

ILLINOIS POLLUTION CONTROL BOARD
October 8, 1981

ILLINOIS FRUIT & PRODUCE CORP.,)
)
) Petitioner,)
))
) v.) PCB 81-104
))
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
))
) Respondent.)

OPINION AND ORDER OF THE BOARD (by D. Anderson):

This matter comes before the Board upon a petition and amended petition for variance filed June 22 and July 23, 1981 by Illinois Fruit and Produce Corp. (IFP). These requested a variance from Rules 202 and 203 of Chapter 8: Noise Pollution in connection with operation of refrigerated railcars at IFP's Streator warehouse which is the subject of an enforcement action in PCB 80-181. On September 17, 1981 the Illinois Environmental Protection Agency (Agency) recommended that the variance be granted with conditions. Pursuant to IFP's request the record and transcript of hearings is incorporated from PCB 80-181 into this matter (Order of September 3, 1981). Members of the public testified in that hearing, but the Board has received no additional public comment in this matter.

The Opinion in PCB 80-181 is incorporated into this Opinion. The Board finds that IFP would suffer arbitrary or unreasonable hardship if required to come into immediate compliance with the daytime noise standards of Rule 202. The requested variance from the nighttime standards of Rule 203 is denied, and Petitioner will be required, as a condition of this variance, not to operate compressors on rail cars on its siding at night. The variance from Rule 202 will be granted with conditions similar to those recommended by the Agency.

This Opinion, together with the Opinion in PCB 80-181, constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

Petitioner Illinois Fruit and Produce Corp. is granted for its warehouse at 12th and Quality Lane, Streator, a variance

from the daytime Class B to A noise standards of Rule 202 of Chapter 8: Noise Pollution, subject to the following conditions:

1. This variance will expire five years from the date of this Order.

2. Diesel engines on refrigerator cars shall be turned off upon arrival at the facility.

3. Electrical hookups for refrigerator cars shall be maintained in good working order.

4. Refrigeration units shall not be operated between the hours of 8:00 p.m. and 7:00 a.m.

5. Refrigerated railcars shall be unloaded as soon as possible after delivery.

6. Refrigeration units on rail cars may be operated with electrical power only, as necessary to avoid damage to cargo. Refrigeration units will be turned off as soon as possible and in any event prior to completion of unloading.

7. Within sixty days of the date of this Order, Petitioner shall complete and forward to the Illinois Environmental Protection Agency a study on the feasibility of a vegetative barrier. If the Agency finds the barrier feasible, Petitioner shall conduct and maintain the required plantings.

8. The Petitioner shall conduct further noise studies as requested by residents in the vicinity of the warehouse.

9. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We,) _____, having read and fully understanding the Order in PCB 81-104, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

Mr. Goodman concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 8th day of October, 1981 by a vote of 5-0.

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