

ILLINOIS POLLUTION CONTROL BOARD
January 21, 1982

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 80-220
)
SCHAUMBURG PARK DISTRICT,)
a municipal corporation,)
)
Respondent.)

MR. H. ALFRED RYAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON
BEHALF OF THE COMPLAINANT.

MR. EDWARD A. MRAZ, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE
RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E. Werner):

This matter comes before the Board on the December 4, 1980
Complaint brought by the Illinois Environmental Protection
Agency ("Agency") which alleged that the Respondent, the
Schaumburg Park District ("District"), allowed sounds from
the public address music system of the swimming area in a
public park to interfere with the enjoyment of life and
activities of nearby residents, thereby causing noise
pollution in violation of Rule 102 of Chapter 8: Noise
Regulations and Section 24 of the Illinois Environmental
Protection Act ("Act").

On December 22, 1980, the District filed a Motion to
Strike the Complaint. The Agency filed its Response to the
Respondent's Motion to Strike on December 30, 1980. On January 8,
1981, the Board entered an Order which denied the Respondent's
Motion to Strike.

A hearing was held on December 16, 1981 at which two members
of the public were present. The parties also filed their Stipu-
lation and Proposal for Settlement on December 16, 1981.

The District, through its Board of Park Commissioners, operates
a public park known as the Meineke Recreation Center (the "park")
which is located at 220 East Weathersfield Way in Schaumburg, Cook
County, Illinois. (Stip.1). The park, which is surrounded on
all sides by single-family residences, contains extensive
swimming facilities which include one outdoor diving pool and
one Olympic size swimming pool which are open for use during the
summer months (i.e., from approximately Memorial Day through
Labor Day) for 16 hours per day, 6 days per week, and for 12
hours each Sunday. The park also includes tennis courts,
ball fields, a playground, and an indoor recreational center.
(Stip.2).

During the summer months, when the swimming pools are in almost continuous use, about 20 nearby homes on the east and west sides of the park on receiving Class A lands have been adversely affected by sound emissions during the day and at night from the park's public address and music system which is an existing-property-line-noise-source. (Stip.2-3). These residents have complained to the Schaumburg Board of Park Commissioners and to the Agency and have petitioned for corrective action, noting that the park's public address and music system has unreasonably interfered with their enjoyment of life and activities between 1978 and 1980. (Stip.2).

The proposed settlement agreement provides that the Respondent: (1) admits that violations occurred during 1978 and 1979; (2) agrees to a detailed compliance plan which sets forth specific measures to correct all noise problems, and (3) agrees to pay a stipulated penalty of \$990.00. (Stip.4-9).

The detailed compliance program, which must be completed prior to June 1, 1982, includes such measures as the operation of the sound system only during specified hours, the redesign of the system in accord with the recommendations of an acoustical consultant, and restrictions on the playing of music during various swim practices. (Stip.4-7; Joint Exhibits 1 and 2).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

Accordingly, the Board finds that the Respondent, the Schaumburg Park District, has violated Rule 102 of Chapter 8: Noise Regulations and Section 24 of the Illinois Environmental Protection Act. The District will be ordered to follow the agreed-upon compliance plan and to pay the stipulated penalty of \$990.00.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:


1. The Respondent, the Schaumburg Park District, has violated Rule 102 of Chapter 8: Noise Regulations and Section 24 of the Illinois Environmental Protection Act.

2. Within 30 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$990.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on December 16, 1981, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 21st day of January 1982 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board