

ILLINOIS POLLUTION CONTROL BOARD
May 12, 1977

DR. MARVIN M. PUKLIN,)
)
 Complainant,)
)
 v.) PCB 77-113
)
LAMBERT R. SWANSON,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Zeitlin):

The Complaint in this matter was filed on April 18, 1977, and alleged that noise from Respondent's central air conditioning system constituted a violation of Chapter 8: Noise Pollution, of this Board's Rules and Regulations. Respondent filed a document styled a "rebutter" on May 11, 1977.

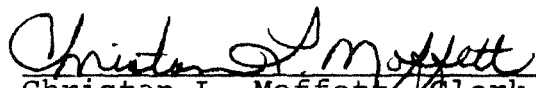
Rule 208(a), "Exceptions," states that the noise limitations of Chapter 8, even in those situations where the receiving property is "Class A" land, "...shall not apply to sound emitted from land used as specified by SLUCM [Standard Land Use Classification Manual] Codes 110, 140, 190, 691 ..." As applicable here, the exception covers noise emissions from residential property.

The Board has, correctly, interpreted this language within its plain meaning and has refused to adjudicate disputes between residential neighbors. E.g., Sample v. Peckham, PCB 75-442, 21 PCB 335 (May 6, 1976). Local authorities are better suited to resolve such problems. Complainant has not shown that such local relief is unavailable.

Rule 208(a) requires that the case be dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 12th day of May, 1977, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board