

ILLINOIS POLLUTION CONTROL BOARD
June 30, 1988

CITIZENS OF BURBANK,)
)
 Complainants,)
)
 v.) PCB 84-124
)
 OVERNITE TRANSPORTATION COMPANY,)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

This matter is before the Board on the May 26, 1988 Motion for Reconsideration or Request for Hearing of Overnite Transportation Company (hereinafter "Overnite"), as supplemented June 13, 1988. That motion seeks reconsideration of the Board's April 21, 1988 Opinion and Order requiring Overnite to complete two phases of noise emissions mitigation measures recommended in the June 16, 1986 and July 3, 1986 reports by ETA, Inc., a consulting firm retained by Overnite. By its June 16, 1988 Order, the Board granted 30 days for the Citizens of Burbank (hereinafter "Citizens") to respond to Overnite's motion. The Citizens responded by a letter dated June 27, 1988, received by the Board June 29, and copied to Overnite's attorney. In addition, on June 30, 1988, the Board received another citizen objection to reconsideration. The Board proceeds to deny both reconsideration and additional hearings.

As stated by the Board in its June 16 Order, Overnite fails to provide any additional information not previously considered by this Board. Contrary to Overnite's assertions, the Board did not require "additional noise reduction procedures" by its April 21, 1988 Opinion and Order. Rather, that order merely required Overnite to adopt the recommendations of its consulting engineers, ETA, Inc., as originally mandated by the Board's January 8, 1987 Interim Order.

The Citizens' response to this motion indicates that Overnite's emissions are not adequately mitigated with only partial compliance with the January 8, 1987 and April 21, 1988 Board orders. The response also implies that Overnite's partial compliance efforts may have deteriorated since the time of the September 17, 1987 amended final report.

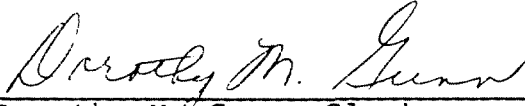
It is sufficient for the purposes of this present proceeding that Overnite comply with the Board's January 8, 1987 Interim Order and April 21, 1988 Opinion, and that Overnite adopt the September 17, 1987 noise mitigation recommendations of its

consultants, ETA, Inc. The Motion for Reconsideration or Request for Hearing is hereby denied.

IT IS SO ORDERED

Board Members J. Theodore Meyer and J. Anderson dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 30th day of June, 1988, by a vote of 5-2.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board