

ILLINOIS POLLUTION CONTROL BOARD
March 8, 1991

TONY F. MARTIN and)
PATRICIA R. MARTIN,)
)
Complainants,)
)
v.) PCB 89-179
) (Enforcement)
OAK VALLEY WOOD)
PRODUCTS,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board on a complaint filed on November 6, 1989 by complainants Tony and Patricia Martin pursuant to Section 31(b) of the Environmental Protection Act (Act) against respondent Oak Valley Wood Products (Oak Valley). (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1031(b).) The complaint alleges that Oak Valley has operated its furniture manufacturing plant in such a way as to violate Sections 23 and 24 of the Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1023 and 1024) and 35 Ill. Adm. Code 900.102 of the Board's regulations regarding noise pollution.

Hearing was held on this matter on April 6, 1990 in Olney, Richland County, Illinois. At the hearing, the parties submitted read into the record an unexecuted stipulation and settlement agreement. On October 22, 1990, the parties filed an executed stipulation and settlement agreement and an addendum to stipulation.

The agreement and addendum provides that Oak Valley will pursue various measures to abate the noise, such as installation of drywall and fiberglass, and will abide by restrictions on when the plant doors must remain closed. The agreement and addendum also sets forth a compliance schedule for certain actions. The Martins did not request the imposition of any penalty and the agreement and addendum does not impose any such penalty.

The Board finds the stipulation and settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

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

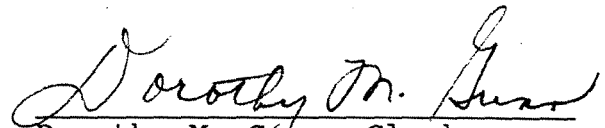
ORDER

1. The Board hereby accepts the Stipulation and Settlement Agreement and Addendum executed by the Tony and Patricia Martin and Oak Valley Wood Products concerning Oak Valley's operations at its Olney, Illinois facility. The Stipulation and Settlement Agreement and Addendum are attached and incorporated by reference as though fully set forth herein.
2. Oak Valley shall comply with all provisions set forth in the Stipulation and Settlement Agreement and Addendum.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch 111 1/2, par. 1041) provides for the appeal of final Board Orders within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8th day of March, 1991 by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board