

ILLINOIS POLLUTION CONTROL BOARD
November 7, 2024

DOUG AND GERI BOYER,)
)
Complainants,)
)
v.) PCB 22-9
) (Citizens Enforcement - Noise)
MRB DEVELOPMENT, LLC d/b/a COPPER)
FIRE, RENAE EICHHOLZ AND MARK)
EICHHOLZ,)
)
Respondents.)

HEARING REPORT

On October 7, 2024, a hearing in this matter was held at City Hall in in Belleville, Illinois. The hearing was continued on November 6, 2024 at the Illinois Pollution Control Board in Springfield, Illinois. Attorneys Matthew Jacober and Brooke Robbins appeared on behalf of the complainants. Attorney Paul Petruska appeared on behalf of the respondents.

Witnesses

The following witnesses testified during the hearing:

Ms. Rebecca Boyer
Ms. Geri Boyer
Mr. Matthew Eiskant
Mr. Doug Boyer
Mr. Tim Albert
Mr. Mike Biffignani
Ms. Renae Eichholz

Exhibits

Exhibits must be filed electronically in accordance with Section 101.627 of the Board's procedural rules. The status of the offered exhibits is summarized at the end of this report.

Respondents did not object to the admission of Exhibits C-22 and C-23, but maintained a standing objection to the portions pertaining to rule violations that were the subject of a previous Board ruling on August 8, 2024. Additionally, respondents objected to Exhibit C-24.

Complainants did not object to the admission of R-24 and R-25 but maintained a standing objection to the accuracy of phone apps.

Briefing Schedule

Complainants' brief is due by December 18, 2024; respondents' brief is due by January 24, 2025; and complainant's reply is due by February 7, 2025. The public comment deadline is November 20, 2024.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794-9274
217/524-8509
Carol.Webb@illinois.gov

PCB 22-9
October 7 and November 6, 2024 Hearing

Exhibit List

Exhibit	Description	Status
Complainants' Demonstrative Exhibits 1-3	Building Layouts	Admitted
C-1	Boyer Warranty Deed	Admitted
C-2	MRB Articles of Incorporation	Admitted
C-3	March 17, 2018 Email from Geri to Renae	Admitted
C-4	May 2/3, 2018 Email Renae and Geri	Admitted
C-5	May 18, 2018 Email from Geri re: noise	Admitted
C-6	March 19, 2021 Cease and Desist letter	Admitted
C-7	March 26, 2021 Cease and Desist letter	Admitted
C-8	March 29, 2021 Response to Cease/Desist	Admitted
C-9	December 11, 2021 Emails re: Aunt on Hospice	Not Admitted
C-10	Sign in Copper Fire Window	Admitted
C-11	Text Message Thread	Admitted
C-12	Audio Recording 4/2/21	Admitted
C-13		Not offered
C-14	Audio Recording 5/8/21	Admitted
C-15		Not offered
C-16	Spreadsheet of Bands	Admitted
C-17	Copper Fire Live Music Policy	Admitted
C-18	Copper Fire Live Music Policy 2023	Admitted
C-19	Facebook Reviews	Admitted
C-20	Yelp Reviews	Admitted
C-21	Google Reviews	Admitted
C-22	Mike's First Sound Study 5/5/21	Admitted
C-23	Mike's Second Sound Study 11/26/21	Admitted
C-24	Audio Recording – Sunday Afternoon Sample 506	Admitted.
C-25	Audio Recording – Funky Music Sample	Admitted
C-26	Mike's handwritten audio capture notes	Admitted
C-27 through C-29		Not offered
C-30	Danny Kalaher Video 6/9/21	Admitted
C-31	Buffalo Road Video 6/18/21	Admitted
C-32	Wolfe & Nation Video 5/8/21	Admitted
C-33	Video – Zero to Ninety 8/24/24	Admitted
C-34 through C-37		Not offered
C-38	Video – 6/17/22	Admitted
C-39 through C-42		Not offered

C-43 through C-45	Photos of Main Street	Admitted
R-1 through R-12		Not offered
R-13	Belleville Police Report	Admitted
R-14-R23		Not offered
R-24	Decibel screenshot 6/12/21	Admitted
R-25	Decibel screenshot	Admitted
R-26		Not offered
R-27	December 2021 Emails between Mike Biffignani and Geri Boyer	Admitted
R-28	December 8, 2021 Email from Mike Biffignani to Geri Boyer	Admitted
R-29 through R-30		Not offered
R-31 thru R-36	Photos of Brick Walls	Admitted
R-37	Noise Policy 7/1/24	Admitted
R-38	Local Ordinance re: Nuisances	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on November 7, 2024, to each of the person on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on November 7, 2024:

Don Brown
Illinois Pollution Control Board
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Chicago, Illinois 60601



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