

ILLINOIS POLLUTION CONTROL BOARD
May 21, 1991

CARL MADOUX, ALICE MADOUX,)
GLENN MOODY AND MARGARET MOODY,)
Complainants,)
v.) PCB 90-149
(Enforcement)
STRADERS LOGGING AND LUMBER)
MILL,)
Respondent.)

JAMES S. SINCLAIR APPEARED ON BEHALF OF COMPLAINANTS.

ROBERT D. LARSON APPEARED ON BEHALF OF RESPONDENT.

INTERIM OPINION AND ORDER OF THE BOARD (by G. T. Girard):

This matter is before the Board on a complaint filed July 17, 1990 and an amended complaint filed August 6, 1990, by Carl and Alice Madoux and Glenn and Margaret Moody (complainants). The complaint alleges that respondent is in violation of Sections 9 and 24 of the Illinois Environmental Protection Act (the Act). (Ill. Rev. Stat. ch. 111 1/2, par. 1009 and 1024). Hearing was held on June 27, 1991 in Alton, Illinois. Pursuant to the hearing officer's scheduling order, the complainant filed its closing brief on August 12, 1991 and respondent filed its closing brief on September 3, 1991. Complainant filed a reply brief on September 16, 1991.

FACTS

Respondent, the Strader Lumber Mill, located in Worden, Illinois, began operations in 1988; however, lumber mills have been in operation at the Strader site since the late 1950's. (C.Br. 4, R.Br. 2.¹) The record indicates that the respondent has added some new equipment and replaced older equipment with newer models since taking over the operation. (See generally Tr. at 25-30.) In addition, the respondent has developed the operation to the extent that there is little to no waste product from the operations.

The lumber mill is located in an area which is zoned for

¹ The complainant's brief is cited as "C.Br."; the respondent's brief is cited as "R.Br."; the transcript is cited as "Tr. at"; and the complaint is cited as "Comp.".

industrial use. (Tr. at 277.²) Mr. Carl Madoux and his wife Mrs. Alice Madoux had their home built in 1955. Mr. Glenn Moody and his wife Mrs. Margaret Moody moved into their home in 1971. The Madoux and Moody homes are approximately 700 feet to the west northwest of the sawmill. The area around the lumber mill and the complainants' homes includes a train track, a dirt or gravel road known as "Sawmill Road" (R.Br. 5), farm land and a pipe mill operation. (Exh. 3.) The pipe mill is the subject of another enforcement case currently pending before the Board. (See Madoux et. al. v. B & M Steel, PCB 90-148).

Complainants all testified at hearing concerning alleged noise from the saws, the debarker and trucks entering and leaving the facility as well as the dust allegedly from the lumber mill. Mr. Steven Strader co-owner of the sawmill was called by the complainants as a hostile witness pursuant to Section 103.209 of the Board's rules; he also testified on behalf of respondents. Complainants also called two neighbors and Mr. Gregory Zak of the Illinois Environmental Protection Agency (Agency) to testify on their behalf.

Mr. Madoux was the first of the complainants to testify. He indicated that the amount of sound coming from the Strader mill was "different" than the amount of sound coming from the operations of the previous owner, Mr. Fred Decker (herein referred to as "the Decker operation"). (Tr. at 103.) He further indicated that the sound was "intermittent" and included saws, the debarker and the sound of lumber dropping. (Tr. at 108.) Mr. Madoux stated that the sounds generally are emitted "[f]rom seven in the morning until four o'clock, 4:30" and sometimes the sound of lumber dropping and chain saws could be heard two or three days a week until "10:30, 11:00". (Tr. at 108, 109.) Mr. Madoux stated that the noise can be heard outside and sometimes in the house. He stated that the noise "sort of gets on your nerves and you just feel like you just want to leave". (Tr. at 112.) He further stated that he and his wife have left their home as a result of the noise. (Tr. at 112.) Further, Mr. Madoux testified that he received a 16% reduction in the neighborhood value on his property tax due to the noise in the area. (Tr. at 113, Exh. 34.)

In his testimony, Mr. Madoux also discussed four tape recordings marked as Exhibits 36, 37, 38, and 39, which were accepted as exhibits by the hearing officer. (Tr. at 114 and 211.) Respondent objected at hearing to the admission of the

² The Board notes that in the case of Madoux et. al. v. B & M Steel, PCB 90-148, the record indicates that the area around the pipe mill is zoned residential. However, the record in this proceeding indicates the area is zoned industrial and that is not disputed.

tape recordings and renewed the objection in respondent's brief. (R.Br. 10, Tr. at 113 and 211.) Mr. Madoux did not describe the tape recorder used in making the tapes. However, Mr. Gregory Zak with the Agency examined the tape recorder and described it as fairly good for nuisance type hearings because it is equipped with an automatic level control which adjusts to incoming sounds whether close or far away. (Tr. at 217.) This has the effect of overriding ambient background sounds when the noise source is operating. (Tr. at 217.) The mill sounds here were a prominent discrete tone. (Tr. at 217.)

The Board has previously held that a key issue in admitting audio tapes is "the accuracy of the homemade tape's representation of actual noise levels at relevant locations on complainant's property". (Kvastak v. St. Michael's Lutheran Church, PCB 89-182, 114 PCB 772, August 30, 1991). Although Mr. Zak testified to the quality of the tape recorder, Mr. Madoux did not describe the tape recorder. In addition, the model of the recorder is unknown. Therefore, the Board is unable to determine the "accuracy" of the tapes representation of the noise levels. Thus, the Board will not admit the tapes for the purpose of determining noise levels on the Madoux's property. The Board will admit the tape recordings only for the purpose of indicating what sounds are being emitted.

With regards to the issue of air pollution, Mr. Madoux stated that: "I had no problems with dust", under the Decker operation. (Tr. at 109.) With the Strader mill, Mr. Madoux asserts that dust covers his truck as well as the gazebo located on his property. Mr. Madoux also asserts that you can see sawdust in the air at times. (Tr. at 110-111.) Mr. Madoux also offered Exhibits 31-33, which he asserts show sawdust on his property and in the air around the sawmill.

On cross examination, Mr. Madoux admitted that he has complained to the City of Worden on several occasions about the condition of Sawmill Road, which is a public road going by his home. He indicated that he had made efforts to get the city to treat the road in a manner which would lessen the dust. (Tr. at 118-119.) Mr. Madoux also testified that some of the photos showing dust in the air, which were admitted as exhibits in this proceeding, show road dust." (Tr. at 123, 129.) He also admitted that a nearby railroad track created noise in the area. (Tr. at 126.)

Alice Madoux was the next of the complainants to testify. In addition to supporting her husband's statements, she stated that she and her husband were disturbed by trucks going out of the Strader mill. Log trucks allegedly go by their home between six and 6:30 in the morning and, in addition, a closed transport truck leaves the facility around 2:30 or 3:30 in the morning. (Tr. at 159.) This noise, including the trucks stopping at the

intersection and revving the motors prior to accelerating from the stop, is also disturbing according to the Madoux's. (Tr. at 159, 174.)

Mrs. Madoux described a "log" she had been keeping from December 1990 until June 1991. The "log" consisted of three columns, the first column showing the month, day and year. The second column shows activities of the pipe mill and the third column is the activities of the sawmill. (Tr. at 163-165.) Mrs. Madoux did not testify as to any specific entries in the "log". When the "log" was offered as Exhibit 35, respondents' attorney objected to admittance. He stated:

I would object to 35 particularly. That purports to be this log, and there's been insufficient foundation with regard to the accuracy and contents. And because the witness did not testify from the log on direct examination, I didn't think it was appropriate for me to cross examine her about the log. . . . (Tr. at 210-211.)

The Board agrees that admittance of the "log" as proof that violations occurred is not appropriate. However, the "log" was discussed in direct examination by Mrs. Madoux and the respondent's attorney did not attempt to cross examine Mrs. Madoux, even on the limited testimony presented. The testimony presented did specify what was generally in the "log". Therefore, the Board will consider Exhibit 35 for the purpose of corroborating Mrs. Madoux's testimony regarding the sounds emanating from the sawmill.

Mrs. Madoux stated that the noise interferes with conversation in the backyard and she has had to keep windows closed because of the noise. (Tr. at 169, 162.) However, on cross examination Mrs. Madoux stated that the noise did not cover up the sound of conversation, but instead interfered by annoying her when she was trying to hold a conversation. (Tr. at 170.) Mrs. Madoux further stated that the sound is annoying and nerve racking and that she and her husband cannot use the deck in the backyard because of the noise. (Tr. at 160.) Mrs. Madoux also stated that the noise has "awakened some of our family that's been visiting with us". (Tr. at 161.)

Mrs. Madoux also alleges that sawdust is a problem and could be seen blowing in the air. Mrs. Madoux stated that the sawdust covers the deck and gazebo in the backyard. (Tr. at 161.)

Margaret Moody was the next complainant to testify. She described the noise problem as:

being created by log truck and dumping logs

as late as 2:00 a.m, saws running at 11:00 p.m., chainsaws occasionally running, and the sound of a "chipper type of thing". (C.Br. 9.)

Mrs. Moody stated that the noise interferes with the use of her yard and it is distracting if she tries to converse with someone or read. (Tr. at 191.)

Mrs. Moody stated that dust collects in the window sills and that she can tell the difference between sawdust and other types of dust. She further stated that she is unable to use an attic fan because of the dust. (Tr. at 192.) Mrs. Moody asserts that the dust that collects is sawdust. (C.Br. 10.)

Mr. Glenn Moody was the fourth complainant to testify. Mr. Moody also supported the previous testimony by complainants. In addition, he indicated that there are two high pitched sounds which he believes are saws at the mill. (Tr. at 204.) He stated that these sounds are typically heard five days a week after 7:00 or 7:30 in the morning and until 2:00 p.m. or 4:00 p.m. (Tr. at 206.) Mr. Moody testified that the sounds interfere with his use of his yard and are very annoying. (Tr. at 207.) In addition, Mr. Moody testified that windows in his home are kept closed to keep the noise out. (Tr. at 207.)

With regards to dust on the property, Mr. Moody testified that sawdust gets into the house and collects on vehicles. (Tr. at 207.)

Two other neighbors testified on behalf of the complainants. Mr. Charles Zirges, who lives across from the Madouxs testified that he believes the sound which is annoying to him is the debarker. (Tr. at 13.) He also testified that he has observed sawdust in the air, although it has never reached his property. (Tr. at 13.) Mr. John Fleming also testified that he could hear sounds from the mill and that the sounds are annoying. (Tr. at 148.) He further stated that there had been noise coming from the sawmill prior to the Straders taking over. (Tr. at 152.)

Mr. Fleming indicated on cross examination that he could not say if dust was coming from the sawmill. He stated that there is a dust problem, "but it's just dust". (Tr. at 152.)

Mr. Gregory Zak , a noise technical advisor with nineteen years experience with the Agency, testified pursuant to subpoena on behalf of the complainants. (Tr. at 213.) In this case, he reviewed tape recordings and records supplied by the complainants and the respondents, and he visited the site two times. (Tr. at 214.) The sawmill was in operation when he visited the site. (Tr. at 205.) He indicated that he could not hear chainsaws or the debarker, and based on the testimony offered at hearing, he

felt that the machine was not operating when he was at the site. (Tr. at 217.)

It was Mr. Zak's opinion that the noise from the sawmill does "represent an exigence of" Section 900.102 of Title 35. (Tr. at 220.) He stated that this is the type of situation which has been found to constitute noise pollution in other cases. (Tr. at 220.) He identified two similar cases of sawmill operations in which he has been involved in connection with noise situations. (Tr. at 221.)

Mr. Zak stated that noise and dust pollution frequently go hand in hand. (Tr. at 227.) He saw clouds of dust rise from various parts of the sawmill facility when he was at the site, and he was surprised in that he has rarely seen so much dust at a site other than a limestone operation. (Tr. at 228.)

Steven Strader testified both as an adverse witness pursuant to Section 103.209 of the Board Rules and as a witness on behalf of the respondent. Mr. Strader indicated that he is one of the owners of Straders Sawmill along with his father, Bobby, and his brother, Patrick. (Tr. at 16.) Mr. Strader explained how the sawmill operates, including how the saws and debarker are used. He also testified that many improvements have been made since the purchase of the mill by his family. Mr. Strader stated that at the time of the Strader purchase, there was one main sawmill building. A building which houses the scrag mill and lumber grading shed have been added. Two other buildings have been improved and the sawmill, carriage and track have been replaced with an automatic sawmill and a Brewco band saw has been added to the operation. (Tr. at 21.)

Mr. Strader further testified that the logs processed at the mill are sold as grade lumber to brokers, as pallet stock to pallet manufacturers, as railroad ties directly to a chemical company, as retail lumber and farm lumber to the public, as mulch to wholesalers for nurseries, as fire wood to the public, and as chippings to a paper company. (Tr. at 31.) Sawdust is given away with a charge made only for loading it. (Tr. at 31.) The proceeds of loading the sawdust are contributed to a local church and amount to around \$200.00 per month and have been as high as \$700.00 per month. (Tr. at 36.) The additional equipment and improvements made by Straders to the facility have been financed through the Bank of Edwardsville. It is the Straders' intent to repay the loans through the business. (Tr. at 37.)

According to Mr. Strader, his business commences operations at 7:00 a.m. and the mill runs until 4:00 p.m. (Tr. at 38.) Grading of lumber occurs in the grading shed starting at 5:30 p.m. and stops at varying times between 7:00 p.m. and 9:30 p.m. (Tr. at 38.) Articulating endloaders are used to move bundles of lumber and logs on the yard. (Tr. at 38.) Grading is done one,

two, or three nights each week, and could be as many a five nights in a week. (Tr. at 38) The mill has operated on Saturdays, but is always closed on Sunday.

Mr. Strader testified that the system used to remove sawdust from the mill operation is through four blowers which operate when the machine they serve operates. (Tr. at 74.) Exhibit 26 shows a pile of sawdust coming from the main sawmill and the pipe from the blower for that machine. (Tr. at 75.) The sawdust is sucked up by the blower and propelled through a PVC pipe which exits outdoors into an open pile on the ground. (Tr. at 75.) The band saw blower is shown in Exhibit 22. (Tr. at 69.) Dust falls from a collection hopper into a three sided bin on the ground where it is picked up by people wanting sawdust. (Tr. at 69, 70.)

Mr. Strader indicated that in addition to the mill equipment itself, the operation also has two articulating loaders on the yard continuously. (Tr. at 77.) These consist of an L-50 Michigan and IT-12 Caterpillar. (Tr. at 78.) There are also two tractor trailers which are used in connection with moving logs and product to and from the mill. (Tr. at 78.) The mufflers on the loaders are as factory installed. (Tr. at 293.)

Mr. Zak proposed a potential solution to the noise problem created here by enclosing the operation of the sawmill to contain and reduce the sound being generated. (Tr. at 223, 224.) He proposed enclosing the debarker in a separate building at a projected cost of approximately \$4,281.08; enclosing scrag mill building at a cost of approximately \$285.56; and enclosing the grading shed at a cost of \$269.71. (Tr. at 224, 225.) He also proposed that all of the holes, cracks and gaps in the building be closed, and that the buildings not be opened except when taking material in or out. (Tr. at 225.) To control noise from the articulating loaders, Mr. Zak proposed the installation of a better muffler system at a cost of \$350.00 to \$450.00 per machine. He also suggested that cyclones or a containment building be used to collect dust from the various mill machines, rather than permitting it to be exhausted into the open air to fall on the ground. (Tr. at 226.) According to Mr. Zak's computations, the total cost for the solution he proposed was in the range of \$6,000.00 to \$10,000.00. It was his opinion that enclosure of the operation would have the effect of significantly reducing noise from the mill. (Tr. at 228.)

ANALYSIS

The complainants allege that the respondents have violated Sections 9 and 24 of the Act. (C&mp. at 2.) The complainant does not rely on numerical quantification of the noise or dust emissions to prove a violation. Therefore, this is a "nuisance" case and such quantification is immaterial in determining whether such a violation has occurred. (Ferndale Heights Utilities Co.

v. Illinois Pollution Control Board, 44 Ill. App. 3d 967, 358 N.E.2d 1224, 1228 (1st Dist 1976).) The Act and Board rules prohibit both noise and air pollution.

With regards to "nuisance noise", the prohibitions in the Act and Board regulations turn on the degree to which the noise interferes with a complainant's normal activities. Thus, Section 900.102 of the Board's rules provides:

No person shall cause or allow the emission of sound beyond the boundaries of his property . . . so as to cause noise pollution in Illinois, or so as to violate any provision of this Chapter.

The rules define "noise pollution" as "the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity." 35 Ill. Adm. Code 900.101 (1987). Section 24 of the Act prohibits noise pollution in almost identical terms:

No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, so as to violate any regulation or standard adopted by the Board under this Act.

Ill. Rev. Stat. 1989, ch. 111½, par. 1024.

In addition, with regards to air pollution, Section 9(a) of the Act provides:

No person shall cause or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

Ill. Rev. Stat. 1989, ch. 111½, par. 1009.

Section 3.03 of the Act defines "Air Pollution" as:

the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to

health, or to property or to unreasonably interfere with the enjoyment of life or property.

Ill. Rev. Stat. 1989, ch. 111½, par. 1003.03.

Thus, under the Act and Board regulations, a noise or air violation has occurred if the complainant has proven that the complained of noise or dust has unreasonably interfered with the complainant's enjoyment of life or with his pursuit of any lawful business or activity.

The Board will first address the issue of the dust from the sawmill. The testimony by complainants indicate that sawdust collects on their properties from the mill. However, the complainants also admit that they have complained to the City of Worden about the condition of Rawmill Road. The complainants maintain that they can tell the difference between sawdust and other types of dust and Mrs. Moody claims that she only has a problem with sawdust. Mr. Zirges indicated that he can see dust rising from the operation of the sawmill, but it does not reach his property. Mr. Fleming testified that the area is a just a dusty area. The record in this proceeding clearly indicates that the Madoux and Moody properties are surrounded by farm fields, railroad tracks and Sawmill Road. Thus, the entire area surrounding the properties are areas which would produce dust. Although, complainants allege that the dust on their properties is sawdust, the exhibits do not clearly show that sawdust is collecting on the properties. Further, Mr. Fleming specifically stated that the area is dusty and Mr. Zirges stated that he sees sawdust in the air but it does not reach his property. The Board does not find the arguments of complainants persuasive. Therefore, the Board finds that the complainants have not shown that the dust collecting on their properties is sawdust, and the Board further finds that no violation of Section 9 of the Act (air pollution) has been shown. The portion of the complaint asserting violation of Section 9 of the Act will be dismissed.

With regards to the alleged violation of Section 24 of the Act, the Board has previously determined in "nuisance noise" proceedings that unreasonable interference is more than an ability to distinguish sounds attributable to a particular source. Rather, the sounds must objectively affect the complainant's life or business activities. See Kvatsak v. St. Michael's Lutheran Church, PCB 89-182, 114 PCB 765, 773 (Aug. 30, 1990); Kochanski v. Hinsdale Golf Club, PCB 88-16, 101 PCB 11, 20-21 (July 13, 1989), rev'd on other grounds, 197 Ill. App. 3d 634, 555 N.E.2d 31 (2d Dist. 1990).

The Illinois Supreme Court has directed that the Board must

consider the facts of the case in light of the factors outlined by 33(c) of the Act in determining whether unreasonable interference has occurred under the Act and Board rules. Wells Manufacturing Co. v. PCB, 73 Ill. 2d 226, 232-33, 383 N.E.2d 148, 150-51 (1978) ("nuisance" air pollution; first four factors only); see Ferndale Heights Utilities, 44 Ill. App. 3d at 967-68, 358 N.E.2d at 1228. Those factors as set forth in Section 33 (c) of the Act are as follows:

- (i) the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
- (ii) the social and economic value of the pollution source;
- (iii) the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
- (iv) the technical practicability and economic reasonableness of reducing or eliminating the emissions . . . resulting from such pollution source; and
- (v) any subsequent compliance.

Character and Degree of the Injury or Interference

The complainants have testified that the sounds emanating from the sawmill are of great annoyance to them and make the complainants nervous. The sounds interfere with the use of the property and have forced the complainants to leave their homes. The complainants have also testified that the noise from trucks entering and leaving the facility along the public road disturb their sleep. Further, Mr. Madoux testified that he received a 16% reduction in the neighborhood value on his property tax due to the noise in the area. (Tr. at 113, Exh. 34.)

Further, the facts as discussed previously indicate that the noise has interrupted the sleep of visitors to the complainants property and the complainants find it difficult to carry on conversations and have been limited in the use of their backyards.

Mr. Zak testified that it was his belief based on the tapes and testimony of the complainants that the noise complained of constitutes a violation of the Board regulations as a "nuisance noise". (Tr. at 220.)

Social or Economic Value of the Source

The record indicates that the sawmill operates at least 5 days a week and sometimes 6 days per week. The mill employs between 14 and 20 people and the business activity has increased since the Straders purchased the property. In addition, the respondents donate proceeds from the sale of sawdust to a local church. (Tr. at 32-33.)

Suitability or Unsuitability of the Source

This record indicates that the area around the sawmill is zoned for industrial use. In addition, there are other businesses in the area, including a pipe mill. The area also includes farm land, a railroad track and a county garage.

As to the priority of location, the record is not clear as to whether a sawmill operation existed at the site when Mr. and Mrs. Madoux built their home. The record shows a sawmill operation has been in place since the "1950s" and the complainants moved to the area in 1955 and 1971. It is clear that the respondents took over the operation of the sawmill in 1988. Thus, the respondents' actual operation is later in time. However, a sawmill of some type has operated at the location for over 30 years.

Technical Practicability and Economic Reasonableness of Control

Mr. Zak suggested several control methods to reduce noise at the facility. The costs of these methods, according to Mr. Zak, could be over \$28,000. (Tr. at 224.) Mr. Strader testified that Mr. Zak's estimates were low and that the business was severely indebted and was attempting to pay off the debt with the proceeds from the sawmill operation. (Tr. at 256.)

Any Subsequent Compliance

The record does not indicate that the respondents have subsequently complied with the provisions of the Act. The record does indicate that an attempt was made by the complainants to alleviate the noise problem with the respondents prior to filing of this complaint. However, the respondents did not reply to letters sent by the complainants.

CONCLUSION

The complainants have shown that they have suffered physically and economically as a result of the noise emanating from respondents' property. Although, the facility does have social and economic value and appears to be in a suitable location, the harm resulting from excessive noise at the

facility outweigh the benefits. Therefore, after considering the facts and circumstances of this case, including the factors outlined in Section 33(c) of the Act, the Board finds that the respondent is emitting noise that constitutes an unreasonable interference with the complainants' enjoyment of life and lawful activity, in violation of Section 24 of the Act.

REMEDY

The Environmental Protection Act authorizes the Board to impose sanctions on those it holds to have violated the Act or Board regulations. Section 42(a) authorizes the Board to impose a civil penalty. The fact that complainant in this case has not requested that the Board impose such a penalty, and a summary consideration of the factors of Section 42(h) of the Act in light of the facts in the record, induce the Board to conclude that such a penalty is unwarranted in this case.

Section 33 authorizes the Board to issue an order as it deems appropriate under the circumstances. The complainants request that the Board issue an order:

directing the respondent to cease and desist from further violations of the applicable provisions of the Environmental Protection Act and, more specifically, to order the respondent to alter its operations so that the noise created by the sawmill is reduced to an acceptable, nonintrusive level either by the installation of sound buffering barriers, use of different equipment, rearrangement of its operations or other steps which are economically feasible.
(Comp. at 4.)

At this time the Board believes that the record lacks sufficient information of both an economic and technical nature, to order that the respondent cease and desist or to order other more specific controls. Therefore, the Board will issue this interim order directing the respondent to address methods of reducing noise emanating from respondents property, including those suggested by Mr. Zak and the complainants as well as other appropriate methods respondent may develop. Respondent is to file such study with the Board. The Board will allow the complainants an opportunity to respond to the study submitted by the respondents. The Board will then issue a final opinion and order describing the control methods the respondent shall take to reduce emissions from its facility .

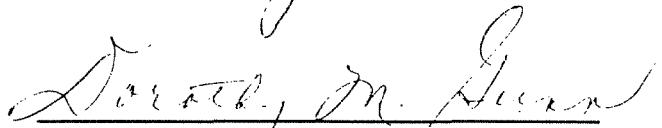
This interim opinion constitutes the Board's interim findings of fact and conclusions of law in this matter.

ORDER

- 1) The Board finds that the respondents', Strader Lumber Mill, operations constitutes an unreasonable interference with the complainants' enjoyment of life and lawful activity in violation of Section 24 of the Act.
- 2) Respondent is hereby ordered to examine the economic reasonableness and technical feasibility of any control options which it may deem appropriate to reduce the noise emissions from its facility including those set forth by Mr. Gregory Zak in his testimony .
- 3) The abovementioned studies shall be completed no later than September 1, 1992 and filed with the Board and served on the complainant, by that date. The complainant shall file a response to the studies no later than October 1, 1992. The studies will be presented to the Board so that the Board may enter a final order describing the control methods the respondent shall take to reduce emissions from its facility.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above opinion and order was adopted on the 21st day of May, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board