

ILLINOIS POLLUTION CONTROL BOARD
May 24, 1979

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-44
)
BELOIT GRAIN COMPANY,)
an Illinois corporation,)
)
Respondent.)

MR. DOUGLAS P. KARP, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. LOWELL BERG, SECRETARY AND TREASURER OF THE BELOIT GRAIN COMPANY, APPEARED PRO SE.

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

This matter comes before the Board on the February 10, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency") which alleged that, from August 9, 1973 until the date of filing of the Complaint, the Respondent operated its grain drying facility so as to allow the emission of sound beyond the boundaries of its property which unreasonably interfered with the enjoyment of life and with the lawful activities of persons on Class A (residential) land in proximity to the Respondent's property in violation of Rules 102 and 202 of Chapter 8: Noise Regulations and Section 24 of the Illinois Environmental Protection Act ("Act"). A hearing was held on March 16, 1979. The parties filed a Stipulation and Proposal for Settlement on March 21, 1979.

The Respondent, the Beloit Grain Company ("Beloit"), owns and operates a grain drying facility in the Village of Winnebago, Winnebago County, Illinois which includes two grain dryers, eight aeration fans, various grain bins and elevators, and related equipment. The principal sources of sound emitted from the Respondent's facility are the eight aeration fans (which are operated about 6 to 8 months per year) and the two grain dryers (which are operated during the fall for about 3 to 4 months). The aeration fans and grain dryers are generally not operated simultaneously. (Stip. 5).

It is stipulated that, on November 4, 1976, October 13, 1977, April 8, 1978, October 31, 1978, and November 2, 1978, Beloit allowed noise emissions from its grain drying operations to emit sound beyond the boundaries of its property onto nearby receiving Class A land in violation of Rule 202 of Chapter 8: Noise Regulations. (Stip. 3; See: Exhibits B, C, D, E and F).* Moreover, the Agency has represented that, if a full hearing were held in this matter, it would present testimony from at least three neighbors residing on residential land in proximity to Beloit's facility which would show that the sounds emitted had interfered with their sleep, rest, and relaxation, and interfered with the use and enjoyment of their property, in violation of Rule 102 of the Board's Noise Pollution Regulations and Section 24 of the Act. (Stip. 3-4).

Various steps were taken by the Respondent between the last week of October, 1978 and the first week of November, 1978 in an attempt to correct the noise problems which exist at the facility. Beloit installed silencers on some of the aeration fans, constructed insulated plywood noise barriers and enclosures near the grain dryers, and placed bales of hay under each noise barrier. While these measures served to reduce noise emissions, Agency inspections on October 31, 1978 and November 2, 1978 revealed that noise violations had not been completely eliminated. (Stip. 4-5). However, these measurements were made of two sets of equipment (grain dryers and aeration fans) which in practice are not operated together. Thus, the facility will be in compliance. (Stip. 5).

The proposed settlement agreement provides for a stipulated penalty of \$250 and includes a detailed compliance plan which specifies how the Respondent should modify and maintain its existing noise barriers, enclosures, and silencers so as to promptly come into full compliance with the Board's Noise Regulations and the Act. In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act and finds the stipulated agreement acceptable under Procedural Rule 331. The Board finds that the Respondent, the Beloit Grain Company, has violated Rules 102 and 202 of Chapter 8: Noise Regulations and Section 24 of the Act. The Board hereby imposes the stipulated penalty of \$250 against the Respondent.

*All exhibits are attached to the Stipulation and Proposal for Settlement and are incorporated therein as part of the Stipulation. Exhibits B, C, D, E and F are Noise Survey Reports prepared by the Agency.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent has violated Rules 102 and 202 of Chapter 8: Noise Regulations and Section 24 of the Act.

2. Within 45 days of the date of this Order, the Respondent shall pay the stipulated penalty of \$250 , payment to be made by certified check or money order to:

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

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed March 21, 1979, 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 24th day of May, 1979 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board