlement agreement and Boast's past violations. On March 14, 1979 a Stipulation and Proposal for Settlement (Stipulation) was filed before the Board. On March 16, 1979 the Board granted the Agency leave to withdraw its recommendation in the variance action and to substitute for it the Stipulation. The Board granted the variance on March 29, 1979, under docket number PCB 78-181.

Boast stipulates that its wooden pallet manufacturing plant in Champaign, Illinois, has emitted noise from its facility in violation of Rules 102, 203, 206 and 207 of the Board's Noise Regulations. The written testimony filed at the hearing states that Agency employee Dorothy L. Jones recorded these violations on May 24, 1978. The parties agree that the interests of the public and of the parties would best be served by resolving the matter without further litigation.

Boast proposes to, within 30 days of the Board's approval of the Stipulation, develop a repair and work rules program designed to diminish, particularly after 10:00 p.m., sound emissions from the plant. Boast proposes to install sound baffling and automatic overhead door openers in the main building on or before May 15, 1979. Boast also proposes to install the following: 1) an eight-foot-high wooden barrier along the north boundary of its property; 2) covers to extend from the building's wall to the trailer doors of trucks at the dock; and 3) governors on the motors of its fork lifts. Boast proposes to seal the main building and to install an Agency-approved ventilation system by May 15, 1980.

The Board hereby accepts the Stipulation as filed on March 14, 1979. The Board finds Boast in violation of Rules 102, 203, 206 and 207. Considering the injury to the health and welfare of nearby residents, the social and economic value of Boast and the reasonableness of the emissions, the Board finds that the stipulated penalty of \$500 is necessary to ensure enforcement of the Act.

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:

- 1) Respondent John M. Boast, Inc. has violated Rules 102, 203, 206 and 207 of the Illinois Pollution Control Board Rules and Regulations, Chapter 8: Noise Regulations.
- 2) John M. Boast, Inc. execute the program set forth in paragraphs 9, 10, 11 and 12 of the Stipulation and Proposal for Settlement, filed March 14, 1979, which Stipulation is hereby incorporated by reference as if fully set forth herein.
- 3) Within 30 days of the date of this Order, the Respondent, John M. Boast, Inc., shall pay by certified check or money order a penalty of \$500 to be sent to:

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

Dr. Satchell abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 23RD day of August, 1979 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board