

ILLINOIS POLLUTION CONTROL BOARD
May 4, 2023

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. Eric F. Rinehart, State’s Attorney)
for Lake County, Illinois,)
)
Complainant,)
)
v.) PCB 23-108
) (Enforcement – Noise)
DEPARTMENT OF TRANSPORTATION)
of the State of Illinois,)
)
Respondent.)

ORDER OF THE BOARD (by J. Van Wie):

On March 31, 2023, the People of the State of Illinois, *ex rel.* the State’s Attorney for Lake County (People), filed a one-count complaint against the Department of Transportation of the State of Illinois (IDOT). The complaint concerns noise caused by transverse rumble strips (TRS) installed in 2019 across the northbound lanes on a portion of United States Highway 41 (US-41) south of Park Avenue W in IDOT’s jurisdiction, and the residential area to the west of this portion of US-41, in Highland Park, Lake County.

On April 25, 2023, IDOT filed a motion for extension of time to file a motion in response to the complaint to June 5, 2023. For the reasons below, the Board grants the motion for extension of time, and accepts the complaint for hearing but directs the People to file an amended complaint.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2020); 35 Ill. Adm. Code 101, 103. In this case, the State’s Attorney for Lake County filed its complaint under Section 42 of the Act, which allows the State’s Attorney on its own motion to institute a civil action for an injunction. *See* 415 ILCS 5/42 (2020).¹ However, the Board notes that the relief requested in the complaint is relief generally found under Title VIII of the Act. For example, the People allege that IDOT violated Section 24 of the Act (415 ILCS 5/24 (2020)), and Sections 900.102 and 901.102 of the Board regulations (35 Ill. Adm. Code 900.102, 900.102). The People allege IDOT violated these provisions by emitting noise at a level greater than 75 decibels (dB) in the daytime and 69 dB in the nighttime from Class C to Class A land; emitting noise in excess of levels permitted in Section 901.102 of the Board regulations beyond its property lines; and emitting noise beyond the boundaries of its property that is unreasonably

¹ Section 42 is included in Title XII Penalties of the Act. Section 42 anticipates a filing of a civil action by the State’s Attorney after a violation has been found.

interfering with the enjoyment of the life of the residents in the area in violation of the Board regulations.

The People ask the Board to find that IDOT has violated Section 24 of the Act (415 ILCS 5/24 (2020)) and Sections 900.102 and 901.102 of the Board regulations (35 Ill. Adm. Code 900.102, 901.102), and to order IDOT to comply with the requirements of the Act and Board regulations and cease and desist from any further violations of the Act and Board regulations that were the subject of the complaint. The People also ask that the Board award the People their costs, including attorney fees, expert witness and consultant fees expended by the People in pursuit of this action.

The Board finds that the complaint does meet the content requirements of the Board's procedural rules; however, the Board directs that an amended complaint be filed within 30 days of the date of this order. The amended complaint must be filed under the Title VIII of the Act and in accordance with the Board's procedural rules. *See* 35 Ill. Adm. Code 101.202, 103.204(c), (f), 103.212(c). The Board also grants IDOT's motion for extension of time to file a motion in response to the complaint. The Board grants IDOT 30 days from the date of filing of the amended complaint to file a motion to dismiss the complaint. *See* 35 Ill. Adm. Code 101.506, 101.522. IDOT may also ask the hearing officer for a further extension after the filing of the amended complaint.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 4, 2023, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board