

ILLINOIS POLLUTION CONTROL BOARD
September 15, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-133
)
 WILL COUNTY PRODUCE COMPANY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On June 28, 1977, the Environmental Protection Agency (Agency) filed an Amended Complaint against Will County Produce Company (Will County) alleging that on April 2, April 30, August 9, and August 30, 1976, Will County emitted sound from its facility which exceeded the allowable limit under Rule 204 of the Noise Regulations. A hearing was held in this matter on August 4, 1977, in Joliet, Illinois. No members of the public were present. At the hearing, the parties submitted a Stipulation and Proposal for Settlement (Stipulation).

Will County operates a cold storage warehouse in Joliet, Will County, Illinois, which includes four refrigeration units located on the north side of the facility. The facility, which is in operation ten hours a day, five days a week, is located in a commercial and light industrial area. No residences are located in the area.

Pursuant to a Complaint received from an officer of a beauty salon located directly north of the Will County facility, the Agency took noise emission measurements, the results of which are attached to the Stipulation. The Agency also sent questionnaires to fifty-two commercial, professional and industrial establishments

~~27-324~~
~~26-535~~
27-435

in the area. Of the nineteen responses the Agency received, not one indicated that any noise nuisance was caused by Will County.

Will County stipulates that the primary sources of noise emitted from its facility are the refrigeration units. Will County also stipulates that it is subject to Rule 204 of the Noise Regulations and that on the dates specified in the Amended Complaint it caused or allowed the emission of sound beyond its property to receiving Class B property in excess of the Rule 204 limitations. The parties stipulate that, prior to the filing of the Complaint in this matter, Will County took several steps toward achieving compliance, including the retention of an architectural firm and a noise consulting firm.

In the Terms of Settlement, Will County agrees to construct a sound attenuation barrier at a cost of \$5,000.00 as well as to carry out several other steps in order to achieve compliance with Rule 204. Will County also agrees to pay a penalty of \$100.00 for the violations found herein.

The Board finds that Will County has violated Rule 204 of the Noise Regulations. The Board also finds that the compliance program agreed to in the Stipulation is adequate to ensure alleviation of the excessive noise emissions. In light of the minimal public injury caused by Will County, a penalty of \$100.00 is appropriate for the violations of the Noise Regulations found herein.

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

ORDER

It is the Order of the Pollution Control Board that:

1. On April 2, April 30, August 9, and August 30, 1976, Will County Produce Company emitted sound from its facility to receiving Class B in violation of Rule 204 of the Noise Regulations.
2. For said violation, Will County shall pay a penalty of \$100.00, penalty payment to be made within 35 days of

27-325

~~26-536~~

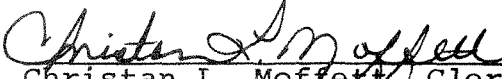
27-436

the date of this Order by certified check or money order to:

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

3. Will County shall comply with all the terms and conditions agreed upon in the Stipulation and Proposal for Settlement, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15th day of September, 1977 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board