

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1992

OATHER DRUEN, EVELYN DRUEN)	
and AMY PIRTLE,)	
)	
Complainants,)	
)	
v.)	PCB 91-128
)	(Enforcement)
JAMES LEONARD,)	
)	
Respondent.)	

OATHER DRUEN, EVELYN DRUEN AND AMY PIRTLE APPEARED PRO SE;

JOHN L. CANTLIN APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on a complaint filed on July 25, 1991, by complainants Oather and Evelyn Druen and Amy Pirtle against respondent James Leonard. The complaint alleges that Mr. Leonard has operated his grain drying and storage bins in such a way as to violate Sections 23 and 24 of the Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1023 and 1024) and 35 Ill. Adm. Code 900.102 of the Board's regulations regarding noise pollution.

Hearing was held on this matter on November 27, 1991, in Ottawa, Illinois. At this hearing the parties agreed to a process of resolution and agreed to reconvene on January 30, 1992. At the January 30, 1992, hearing the parties reached a resolution that was satisfactory to everyone. No written agreement was presented but Mr. Greg Zak, noise technical advisor with the Environmental Protection Agency, recited the agreement for the record. Mr. Zak was involved in this matter as a consultant in resolving the conflict.

While Section 103.108 requires that a written settlement agreement signed by the parties be presented at hearing, due to the circumstances in this case, we will waive adherence to this requirement. The Board accepts the record from hearing as a settlement agreement. This action is based on a citizen complaint of noise pollution against another citizen. Members of the public did not attend either of the hearings. The alleged noise violations appear only to disturb the complainants, whose residence is located in close proximity to the grain operation. The terms of the settlement were reached through the assistance of a neutral party. For these reasons the Board finds the record from hearing sufficient proof of the parties' agreement to settle this conflict and support the conditions of the settlement.

At hearing, Mr. Zak described each of the fans and the modifications to be made to the fans to reduce the noise level. Mr. Zak also addressed the time frame in which the work is to be completed.

As far as agreed-upon dates, it is my understanding that both the Complaint [sic] and the Respondent agree for fans number one and number five that by August 1st of 1992, silencers will be installed as described. If silencers are not installed by that date, the fans will not not [sic] be operated prior to September the 15th. By September the 15th of 1992, it has been agreed that all of the afore-described work regarding silencers and sound abatement will have been completed.

The Agency agrees to take sound level measurements to determine the amount of sound reduction obtained after the work is completed, and in addition, to give any additional advice pertaining to noise abatement requested by the respondent. (Tr. at p. 11 & 12)¹.

At the completion of the hearing the parties noted their acceptance of the settlement agreement.

Mr. Cantlin: On behalf of Respondents, that is the agreement that has been reached in relationship to all allegations raised in Pollution Control Board complaint number 91-128.

* * *

Mr. Druen: I accept this also, this agreement, yes. (Tr. at p. 13).

Mr. Leonard engages in grain drying operations in relation to his own family farm business and is not involved in grain drying on a contractual basis. Mr. Leonard's property is adjacent to the residence of the Druens. Several fans are employed as part of the grain drying and storing process. Fan #1 is a 15 horsepower (hp) centrifugal fan which is located approximately 190 feet from the Druen residence. (Tr. at 6). Fan #2 is a 1.5 hp Bain axial fan with an 18 inch inlet diameter. (Tr. at 9). Fan #3 is Bain axial fan with less than one hp and a 12 inch intake diameter. (Tr. at 9). Fan #4 is a Bain axial fan with a horsepower less than one and a 12 inch intake diameter. (Tr. at 9). Fan #5 is a 20 hp centrifugal fan with an 18 inch inlet diameter. (Tr. at 10). Fan #6 consists of a one and half hp Bain axial fan with an 18 inch inlet diameter. (Tr. at 10). Fan #7 is a 10 hp fan with an 18 inch diameter inlet. (Tr. at 11).

¹ Tr. references transcript from hearing held on January 30, 1992.

Fan #8 includes three approximately 24 inch Bain axial fans located on the dryer. (Tr. at 11). Fan #9 is a small Bain axial fan. (Tr. at 11). Joint Exhibit A shows the approximate locations of the fans. The settlement agreement requires Mr. Leonard to add silencers to some fans, and replace or modify others.

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

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

ORDER

The Board hereby orders Mr. Leonard to perform the actions agreed to by the parties to reduce the noise from Mr. Leonard's grain operation.

1. Mr. Leonard is to make the following additions or modifications to the fans on his property.

- Fan #1 install a commercial silencer, with intake pointed directly away from the Druen residence.
- Fan #2 replace with smaller newer model and redirect air intake away from Druen residence.
- Fan #3 no adjustment required.
- Fan #4 redirect air intake away from Druen residence.
- Fan #5 install a commercial silencer, with intake pointed directly away from the Druen residence.
- Fan #6 construct and install plywood silencer.
- Fan #7 construct and install plywood silencer.
- Fan #8 construct and install airtight plenum and add a commercial silencer.
- Fan #9 no adjustment required.

The commercial silencers installed on fans 1, 5 and 8 should

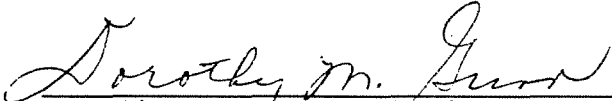
have the recommended sound reduction capabilities² to bring the fans into compliance with the Board regulations. The plywood silencers for fans 6 and 7 are to be constructed of half inch thick exterior grade plywood and made airtight (except at the inlet). The dimensions of the plywood silencers are to be eight feet by four feet by two feet with an internal separator, creating a tortuous path for air flow such that the air flow coming in or the noise exerting out would have to pass through four 90 degree turns. All inside surfaces of the silencer are to be covered with three and a half inch unfaced fiberglass insulation held in place with chicken wire.

2. The silencers on fans 1 and 5 are to be installed by August 1, 1992. If this work is not completed by August 1, 1992, the fans are not to be run until September 15, 1992. All additions and modifications are to be completed on all fans by September 15, 1992.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (Ill.Rev.Stat. 1991, ch. 111 1/2, par. 1041) provides for the appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

I, Dorothy Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of March, 1992 by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

² At 63 hertz (hz) the sound reduction should be 9 decibels (dB), at 125 hz the sound reduction should be 10 dB, at 250 hz the sound reduction should be 19 dB, at 500 hz the sound reduction should be 31 dB, at 1,000 hz the sound reduction should be 10 dB, at 2,000 hz the sound reduction should be 20 dB, at 4,000 hz the sound reduction should be 15 dB, at 8,000 hz the sound reduction should be 11 dB. (Tr. at 9).