

property, therefore placing Respondent in violation of Rule 102 of the Regulations. Respondent does not refute these statements.

Respondent has cooperated in attempts to curb the sound. Between June 9, 1977 and October 13, 1977 Respondent installed plywood baffles near the grain dryer and around the gear box. Silencers were installed on each of the fans on August 23, 1978. However, these efforts were not enough to resolve the noise problems. Respondent between August 23, 1978 and August 28, 1978 replaced one of the belt driven fans with a direct drive fan and a silencer. Tests on this fan revealed no further violations.

The Agency contends that sound emissions can be reduced to a reasonable level at the facility through the application of known and readily available technology which would require only a reasonable expenditure. The parties believe the stipulated compliance program and schedule will bring the facility into compliance. The compliance plan includes a noise barrier around the holding bins, silencers on the aeration fan, and noise barriers around the aeration fans. All modifications must meet certain specifications and requirements. The Agency will test the results of the modifications and further work may be required. The Respondent has further agreed to pay a penalty of \$350.

The Board finds this stipulated agreement acceptable under Procedural Rule 331, and Section 33(c) of the Environmental Protection Act. The Board finds Respondent in violation of Rules 102 and 202 of the Regulations. A penalty of \$350 will be assessed. Respondent will be required to complete the stipulated compliance plan.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Dale F. Straley is found in violation of Rules 102 and 202 of the Chapter 8: Noise Pollution Regulations.
2. Respondent shall comply with all the stipulated settlement incorporated by reference as if completely set forth herein.

3. Respondent shall pay a penalty of \$350 within 35 days of this Order. Payment shall be by certified check or money order payable to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 4th day of January, 1979 by a vote of 4-0.


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