

ILLINOIS POLLUTION CONTROL BOARD  
April 21, 1988

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

OPINION AND ORDER OF THE BOARD (by B. Forcade):

On August 1, 1985, the Board entered an Interim Opinion and Order in this matter which found that Overnite Transportation Company ("Overnite") had violated 35 Ill. Adm. Code 900.102 and 201.141, as well as Sections 9 and 24 of the Illinois Environmental Protection Act ("Act"). That Opinion and Order found unreasonable noise emissions and unreasonable odor emissions from Overnite's facility and found that those emissions constituted a substantial interference with enjoyment of life for complianants. After making this finding of a noise and odor public nuisance violation, the Board retained jurisdiction and ordered Overnite to prepare and submit a report on the methods, cost and timing of pollution reduction options. Overnite filed reports compiled by a contracted engineering firm, ETA, Inc., on June 16, 1986, and July 3, 1986. Citizens of Burbank ("Citizens") filed collective comments regarding the report on July 28, 1986. On January 7, 1987, Overnite filed a response to the complainants' comments.

By its January 8, 1987 Interim Order, this Board mandated that Overnite undertake certain actions to reduce its noise emissions to below complaint levels and its odor emissions to eliminate their nuisance. This order required Overnite to construct a 12-foot high wall along its southern and portions of its eastern or western boundaries and to reduce the engine RPM of its yard tractor for noise reduction. It left certain details of the wall construction to Overnite's discretion. The order required Overnite to reduce its odor emissions by reducing the number of trucks sitting at idle within its facility. Overnite was to permit only one truck at any time to await refueling, and it was to assure that its drivers did not start their vehicles until after they had first acquired their schedules and paperwork. Overnite was to file a final report with this Board no later than September 1, 1987 explaining the changes completed and results achieved. The Board retained jurisdiction pending final disposition. These requirements were based on the recommendations contained in a study contracted by Overnite and submitted to the Board June 16 and July 3, 1986.

Overnite requested an extension of time to construct the noise barrier, which this Board granted until July 1, 1987 by its June 10, 1987 Order. The Citizens complained by a letter dated June 29, 1987 that they felt the newly constructed wooden barrier was ineffective in its purpose.

Overnite submitted its final report to this Board on September 1, 1987 and its amended final report on September 17, 1987. Overnite reports having reduced the engine speed of its yard tractor, erected the primary noise barrier along its southern perimeter, erected a secondary noise barrier on the sides of its truck fueling area, restricted traffic and vehicular activities near the southern end of its facility, revised its public address system, and instituted a program of employee training to reduce its noise emissions. Part of the noise barrier along the southern boundary is a pre-existing structure of nearly the same height as the erected barrier. The erected barrier is of wood. Overnite claims to have expended about \$48,300 towards monitoring and controlling its noise emissions.

Monitoring at various points along the noise barrier indicates significant reductions in the center of the barrier, and some reduction at its eastern end. There was virtually no reduction at a point beyond the western end of the barrier. Much of the noise at that location was attributed to the neighboring property to the west: Advance Transportation. It is observed, however, that the engineers' report indicates that Overnite did not extend its noise barrier beyond the drivers' sleeping quarters building along the south wall to the western edge of its property. There is, therefore, about 50 feet of southern boundary not protected by the noise barrier. Overnite also did not build any barrier along the southern portion of either its eastern or western boundary.

Examination of the engineers' data tabulations indicates that although most of the noise recorded at the western site was attributable to Advance Transportation, a significant portion was attributable to Overnite. The record indicates this monitoring site is located about 150 feet west of Overnite's western boundary, or 200 feet from where the Overnite noise barrier ends at the western edge of the sleeping quarters.

#### Discussion

Overnite has demonstrated significant reductions in noise at locations directly opposite its noise barrier as a result of its operational and facilities changes. Those changes, however, do not fully comply with this Board's January 8, 1987 Interim Order. That Order mandated, inter alia, that Overnite construct a noise barrier along its entire southern boundary, excluding that portion occupied by the drivers' sleeping quarters, and along so much of its eastern or western boundary as was necessary

to reduce its noise emissions. Overnite's discretion was not entirely unbridled in defining "necessary" for the purposes of compliance. The January 8, 1987 Order considered the July 3, 1986 ETA, Inc. study which indicated that the noise barrier should extend over the entire length of the southern boundary, except that portion occupied by the sleeping quarters, and along the southern 400 feet of the eastern boundary. That study indicated construction of a western barrier would avail little benefit because of the Advance Transportation activities in that area.

Overnite has failed to build a noise barrier along the western 50 feet of its southern perimeter. Overnite has failed to explain its decision not to do so. The January 8, 1987 Order, in light of the July 3, 1986 engineers' report, clearly required Overnite to do so. The monitoring data indicate that most of the noise at the western monitoring site beyond the Overnite noise barrier is from the Advance facility, but a significant portion of it emanated from Overnite operations. This could indicate that ideally any barrier would extend to include the southern boundary of the Advance property, but that is not the issue here. It indicates that noise emanates from the Overnite facility to this area and there is no noise barrier to protect this location. The Board realizes that maximum noise reductions from Overnite alone would require completion of the barrier along this 50 feet of south perimeter, then extension along some distance of the southern part of the west perimeter. Construction of a barrier along the western perimeter would only reduce Overnite's noise emissions and do nothing to alleviate those of Advance Transportation. The Advance Transportation emissions are not before the Board, and this Final Order can only address the Overnite emissions. The ETA, Inc. study recommended construction of the barrier along the western 50 feet of south perimeter, but not along any southern portion of the western perimeter. The Board will now explicitly require construction of this omitted 50 feet of barrier to complete the south perimeter noise barrier.

The engineers' July 3, 1986 recommendation was that Overnite construct a 12-foot noise barrier along the southern 400 feet of the east perimeter. Monitoring data from the east end of the south barrier indicate that the noise reduction in this area was less significant than that at the center of the south barrier. The significance of this result is greater in light of the expectation of greater noise emissions at the center location in the absence of the barrier. The adjoining land immediately to the east is a retention basin which would emit little if any noise, and emissions to that area are of little consequence. The land to the south and southeast, however, is residential, so minimization of noise emissions to this area is of interest. The Board believes that explicitly requiring Overnite to fully adopt the engineers' recommendation and construct the omitted 400 feet

of 12-foot noise barrier along the southern end of its eastern perimeter would minimize the noise emissions to the neighboring residential area.

With regard to all other noise reduction measures undertaken by Overnite, i.e., the operational changes made, the Board will require no more than that Overnite continue their exercise to minimize its noise emissions. The Citizens have failed to criticize the results of these measures as reported by the engineers' study.

The foregoing discussions, together with those included in the January 8, 1987 Interim Order, constitute the Board's findings of facts and conclusions of law in this matter.

ORDER

For the foregoing reasons, the Board hereby Orders Overnite to undertake and perform the following actions.

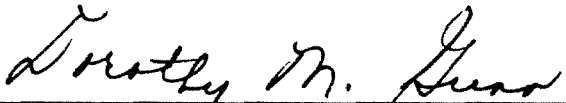
1. Erect, before July 31, 1988, a 12-foot tall noise barrier of solid construction along the south perimeter of its property extending from the western most end eastward to the western most end of the drivers' sleeping quarters;
2. Erect, before July 31, 1988, a 12-foot tall noise barrier of solid construction along the southernmost 400 feet of the east perimeter of its property;
3. Prohibit its drivers from starting their assigned trucks in the morning until they have first obtained their schedules and paperwork and otherwise fully prepared for immediate departure;
4. Prohibit more than one truck south of the north edge of the terminal building to await fueling at any one time;
5. Restrict or minimize all traffic and other vehicular traffic in the extreme southern end of its property;
6. Operate its public address system and orient its speakers in such a manner that noise emissions from this source are minimized to the lowest practicable level;

7. Operate and maintain its yard tractors and similar vehicles at such reduced engine speeds that their noise emission are kept at the lowest practicable level;
8. Train and educate all employees working on its property who perform duties capable of generating significant noise emissions in methods of performing those duties which would minimize noise emissions to the residential area south of the property; and
9. Post conspicuous warnings for all persons on the property against the generation of noise likely to emanate to the residential area to the south of property.

IT IS SO ORDERED

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 21<sup>st</sup> day of April, 1988, by a vote of 6-1.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board