

ILLINOIS POLLUTION CONTROL BOARD

August 5, 1999

LUCILLE WATHEN,)	
)	
Complainant,)	
)	
v.)	PCB 99-30
)	(Enforcement - Noise, Citizens)
ROBERT and WENDY STRYKER,)	
)	
Respondents.)	

ORDER OF THE BOARD (by N.J. Melas):

On July 9, 1999, respondents Robert and Wendy Stryker filed a motion to dismiss (motion) a citizen's complaint (complaint) filed by Lucille Wathen. Wathen has not responded to the motion. For the reasons below, the Board declines to dismiss the complaint.

On August 17, 1998, Wathen filed the complaint alleging that noise from respondents' air conditioner disturbs her and violates Section 24 of the Illinois Environmental Protection Act (Act). 415 ILCS 5/24 (1998). The Board determined that the complaint was neither duplicitous nor frivolous. See Wathen v. Stryker (October 1, 1998), PCB 99-30.

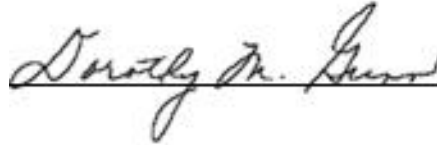
In response to the complaint, respondents proposed building a noise barrier around their air conditioner. Mot. at 1. After Wathen informed respondents that the noise barrier idea was unsatisfactory, respondents purchased a new air conditioning unit with a "Silencer System". *Id.* Despite respondents' purchase of the new unit, Wathen maintains that the noise level is still unsatisfactory. *Id.* Respondents state that they have "gone above and beyond reasonable means" to cooperate with Wathen and therefore seek dismissal of this matter. *Id.*

The Board commends the Strykers for their cooperation and their efforts to resolve this matter. However, the issues in this matter should be discussed and/or debated at a hearing so that the Board can give them proper consideration and make a decision on the merits. Therefore, the Board declines to dismiss the complaint and directs the parties to proceed to hearing. The hearing officer and the parties are encouraged to expedite the hearing process as much as possible.

IT IS SO ORDERED.

Board Member K.M. Hennessey concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5th day of August 1999 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board