

ILLINOIS POLLUTION CONTROL BOARD
November 18, 1993

LEO G. FORE,)	
)	
Complainant,)	
)	
v.)	PCB 93-171
)	(Enforcement)
)	
MIDSTATE KART CLUB,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. Nardulli):

On September 9, 1993, Leo G. Fore filed a complaint with the Board alleging Midstate Kart Club emits noise in violation of Sections 23 and 24 of the Environmental Protection Act (Act). On October 6, 1993, the Board directed the parties to address whether the complained of activity is an "organized amateur or professional sporting activity" and whether the claim alleges violations which fall within the Board's purview. The Board directed the parties' attention to the Appellate Court ruling in Hinsdale Golf Club v. Kochanski (2d Dist. 1990), 197 Ill.App.3d 634, 555 N.E.2d 31; and to this Board's decision in Pecka v. Skylarks Remote Control Airplane Club, PCB 92-27 (May 7, 1992).

On October 12, 1993, Midstate Kart Club filed a motion to dismiss. On November 5, 1993, Mr. Fore filed a document in response to the Board order. The parties assert facts which, if true, will likely affect the outcome of this matter. However, the filings contain information which is not of record in this proceeding and are not supported by affidavit as required by 35 Ill. Adm. Code 101.242. The Board will not consider the information presented in the filings until the Board is in receipt of supporting affidavits.

The parties are hereby given leave to file affidavits in support of the statements contained in the filings. Any affidavits filed must be received by the Board on or before November 30, 1993.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18th day of November, 1993, by a vote of 5-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board