

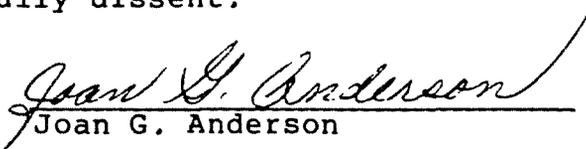
ILLINOIS POLLUTION CONTROL BOARD
July 5, 1988

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

DISSENTING OPINION (by J. Anderson and J. T. Meyer):

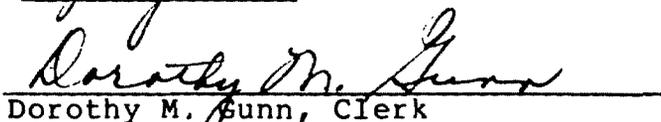
We feel that at least the Respondent's request for hearing should have been granted. The Board on its own initiative provided extra time for the Citizens to respond to the respondent's May 26 motion. In the Citizen's response received June 29, 1988, they assert that the wall that was constructed is unacceptable in that it's "only acting like a blindfold" and that the noise "is still there as loud as ever." The letter goes on to assert unsworn new facts which the Respondent has no opportunity to challenge. The one thing that both parties appear to agree on now is that an extra 50 feet of perimeter wall will not provide effective further relief. We believe it would have been more fair to have allowed this issue to be aired and clarified at hearing. Otherwise, the Board appears to be arbitrarily sticking to a portion of a noise reduction strategy earlier proposed by Overnite that now may be useless, thus costing Overnite money and yet potentially providing no further remedy whatsoever to the Citizens.

Therefore, we respectfully dissent.


Joan G. Anderson


J. T. Meyer

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 5th day of July, 1988.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board