

ILLINOIS POLLUTION CONTROL BOARD
July 25, 1991

VILLAGE OF MATTESON,)
)
 Complainant,)
)
 v.) PCB 90-146
) (Enforcement)
 WORLD MUSIC THEATRE)
 JAM PRODUCTIONS, LTD.,)
 DISCOVERY SOUTH GROUP, LTD.,)
 and GIERCZYK DEVELOPMENT, INC.,)
)
 Respondents.)

ORDER OF THE BOARD (by R. C. Flemal):

On July 22, 1991, the Village of Matteson filed a Petition for Interim Relief. That Petition asserts various continuing nuisance and numerical sound violations and notes an instantaneous radio feedback loop between the sound monitoring technicians and the World Music Theatre which allows adjusting the sound at the source to produce lower sound values. In its petition Matteson seeks a declaration that the instantaneous radio feedback loop violates both the spirit and the letter of the Board's April 25, 1991 Order. Matteson seeks an Order prohibiting such feedback loop and requiring additional monitoring without such feedback. In the alternative, Matteson seeks clarification of the method for determining improvements at the Theatre. Matteson does not seek an Order compelling any noise reduction activities at the theatre prior to the submission of the August report on sound monitoring. The Board notes that sound monitoring must continue pursuant to paragraph 2(d) of the Interim Order, "Sound monitoring shall commence with the first concert and shall continue until a final order by this Board."

Because of the dispute that has arisen regarding the legitimacy of the data being collected, the Board will require World Music Theatre to ensure that all raw uncorrected data acquired in this monitoring effort be preserved and that copies of such raw data be provided to Matteson and included in the final report. In addition, World Music Theatre shall prepare a log of the time and content of all communications between the monitoring locations and the Theatre, including any actions taken by the Theatre to alter noise levels being recorded, as a result of such conversations.

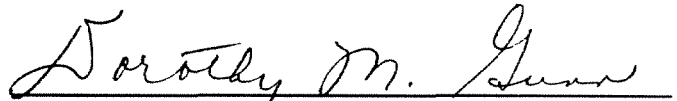
The Board will not act on the Petition for Interim Relief at this time, since World Music Theatre has not had an adequate opportunity to respond. The Board would anticipate action on the Petition at the August 8, 1991 Board meeting.

The Board notes that the numerical noise data supplied by Matteson appears to represent some summary of partial data. Further, the allegations of numerical data and citizen complaints are not verified. Absent some agreement between the parties regarding the accuracy of the data collected, the Board would be reluctant to require sound abatement activities based upon unsworn partial data.

IT IS SO ORDERED.

J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 25th day of July, 1991, by a vote of 4-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board