

ILLINOIS POLLUTION CONTROL BOARD  
October 2, 2025

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
| 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.                    | ) |                                |

MATTHEW JACOBBER AND BROOKE ROBBINS, LATHROP GPM LLP, APPEARED ON BEHALF OF COMPLAINANTS; and

PAUL E. PETRUSKA, GREENSFELDER, HEMKER & GALE, P.C., APPEARED ON BEHALF OF RESPONDENTS.

OPINION AND ORDER OF THE BOARD (by M. Gibson):

On September 30, 2021, Doug and Geri Boyer (complainants) filed a complaint against Renae and Mark Eichholz, individually, and MRB Development, LLC d/b/a Copper Fire (respondents). The complaint concerns the Copper Fire bar, restaurant, and live music venue owned and operated by Renae and Mark Eichholz’s company, MRB Development, LLC, located at 200 East Main Street in Belleville, St. Clair County. On August 8, 2024, the Board granted respondents’ motion for summary judgment for the sound emission standard violation claim. However, the Board found that there is a genuine issue of material fact for the nuisance noise pollution claim and denied respondents’ motion for summary judgment on that issue.

The Board’s opinion below begins with the procedural history and the legal background of this matter. After providing an overview of the facts and testimony, the Board discusses the nuisance noise pollution claim. The Board concludes by finding that the respondents’ noise did not unreasonably interfere with complainants’ enjoyment of life, and issuing an order.

**PROCEDURAL BACKGROUND**

Complainants filed this complaint on September 30, 2021 (Comp.). On December 6, 2021, respondents filed a motion to dismiss, a motion to strike, and an answer to the complaint. On March 3, 2022, the Board struck as frivolous paragraphs 33 through 38 of the complaint, along with the complaint’s request for injunctive relief, denied respondents’ motion to dismiss, and denied as moot respondents’ motion to strike. The Board accepted the complaint for hearing, as modified by the order. On March 25, 2022, the respondents filed their answer to the modified complaint.

On April 11, 2023, respondents filed a motion for summary judgement (Mot.) and a memorandum in support of their motion (Memo.). Complainants filed a response to respondents' motion on June 16, 2023 (Resp.). On June 30, 2023, respondents filed a reply to complainants' response (Reply).

On August 8, 2024, the Board granted respondents' motion for summary judgment for the sound emission standard violation claim. However, the Board found that there is a genuine issue of material fact for the nuisance noise pollution claim and denied respondents' motion for summary judgment on that issue.

The Board held two days of hearings, the first day on October 7, 2024 and the second on November 6, 2024. The Board received the transcript for the first day of the hearing (Tr.1) on October 18, 2024, and received the transcript for the second day of the hearing on November 19, 2024 (Tr.2).

On November 21, 2024, the Board received five written public comments (PC 1-5).

On December 18, 2024, complainants filed their post-hearing brief (Comp. Br.). On January 28, 2025, respondents filed their post-hearing brief (Resp. Br.). On February 6, 2025, complainants filed a post-hearing reply brief (Comp. Reply Br.).

### **APPLICABLE LAWS AND REGULATIONS**

The complainants base their complaint on Section 24 of the Act, 415 ILCS 5/24 (2024), and Section 900.102 of the Board's regulations, 35 Ill. Adm. Code Section 900.102.

Section 24 of the Act states, "[n]o 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." 415 ILCS 5/24 (2024).

Section 900.101 defines "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.

Section 900.102 provides, "[a] person must not cause or allow the emission of sound beyond the boundaries of that person's property, as defined in Section 25 of the Environmental Protection Act, that causes noise pollution in Illinois or violates any provision of this Chapter." 35 Ill. Adm. Code 900.102.

Section 33(c) of the Act states:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. The character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. The social and economic values of the pollution source;
3. The suitability or unsuitability of the pollution source in the area in which it is located, including the question of priority of location in the area involved;
4. The technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. Any subsequent compliance. 415 ILCS 5/33(c) (2024).

### **FACTS**

The following facts are undisputed. Copper Fire is an Illinois limited liability company which has been owned and operated by respondents Renae Eichholz, Mark Eichholz, and their son Brett since January of 2016. Tr.2 at 101. Copper Fire has operated as a bar and live music venue since 2018. *Id.* at 102. The venue hosts live music five evenings a week. *Id.* at 107. The live music is played from 6 p.m. to 9 p.m. on Wednesdays and Thursdays, from 8 p.m. to 11 p.m. on Fridays, from 2 p.m. to 5 p.m. and from 8 p.m. to 11 p.m. on Saturdays, and from 2 p.m. to 5 p.m. on Sundays. *Id.* at 107. Geri and Doug Boyer live next door to Copper Fire and their property shares a wall with Copper Fire. Tr.1 at 49. The Boyers have lived at that property since 2008, ten years before Copper Fire began operation as a live music venue in 2018. *Id.* at 207; Tr.2 at 102.

The following sections will present complainant's testimony, which consisted of four witnesses, followed by respondents' testimony, which consisted of three witnesses.

### **Complainants' Testimony**

Complainants' witnesses include Geri Boyer, Doug Boyer, the Boyer's daughter Rebecca Boyer, and Mike Biffignani, an acoustics consultant. The witnesses' testimony described the impacts from the live music and the noise levels in the home.

The Boyers have lived in Suite 230 at 208 East Main Street in Belleville since 2008. Tr.1 at 23, 48, 58, 207. Rebecca Boyer also lives at 208 East Main Street, in Suite 220. *Id.* at 20. Geri Boyer owns an engineering company that occupies the first floor of their building. *Id.* at 23, 43. In 2018, Copper Fire opened and began hosting live music five days a week. *Id.* at 57, 62.

Geri Boyer testified that she has to project her voice to have a conversation, turn up the volume on the television, and is unable to read books when the bands are playing. Tr.1 at 63-64. Geri also stated that she has worn headphones to bed to block the music and does not sleep

as well. *Id.* at 64, 67. Geri testified that she works in her office, which is on the other side of the building from Copper Fire, in the evenings and on the weekends to avoid the noise. *Id.* at 64. Geri stated that her three grandchildren stay with her on the weekends and they cannot go to sleep before the music stops. *Id.* at 67-68. Instead, Geri takes her grandchildren to their lake house on the weekend that, according to Geri, they built to get away from the noise. *Id.* at 68, 106. Geri stated that she has stopped doing things in downtown Belleville on the weekends, such as singing in the choir and helping with the town festivals, to avoid the noise. *Id.* at 107, 111.

Doug Boyer testified that they avoid being at home on Friday night and Saturday, and he is only able to go to sleep on Saturday nights around 11 p.m. Tr.1 at 214. Doug stated that, during the week, the noise is present but does not distract from regular conversations; however, it is distracting during conversations on the weekends. *Id.* at 215. Similar to Geri, Doug testified that he also has to turn up the television to hear it while music is playing at Copper Fire, or take out his hearing aids. *Id.* Doug stated that the noise prevents him from playing his own music and reading in the loft. *Id.* at 216. Doug also testified that it was Covid that prompted the construction of the lake house. *Id.* at 217. Additionally, Doug stated that he and Geri spend less time together since she stays at the office at night during the week and at the lake house during the weekend, while Doug is at their Belleville home Saturday night and Sunday. *Id.* at 219-220.

Rebecca Boyer testified that she can clearly hear the music and identify the songs when there is live music playing at Copper Fire. Tr.1 at 25. She stated that no one who works on the side of the office that shares a wall with Copper Fire would be able to work late or on the weekends due to the loud music. *Id.* at 26. Rebecca Boyer also testified that when live music is playing, you have to turn up the sound on the television and raise your voice while speaking. *Id.* at 27.

Mike Biffignani, an acoustics consultant, testified about the sound studies he conducted in the Boyer's home and the measures he recommended to reduce the sound. Tr.2 at 9, 15-39, 42-45, 67-69.

### **Respondents' Testimony**

Respondents' witnesses include Renae Eichholz, Matthew Eiskant, and Tim Albert.

Renae Eichholz testified about the measures that Copper Fire has taken to reduce the sound from the bands playing. Renae stated that they have installed sound panels and sponge-like absorption around the ceiling perimeter. Tr.2 at 105, 205. Additionally, Renae testified that they measure the decibel level for every band that plays at Copper Fire, they keep the bands under a certain decibel level, and do not invite bands back to play who do not abide by that decibel level. *Id.* at 135, 206-207. Renae reported that she tried moving where the bands play to the other side of the building, but that made the sound louder in the Boyer's home. *Id.* at 204.

Matthew Eiskant, chief of police for the Belleville Police Department, stated that they have gotten numerous calls about the noise at Copper Fire, but have not issued any citations. Tr.1 at 130, 136.

Tim Albert, technical director at the Sheldon Concert Hall in St. Louis, testified about his consultation with Renae Eichholz about measures to reduce the sound from the bands playing.<sup>1</sup> Tr.1 at 237-238, 254.

### **Public Comments**

On November 21, 2024, the Board received five written public comments.<sup>2</sup> Julie Orlet commented that she is a tenant of Geri Boyer and lives in the apartment above the Boyers'. PC 4. Julie stated that the noise from Copper Fire impacted her ability to enjoy her home, including being unable to watch television and unable to have visitors while music is playing next door. *Id.* Bryan Donze commented that he works for Geri Boyer's engineering company on the first floor of the Boyers' building. PC 3. Bryan stated that he is unable to work after hours during the week and on the weekends due to the noise from Copper Fire. *Id.* Three of the commenters are owners of bars or restaurants in downtown Belleville. They commented on the procedures they have in place to control noise and want Copper Fire to resolve this dispute so that there are no further issues in the business community. PC 1, 2, 4.

### **DISCUSSION**

Complainants have alleged that the respondents violated Section 24 of the Act, 415 ILCS 5/24 (2024), and Section 900.102 of the Board's regulations, 35 Ill. Adm. Code Section 900.102. These regulations constitute a prohibition against "nuisance noise" pollution. Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation System, Inc., and D. P. Cartage, Inc., PCB 98-81 (Oct. 1, 1998), *citing* Zivoli v. Prospect Dive and Sport Shop, Ltd., PCB 89-205, slip op. at 8 (Mar. 14, 1991).

The Board follows a two-step inquiry to determine whether noise emissions rise to the level of a nuisance noise pollution violation: 1) whether the noise constitutes an interference in the enjoyment of complainant's life; and 2) whether the interference is unreasonable considering the factors outlined in Section 33(c) of the Act. *See* Charter Hall Homeowner's Ass'n, PCB 98-81, slip op. at 19-21.

Based upon the record, the Board finds that the noise from Copper Fire does interfere with complainants' enjoyment of life. However, after considering each of the factors below, the

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<sup>1</sup> At the hearing, complainants argued that Tim Albert was an undisclosed expert witness and the hearing officer accepted his testimony as an offer of proof. The Board accepts Tim Albert's testimony as a fact witness.

<sup>2</sup> The Board acknowledges that the public comments were filed one day after the deadline to submit them. However, the Board grants leave to file *instante* and finds that material prejudice would not result from considering them in this opinion.

Board finds that the noise from Copper Fire has not unreasonably interfered with complainants' enjoyment of life.

### **Interference with Use or Enjoyment**

The Board has stated that if there is no interference, there can be no nuisance noise violation. Zivoli slip op. at 9. Accordingly, the Board must first determine whether the sounds have interfered with the enjoyment of life. Furlan v. University of Illinois School of Medicine, PCB 93-15, slip op. at 4 (Oct. 3, 1996). The Board has held that the following disturbances constitute interference: sleeplessness from nightclub noise (Manarchy v. JJJ Associates, Inc., PCB 95-73, slip op. at 10 (Jul. 18, 1996)); noise interfering with sleep and use of yard (Hoffman v. Columbia, PCB 94-146, slip op. at 5-6, 17 (Oct. 17, 1996)); trucking operation noise impacting sleep, watching television and conversing (Thomas v. Carry Companies of Illinois, PCB 91-195, slip op. at 13-15 (Aug. 5, 1993)); and sleeplessness from neighboring bar and live music venue noise (James Fiser v. Henry's Double K, LLC and James L. Meador, PCB 18-84, slip op. at 12 (Jan. 21, 2021)).

The Boyers allege that the noise from Copper Fire has “materially and unreasonably interfered with the Boyer’s use and enjoyment of their home.” Comp. at 4. The Boyers both testified that they have trouble sleeping on nights when Copper Fire hosts live music. Tr.1 at 64, 67, 214. The Boyers state that they have to turn up the television to hear it, talk loudly to have a conversation, and are unable to read while live music is playing at Copper Fire. *Id.* at 63-64, 215-216.

In addition, the Board will also consider the noise measurements taken by the Complainants’ expert to assess whether the noise from Copper Fire interfere with the use of and enjoyment of their home. The Board provided a detailed discussion of the noise measurements taken by the complainants’ expert in its August 8, 2024 order. In that order, the Board found that while Mr. Biffignani did not strictly comply with the Board’s noise measurement requirements pertaining to the 1-hour Leq (time-averaged sound level), location of the sound microphone, and the person taking sound measurements not being present while measurements are being taken; the A-weighted sound levels (dBA) may be considered as corroborating evidence in assessing violation of the Board’s nuisance noise prohibition. *See* 08/08/24 Board Order at 8-9.

Mr. Biffignani measured A-weighted sound levels inside complainants’ loft during nighttime on April 23 and 24, 2021, and daytime (2-5pm) on November 06, 2021. Exh. C-22 and C-23. He also measured ambient daytime (30 dBA) and nighttime (29 dBA) sound levels inside the loft when music was not playing in Copper Fire. *Id.* These A-weighted sound levels indicate that: the nighttime sound level inside the loft with music playing at Copper Fire was about 39 dBA, which was higher than the ambient sound level inside the loft by 10 dBA; and the daytime sound levels ranged from 33-37 dBA, which were higher than the ambient sound level of 30 dBA.

While the Board does not have a numeric A-weighted sound standard for receiving Class A land, Mr. Biffignani relied on the World Health Organizations (WHO) guideline for

acceptable sound level for sleep of 30 dBA, which corresponds to the measured ambient sound level inside the loft. The nighttime sound measurements taken on April 23 and 24, 2021 show a 10 dBA increase above the WHO guideline for sleep. Thus, the increased A-weighted sound levels inside the loft when live music was being played in Copper Fire during both daytime and nighttime hours corroborate the complainants' testimony regarding sleep disruption and difficulty with hearing television or conversation.

Based on these facts, the Board finds that the noise from Copper Fire does interfere with the use of their home. The Board now must consider whether the noise unreasonably interfered with the Boyer's enjoyment of life.

### **Reasonableness of the Interference**

The Board now must consider whether the noise emissions from Copper Fire unreasonably interfered with complainants' enjoyment of life. Whether an interference is unreasonable is determined by examining the factors set forth in Section 33(c) of the Act, 415 ILCS 5/33(c) (2024). The Board need not find against respondent on each factor to find a violation. *See Wells Manufacturing Company v. Pollution Control Board*, 73 Ill. 2d 226, 233, 383 N.E.2d 148, 151 (1978). After weighing each of the factors below, the Board finds that the noise from Copper Fire has not unreasonably interfered with complainants' enjoyment of life.

### **Character and Degree of Injury or Interference**

In considering the character and degree of interference that the noise caused, the Board looks into whether the noise interferes with complainants' enjoyment of life "substantially and frequently . . . beyond minor or trifling annoyance or discomfort." *Charter Hall*, PCB 98-81, slip op. at 21, *citing Kvatsak v. St. Michael's Lutheran Church*, PCB 89-182, slip op. at 9 (Aug. 30, 1990).

Complainants both testified to the noise levels and the impact it has had on their sleep and their ability to watch television, read, and have conversations. Geri Boyer stated that she cannot have a conversation at home while live music is playing without projecting her voice. Tr.1 at 63. In contrast, Doug Boyer stated that the live music is distracting during the weekends, but not during the week. *Id.* at 215. Geri Boyer also testified that she has to turn up the volume to hear the television, but Doug Boyer reported he just takes out his hearing aids. *Id.* at 64, 215.

Geri Boyer testified that they had to build a lake house to get away from the noise on the weekends; however, Doug Boyer testified that they built the house because of Covid. Tr.1 at 68, 106, 217. Additionally, Geri Boyer admitted that "the duration of the nuisance itself has made us all sensitive." *Id.* at 181.

Respondents offered testimony from Chief of Police Mathew Eiskant, who testified that they have gotten numerous calls about the noise at Copper Fire, but have not issued any citations. Tr.1 at 130, 136.

Turning to the complainants' sound level measurements, the Board notes that while the measurements were not taken in compliance with the requirements under 35 Ill. Adm. Code 900 and 901, the Board will examine the A-weighted sound levels closely to give them proper weight under this Section 33(c) factor. Scarpino, et. al., PCB 96-110, slip op. 17 (the Board looked to an A-weighted measurement in assessing character and degree of interference in a case of alleged nuisance noise from a manufacturing facility). The sound measurements taken inside the complainants' loft with live music playing in Copper Fire show that the A-weighted sound levels were above the nighttime ambient level by about 10 dBA. However, the nighttime octave band sound levels did not exceed the Board's numeric standards for receiving Class A land (residential use) at all frequencies except at 32 hertz (Hz). *See* Exh. C-22 and 35 Ill. Adm. Code 901.102(b). Also, the octave band sound levels measured during daytime inside the loft did not exceed the Board's daytime octave band numeric standards at all frequencies. *See* Exh. C-23 and 35 Ill. Adm. Code 901.102(a).

Further, the Board has not established A-weighted numeric daytime or nighttime standards for sound emitted to Class A land. However, even if the Board considers the WHO guideline of 30 dBA as being acceptable for sleep, the record indicates that sound levels inside the loft would be higher than the WHO guideline for only a period of 2 hours during nighttime hours in any given week. This is because live music is played at Copper Fire during nighttime hours (after 10 p.m.) on Fridays, and Saturdays until 11 p.m. The record shows that live music is not played in Copper Fire after 9 p.m. on Wednesdays and Thursdays, and after 5 p.m. on Sundays. Tr. 2 at 107. Additionally, the A-weighted sound levels measured inside the loft during daytime with live music at Copper Fire were below 45 dBA, which the complainants' expert explained would be the daytime sound levels with sounds from sources like a television, air conditioner, or speech. Thus, the Board concludes that while the A-weighted sound measurements inside the loft indicate some interference with the complainants' use and enjoyment of their property, such measurements do not indicate substantial and frequent interference with the complainants' lives.

The record demonstrates that the effect of the live music on each complainant differs. Live music is limited to 3-hour sets, ending by 9 p.m. on weekdays and 11 p.m. on weekends. Therefore, the Board finds that complainants have not shown that Copper Fire's live music substantially and frequently interferes with their enjoyment of life, given the limited duration of performance and the varying effects on the complainants.

### **Social or Economic Value of the Source**

In assessing this factor, the Illinois Supreme Court has looked to the number of persons that the respondent employed and whether respondent is an important supplier to a particular market. Wells Manufacturing, 73 Ill. 2d at 235-36. The Board has similarly looked to such factors as the number of employees at a facility and the total wages and taxes that a respondent paid. Charter Hall, PCB 98-81, slip op. 23-24.

There is no evidence in the record regarding the number of employees at Copper Fire or the wages and taxes paid by Copper Fire. However, the Board has previously acknowledged that "small businesses such as bars, nightclubs, restaurants and other clubs generally have both

some social and economic value to an area.” Manarchy, PCB 95-73, slip op. at 12. Respondent also offered testimony that Copper Fire offers a unique value to the area by serving as a destination for entertainment and live music venue. Tr.2 at 192, 219. Thus, the Board finds that Copper Fire does provide social and economic value to the area.

### **Suitability or Unsuitability of the Source**

Section 33(c)(3) focuses on the pollution source and the priority of the location in the area involved. The record demonstrates that the location of Copper Fire is suitable to the area. Copper Fire is one of four businesses on Main Street in downtown Belleville that have live music. Tr.2 at 191. However, complainants have shown that they resided in their home ten years before Copper Fire began operating next door. Tr.1 at 23, 43, 48, 58, 207. Therefore, Copper Fire is a restaurant and live music venue operating in a suitable area, but complainants have priority of location.

### **Technical Practicability and Economic Reasonableness of Control**

In considering this factor, the Board looks to whether “technically practicable and economically reasonable means of reducing or eliminat[ing] noise emissions” were available to respondents. Manarchy, PCB 95-73, slip op. at 9.

Renae Eichholz testified that Copper Fire has sound panels and sponge-like absorption around the ceiling perimeter. Tr.2 at 105, 205. Renae reported that she looked into sound panels, like the ones another nearby bar has, and they were \$30,000-\$40,000. *Id.* at 122-123.

Renae Eichholz testified that they measure the decibel level for every band that plays at Copper Fire and the bands agree to keep their sound under a certain decibel level. Tr.2 at 135, 206-207. Renae stated that she tried moving where the bands play to the other side of the building, but that made the sound louder in the Boyer’s home. *Id.* at 204. Renae also testified that she has tried turning down the music, and that sometimes helps the Boyers, but she can only turn the music down so much before customers cannot hear the music in the restaurant. *Id.* at 119-120, 130, 134.

Complainants’ expert, Mike Biffignani, testified that the best way to reduce the sound in the Boyer’s home is to turn down the music. Tr.2 at 42. Mike Biffignani also stated that another option to reduce sound is by adding mass to the walls, including mass-loaded vinyl, steel, or brick, but that may not reduce the sound by much. *Id.* at 42. Mike Biffignani did not report on the cost of adding mass to the wall. Additionally, Mike Biffignani testified that he does not recommend installing absorption panels on either side of the wall because they will only absorb a little sound but will not block the sound from one place to the other. *Id.* at 43-44.

As noted by the complainants, the Board has found reduction of music volume to be “technically practicable and economically reasonable since it is the simplest and least expensive method to reduce noise levels.” Manarchy, et. al., PCB 95-073, slip op. 13. However, the facts in that case were different than the present case. In Manarchy, the nighttime octave band sound levels exceeded the Board’s nighttime standards at multiple frequencies. *Id.* at 4. Also, the

Board heard testimony that the sound levels were causing the complainants' building to shake and one of the complainants was experiencing heart problems because of the high sound levels. *Id.* 4-5. Additionally, the parties had already taken other actions to reduce the noise levels: the complainants had installed soundproofing, and air-lined windows in bedroom; the respondent had replaced windows and one garage door with cement brick wall. *Id.* at 13.

In contrast, as noted above, live music is played in Copper Fire during nighttime hours only two days in a week for about an hour (10 p.m. to 11 p.m.) on each day. The record also indicates that the respondents have already instituted a volume reduction policy that requires live music in Copper Fire to not exceed a maximum of 92 decibels on Friday and Saturday night and a maximum of 88 on Wednesday, Thursday and Sunday afternoon/early evening. Tr.2 at 208. Moreover, given that the Board has found that A-weighted sound measurements inside the loft do not indicate substantial and frequent interference with the complainants' lives, the Board finds that further volume reduction is not appropriate in this case.

While there is some evidence in the record for the Board to consider this factor, considering the facts of this case, the Board weighs this factor for the respondents.

### **Subsequent Compliance**

The record reflects that respondents measure the decibels for their live music, have a decibel limit for the bands, the bands agree to comply with that decibel limit, and they have not asked bands back who do not comply with the decibel limit. Therefore, Copper Fire has implemented complainants' expert's recommendation for the best option to reduce noise. Complainants want Copper Fire to have a lower decibel limit than their current limit, but it is unclear that a lower level would satisfy the complainants. *See* Tr.1 at 100-104, 123-124, 185; Tr.2 at 42-43, 128-129, 131-134, 140-141, 213, 225-226.

Applying these factors, the Board finds that the noise emissions from Copper Fire's live music did not unreasonably interfere with the Boyer's enjoyment of life. The Board therefore concludes that respondents did not violate the Act (415 ILCS 5/24 (2024)) or the Board's noise pollution regulations (35 Ill. Adm. Code 900.102), which prohibit causing nuisance noise.

### **CONCLUSION**

As discussed above, the Board concludes that respondents did not violate the Act (415 ILCS 5/24 (2024)) or the Board's noise pollution regulations (35 Ill. Adm. Code 900.102). Therefore, the Board dismisses the case and closes the docket.

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

### **ORDER**

The Board finds that the respondents have not unreasonably interfered with complainants' enjoyment of life in violation of the nuisance noise prohibitions of Section 24 of

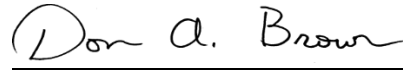
the Act (415 ILCS 5/24 (2024)) or the Board's noise pollution regulations (35 Ill. Adm. Code 900.102). The Board dismisses this case and closes the docket.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2024); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

| Names and Addresses for Receiving Service of<br>Any Petition for Review Filed with the Appellate Court                                                                                                  |                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parties                                                                                                                                                                                                 | Board                                                                                                                                                                                                 |
| Lathrop GPM LLP<br>Attn: Matthew Jacober<br>190 Carondelet Plaza, Suite 1400<br>Clayton, Missouri 63105<br><a href="mailto:Matthew.jacober@lathropGPM.com">Matthew.jacober@lathropGPM.com</a>           | Illinois Pollution Control Board<br>Attn: Don A. Brown, Clerk<br>60 East Van Buren Street, Suite 630<br>Chicago, Illinois 60605<br><a href="mailto:don.brown@illinois.gov">don.brown@illinois.gov</a> |
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I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 2, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board