ILLINOIS POLLUTION CONTROL BOARD

August 28, 1975

In The Matter Of:)
MOTOR RACING NOISE REGULATIONS) R74-14

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

BACKGROUND TO HEARINGS

On July 26, 1973, the Illinois Pollution Control Board (Board) adopted its Noise Regulations (Chapter 8) which subjected automobile and motorcycle racing to the noise limitations set out in Rules 202 to 207 of that Regulation. The compliance date, pursuant to Rule 209(j) of Chapter 8, was set for August 10, 1975.

On September 25, 1974, the Illinois Environmental Protection Agency (Agency), pursuant to Section 28 of the Illinois Environmental Protection Act (Act), proposed to amend Part II of Chapter 8. The Board designated the proposed amendment R74-14. The proposal was intended to exempt motor racing from the specific numerical limits contained in Part II of Chapter 8 between 7:00 a.m. and 10:30 p.m. Three hearings were held on the proposal: May 7 and 14, and June 24, 1975.

The Board has authority to hold hearings and adopt noise regulations based on language contained in Sections 25 and 27 of the Act.

The Agency proposed to exempt motorized racing from the numerical limits because "the noise problems particular to the racing industry do not easily lend themselves to the normal solutions necessary for compliance with the property-line noise-source limits established in Part II" of Chapter 8. The Agency believed that the primary methods of noise control, i.e., enclosures, barriers, treatment of the noise source itself, acquisition of land buffer zones, and operational changes, would be ineffective to bring about compliance with the regulations in Part II of Chapter 8.

At the first hearing, the Agency revised the language of its proposed amendment to Chapter 8 (Ex. 1). The revised language, contained in Exhibit 3, stated:

"Rule 201: CLASSIFICATION OF LAND ACCORDING TO USE

(a) Class A Land
Class A land shall include all land used as specified by SLUCM Codes 110 through 190 inclusive, 651, 674, 681 through 683 inclusive, 691, 711, 762, 7121, 7122, 7123 and 921.

(b) Class B Land
Class B land shall include all land used as specified by SLUCM Codes 397, 471 through 479 inclusive, 511 through 599 inclusive, 611 through 649 inclusive, 652 through 673 inclusive, 675, 692, 699, 7124, 7129, 719, 721, 722 except 7223, 723 through 761 inclusive except 7311, 796 through 790 inclusive, and 922.

(c) Class C Land
Class C land shall include all land used as specified by SLUCM Codes 211 through 299 inclusive, 311 through 396 inclusive, 399, 411 except 4111, 412 except 4121, 421, 422, 429, 441, 449, 460, 481 through 499 inclusive, 7223 and 7311 used for motorized racing, and 811 through 890 inclusive.

(d) A parcel or tract of land used as specified by SLUCM Code 81, 83, 91 or 922, when adjacent to Class B or C land may be classified similarly by action of a municipal government having zoning jurisdiction over such land. Nothwithstanding any subsequent changes in actual land use, land so classified shall retain such B or C classification until the municipal government removes the classification adopted by it."

"Rule 208: EXCEPTIONS

(a) Rules 202 through 207 inclusive shall not apply to sound emitted from land used as specified by SLUCM Codes 110, 140, 190, 691, and 742 except 7424 and 7425.

(b) Rules 202 through 207 inclusive shall not apply to sound emitted from emergency warning devices and unregulated safety relief valves.

(c) Rules 202 through 207 inclusive shall not apply to sound emitted from lawn care maintenance equipment and agricultural field machinery used during daytime hours. For the purposes of this sub-section, grain dryers operated off the farm shall not be considered agricultural field machinery.

(d) Rules 202 through 207 inclusive shall not apply to sound emitted from equipment being used for construction.

(e) Rule 203 shall not apply to sound emitted from existing property-line-noise-sources during nighttime hours, provided, however, that sound emitted from such existing property-line-noise-sources shall be governed during nighttime hours by the limits specified in Rule 202.

(f) Rules 202 through 207 inclusive shall not apply to sound emitted from land used as specified by SLUCM Codes 7223 and 7311 when used for automobile and motorcycle racing; and, any land used for contests, rallies, time trials, test runs or similar operations of any self-propelled device, and, upon or by which any person or property is or may be transported or drawn, when such self-propelled device is actually being used for sport or recreation and is actually participating in an activity or event organized, regulated, and supervised under the sponsorship and sanction of a club, organization or corporation having national or statewide recognition; PROVIDED, however, that the exceptions granted in this Rule 208(f) shall not apply to automobile and motorcycle racing, contests, rallies, time trials, test runs or similar operations of any self-propelled device if such activity is conducted between the hours of 10:30 p.m. to 7:00 a.m., local time."

The Agency explained what the proposed amendments to Chapter 8 were intended to accomplish (R. 15-20):

1. Rule 201(b): All motorized racing will become classified as a Class C land-use so that all motorized racing activities will be treated alike. Tracks used for horse racing will be excluded from Rule 201(b) and become unclassified so that they will be treated similarly to football and baseball events, which are exempt under Rule 208(a), SLUCM Code 742. Fairgrounds will be exempt from the numerical limits except when the land is used for motorized racing.

2. Rule 201(c): Not only automobile and motorcycle racing will be classified as a Class C land-use, but also other motorized racing forms, such as go-cart and snowmobile racing, will become Class C land-use.

3. 208(a): The exemption for fairgrounds is deleted from the numerical limits since the proposed amendment to Rule 201(b) will achieve this result.

4. Rule 208(f): Motorized racing is exempted from the numerical limits of Rules 202 through 207 between the hours of 7:00 a.m. to 10:30 p.m. The Rule provides "that the exemption will only apply to vehicles being used for sport or recreation and which are actually participating in an activity or event organized, regulated, and supervised under the sponsorship and

sanction of a club, organization or corporation having national or statewide recognition" (R. 18). The Agency noted that although other industries are required to comply by 10:00 p.m. under the nightime standard, 10:30 p.m. is justified because of the "particular uniqueness of the racing industry. Scheduled racing events for any particular evening are subject to unpredictable delays because of both weather conditions and accidents. Furthermore, it is common practice for some racetracks to grade and clean their track surface after the last racing event. The grading and cleaning process itself is, many times, accomplished with the use of motorized vehicles which may not be capable of complying with the existing decibel limits. Therefore, the racing industry is allowed an additional 30 minutes under the proposal to account for unpredictable delays inherent in the activity itself and for a cleanup process which in itself may create noise" (R. 19-20).

The Agency stated that Rule 102 of Chapter 8, which establishes a violation when "unreasonable interference" is proven, would remain in full force and effect and would be utilized by the Agency if necessary (R. 20).

EVIDENCE AT HEARINGS

Most of the testimony at the hearings centered on the issues of feasibility of mufflers to control noise emissions, current levels of emissions from race tracks, and neighborhood opposition to exempting motorized racing from the numerical standards in Chapter 8. As the evidence will show, many questions on the technical practicability and economic reasonableness of reducing emissions were not answered. Additional problems were encountered with noise measurements because Chapter 8 standards are expressed in octave band sound pressure levels (dB) while most evidence submitted was expressed in A-weighted sound levels, dB(A). While such data are valuable for comparison purposes, the inability to convert dB(A) to the appropriate dB readings limited the usefulness of such data. In addition, the numerical standards apply to noise as measured on the receiving property and do not include background levels.

There are approximately 125 to 150 motorized racing sites in Illinois (Ex. 12). Given below are data for the major kinds of motorized racing activity in the state:

Kind of track	No. in Ill.	Program time	Track surface	Events involved per session
Oval	30-35	Evenings	Asphalt/ dirt	2-3 hours of racing
Drag racing	10-12*	Day	Asphalt	3000 timed runs
Motorcycles (scramble)	30	Day	Dirt	4 hour final
Motorcycles (flat track)	20	Day	-	100 motorcycles
Tractor pulling	20-22	Evenings	Dirt	2-6hr. elimination

* There may be twice this number of drag strips in Illinois (R. 257)

The following table summarizes the numerical regulations, Rules 202 through 205, in terms of dB(A) equivalents [In the matter of Noise Pollution Control Regulations, R72-9, 8 PCB 703, 29 (July 31, 1973)]:

		dB(A) for specified emitting land uses		
		C	B	A
Receiving land use	C	70	62	62
	B	66	62	55
	A (day)	61	55	55
	A (night)	51	45	45

Evidence in Exhibit 6 stated that the primary noise sources at racetracks are the sounds emitted from the racing vehicles. The typical racing vehicle, whether an automobile racing on an oval track or a dragster, is unmuffled and consequently produces extremely loud A-weighted sound levels, dB(A), in the near vicinity of the track. Secondary noise sources include both the public address system and crowd cheering noises. Another noise source which is present at some tracks is the maintenance equipment, which may include equipment for maintaining the track and parking areas.

Oval racetrack data from Colorado recorded individual cars with noise emissions of 95 to 110 dB(A) at 100 feet (Ex. 6, Att. 2) Mufflers have effected a 15 dB(A) noise reduction. Muffled late model cars emitted 82 dB(A) 600 feet from the racing path (Ex. 6). Data from Oregon indicate the unmuffled drag race cars emit sound levels as high as 122 dB(A) when measured 50 feet from the vehicle path (Ex. 6, Att. 1). Tests of seven different mufflers on individual late model stock cars showed emission levels between 84 to 103 dB(A) at 100 feet, which prompted the Agency to conclude that "you cannot generalize about cars and mufflers" (R. 77).

The Agency stated that very little data were available on performance standards for mufflers and a specific automobile (R. 92). Wind speed and direction are also important factors in determining the effectiveness of mufflers (Ex. 6, Racing Promotion Monthly). Some evidence (Ex. 6, Att. 1) indicated that mufflers were feasible on drag racing cars. Late model cars and dragsters, both unmufflered, were recorded at 116 dB(A) at 75 feet. However with mufflers, drag race cars recorded "103 compared to 93 dB(A) for stocks."

The Agency introduced evidence on the feasibility of various devices to control noise emissions (Ex. 6).

"Mufflers are available for racing motorcycles, for racing cars, drag race cars, and racing snowmobiles. Application of the mufflers to racing cars will result in a significant noise reduction; however, the results are not always the same. Data

measured from one vehicle, equipped with seven different mufflers, during full throttle acceleration at a track indicate that a noise reduction of from 4 to 20 dB(A) may be achieved by installing a muffler (Ex. 6, Att. 1). The actual noise reductions in dB(A) at 50 feet obtained for the seven different mufflers were: 4, 16 1/2, 18, 18 1/2, 19 and 20 dB(A). The mean noise reduction was 18 dB(A). Some mufflers are more effective in reducing noise emissions from racing vehicles than other mufflers. The more effective racing mufflers will produce a noise reduction of approximately 15 dB(A) or more. Mufflers installed on drag race cars are not as effective as mufflers installed on cars racing on oval tracks. Data from eight drag cars reported in Exhibit 6, Attachment 1 indicate that a noise reduction from 7 to 19 dB(A) was achieved with a mean value of 14 dB(A) noise reduction. The actual noise reduction for the eight drag cars were 7, 12, 12, 13, 15, 16, 19 and 19 dB(A). It is believed that the mufflers on drag racing cars are not as effective since drag racing cars operate at higher rpm's than racing cars on oval tracks and there is more mechanical noise on drag racing vehicles."

As reported in Exhibit 6, Attachment 3, "mufflers which may be used for racing vehicles cost between $10 to $40 per car. The actual costs for three types of mufflers were $17.50 each, $40 per pair and $10 each. These are 1974 prices and do not include installation costs."

One expert witness stated that certain classes of dragsters were impossible to muffle (R. 255). Muffling restricts engine exhaust and heat flow on engines already operating at very high temperatures. The witness did not believe that the loss of efficiency from muffling would mean significant engine heat reduction. Rather, the use of mufflers would require heavy bracing which would vitiate the effectiveness of the dragster (R. 266, 7). Few scientific advances have been made in recent years on metals to enable them to withstand higher temperatures (R. 268). At the present time tests are not being conducted to determine possible methods to muffle dragsters (R. 269).

Barriers have been applied at some racetracks; however, the Agency believed that they are not an effective noise reducing technique (Ex. 6). "To be effective, the barrier must be much higher than the noise source and should be relatively close to the noise source. However, at racetracks the barrier can never be very close to the racing vehicle, because for instance, at times the vehicle will be on the opposite side of the track away from the barrier. Thus, because the barrier cannot be placed near the racing vehicles, they have in general proven to be an ineffective noise reducing technique. However, this is not to preclude the possibility that a particular track and a particular configuration may not benefit from the application of a barrier. The cost of barriers depends upon many factors, including type of barrier and height of barrier. Data prepared for the construction of highway barriers indicate that the cost for a 10 feet high barrier varies between $12 and $150 per linear foot (Ex. 6, Att. 4 and 5). For example, the U.S. Department of Transportation estimates that a ten foot high barrier would cost $50 per linear

foot for a 2:1 sodded earth berm; $40 per linear foot for a wood fence; $38 per linear foot for 'well liners;' and $100 per linear foot for a concrete wall. A report published by the Highway Research Board in 1973 lists the following approximate costs per linear foot of a 10 foot high barrier: $15 for treated fir plywood panels; $25 for an earth fill, top soil and sodded; and $30-55 for reinforced concrete. The Illinois Department of Transportation estimates that a sodded 2:1 earthen berm, using fill available at the site, would cost $25 per foot if the barrier were 10 feet high. If the barrier were to be 20 feet high, the cost would become approximately $100 per linear foot. Using this latter information, if a track were to install an earthen berm, using dirt available at its site, that were 500 feet long, the installed cost would be $12,500 for a 10 feet high berm and $50,000 for a 20 feet high berm. Depending upon the configuration of the particular track, a barrier 10 to 20 feet high could be expected to produce a noise reduction of 10 dB(A) or less."

"If the installation of mufflers and the erection of barriers do not provide sufficient noise reduction to comply with noise regulations, the only other alternative is to purchase additional land as a 'buffer zone.' Sound level data from Exhibit 6, Attachments 1 and 2 indicate that racing cars equipped with mufflers produce sound levels of 88-90 dB(A) at 100 feet. Using acoustical propagation theory (-6 dB(A) per doubling of distance) and assuming a barrier were erected with a noise reduction of 10 dB(A), there could be no residences for approximately one quarter of a mile from the racetrack for this single vehicle's noise emissions to comply with the Rule 202 sound pressure level limits. If the barrier were less effective and if more vehicles were operating, a larger residence-free zone would be required to achieve compliance." It would not be necessary to have a one-fourth mile "buffer zone" if the racetrack were in a rural area or if adjacent areas were zoned "Class C", pursuant to Rule 201(d).

Testimony was offered on the economic impact of the regulation. Individuals involved with motorized racing generally agreed that any substantial decrease in noise would adversely affect business. The consensus of opinion was that spectators not only come to the track to see competition but also were buying noise (R. 150, 320). However, other testimony indicated that recent muffler requirements at some racetracks did not appear to reduce participation. Track operators felt that any limits before 10:30 p.m. would not permit them to complete a typical nightly program. While most operators strive to conclude racing by 10:30 p.m., it is very difficult to complete a racing program by 10:00 p.m. due to accidents, rain, delays, and operational difficulties (R. 525). A 10:00 p.m. closing would often mean that the feature event could not be completed, which creates crowd hostility and, when rescheduled during the next session, causes further difficulty in completing the subsequent racing program on time.

The following economic data were supplied during the hearings (Ex. 19):

"Motor racing in Illinois contributes substantially to the economy of the State:

1. Over 5 million persons attended or participated in some way.

2. They spend or generate over $120 million per year in goods and services.

3. They attend over 95 auto and 100 organized and regulated tracks.

4. Twenty-five major county fairs sponsor motor races.

5. Over 7,000 workers in Illinois owe their livelihood to the sport in which an additional 10,000 workers are indirectly employed.

6. Motor racing offers 10,000 drivers and 30,000 crewmen a place to pursue their interests.

7. There are 10,000 sports car enthusiasts who participate in and through 325 clubs.

8. There are 35,000 registered motorcycles in Illinois.

9. The value of race tracks is incalculable but probably can be estimated as high as $50 million. These tracks pay millions in taxes to local, county, state and federal agencies as well as into general funds such as Social Security and welfare programs.

10. There are 20,000 manufacturers, distributors, sales groups, retail stores, speed shops, and warehouses involved in motor sports.

11. To the best of my knowledge, only one track in Illinois regularly holds events for SCCA sanctioned races - Blackhawk Farms, about 8 miles west of South Beloit, Illinois. This track has a full schedule of events on virtually every weekend starting early in May and ending in October. The number of participants probably averages 150 per weekend with perhaps 4 to 5 times this number in crews, families and workers."

Testimony was offered that racetracks provide a proper outlet for youthful energy through motorized racing (R. 478). Unless such energies are expended through the constructive activity of track racing, such activities will occur on streets with more serious social consequences. The effects of motorized racing on other industries was referred to. Various protective features associated with motorized racing have benefited society in various ways (R. 303). It was also noted that neighboring states do not have noise emission limitations so that drivers might be encouraged to race elsewhere if numerical standards were enforced (R. 530).

Since August, 1970 the Agency has received a total of 26 individual unsolicited noise complaints involving motorized racing activities at 14 racetracks in Illinois. The complaints have been received from all parts of the state. Noise readings on homeowners' property reveal the following levels of emissions (Ex. 13):

Complaint No.	Motorized vehicles	dB(A) reading	Ambient noise level	Distance from track
72-22-1	Cars	75-84	53	-
73-6	Cars	78-80	-	1/4 mile
71-37	Cars	80-84	47-50	-
71-53	Motorcycle	84	-	-
72-24	Dragsters	78	54	-
72-15-1	Single cars	68-75	-	500 yards

The Agency stated that based on the information in Exhibit 13, none of the tracks could comply with present standards. Tests conducted by the Agency in May, 1975 at Rockford and Jacksonville speedways were also found to be above compliance levels (R. 507). At Jacksonville, late model cars (20 vehicles) required to have mufflers were measured at 93 to 113 dB(A) at 62 1/2 feet (R. 504). Not all cars were muffled, and the Agency believed that total muffling could reduce dB(A)'s by 5 to 8. At 600 feet (the nearest residence) noise levels exceeded 80 dB(A). Similar but lower readings were recorded at Rockford Speedway.

Most oval tracks in Illinois have adopted some kind of muffler requirement and many tracks have made adjustments in their public address systems to limit noise emissions (R. 567). Such changes may not bring tracks into compliance with the numerical limits but may provide some relief to neighbors. The muffler requirements, however, do not set specific performance standards but rather specify certain equipment as well as satisfying the requirements of a particular track operator. For motorcycles, the American Motorcycle Association has set a standard of 92 dB(A) at 50 feet, which many tracks in the state are voluntarily complying with (R. 500, 501).

After the first hearing, the Board requested that the Agency supply more detailed and complete information on motorized racing in Illinois. In the Board letter to the Agency on May 9, 1975 (Ex. 10), the Board stated that "Additional information is required on all the factors set out under Section 27 of the Act so that the Board can carry out its statutory responsibilities . . . To develop a complete and accurate record the following information must also be submitted. For each track in the state, the Board must know:

1. Location of the track. Is it in a residential or rural area and what population centers are located near it?

2. The complaints (by kind) that have been received about the noise at the track.

3. The track surface.

4. The primary and secondary uses made of the land surrounding the racetrack.

5. The approximate number of persons living within one mile of the track.

6. The approximate number of programs conducted at the racetrack each year."

During the June 24 hearing, the Agency answered the request of the Board (Comp. Ex. 21):

"Russell T. Odell's letter directed certain questions to the Agency. Each question will be restated, followed by the Agency's response:

QUESTION - For each track in the state, state the complaints (by kind) that have been received about the noise at the track.

RESPONSE - Representative examples of the complaints the Agency has received is contained in this composite exhibit as PART 1.

QUESTION - For each track in the state, state the approximate number of programs conducted each year.

RESPONSE - PCB Docket No. R74-14, Exhibit No. 12 contains information concerning the various categories of motorized racing. Exhibit No. 12 states both the approximate hours of operation and days of the week during which events are conducted. Although Exhibit No. 12 does not give a breakdown for each track, it purports to be representative of racing activities in general.

QUESTION - The Agency should present noise level data for several representative tracks in the State of Illinois.

RESPONSE - This information has been supplied and is a part of the record of proceedings of PCB Docket No. R74-14 as Exhibit No. 13.

QUESTION - If possible, the Agency should supply noise level data for Santa Fe Speedway.

RESPONSE - Noise level data for Santa Fe Speedway is included herein immediately following Russell T. Odell's letter of May 9, 1975. The noise level data were taken at a time when motorcycles were being raced. The Agency

does not currently have any sound level data for Santa Fe Speedway at a time when cars were being raced.

"Russell T. Odell's letter of May 9, 1975 also included four other questions which are specifically numbered in that letter as questions numbered 1, 3, 4 and 5. The Agency has not been able to ascertain the information necessary to answer these four questions. The Agency does not know where every racetrack in the state is located nor does the Agency know the names of the various racetracks throughout the State of Illinois. The requested information could best be answered by the owners and operators of racetracks throughout Illinois. Since the racing interests are represented through the Illinois Association of Motor Sports (AMS) by legal counsel having an appearance on file for PCB Docket No. R74-14, it is suggested that this information could be obtained by the Board by way of either request or subpoena."

Most citizens who testified at the hearings were opposed to exempting motorized racing from the numerical limitations in Part II of Chapter 8 (R. 160-185; 335-350; 721-777; and 810-835). Most of these citizens lived within one mile of a racetrack and expressed the following common complaints:

1. Lawn, garden, and patio activities after dinner are disrupted by racing noise. Indoor conversation, reading, and relaxation are impaired by the noise.

2. Citizens have had to buy air conditioning units because evening indoor activities on racing nights require that the house be closed-up.

3. Noise from racetrack disrupts sleep and quiet conversation.

4. Neighbors are reluctant to have evening parties on racing nights because racing noise embarrasses them in front of their guests.

5. Traffic congestion, air pollution, and litter problems result from the motor racing activities.

Most witnesses in opposition to motor racing noise were not opposed to motor racing, but as a "captive audience" felt that they were entitled to relief from the excessive noise. While witnesses were not opposed to the noise generated by an occasional passing train or airplane, the incessant and continual sound from the racing cars and public address system was considered objectionable. For the most part, track neighbors were not aware of the serious nature of the noise emissions before they purchased their homes.

Citizens have not always been able to achieve adequate relief on the local level. One witness testified on the successful efforts in her community to control motorcycle races at a nearby track (Ex. 7). Another witness discussed the problem, still unresolved, of getting local agencies to act when the agencies were unsure of who had jurisdiction over the facility (R. 396).

FINDINGS OF THE BOARD

The record does not support a change in the regulation because:

1. The technical data on noise abatement techniques - especially in the important area of mufflers - does not support a regulatory change. The Agency admitted that the information was fragmented and incomplete. While most manufacturers presently have tests underway, evidence on performance standards was not made part of the record. Some evidence suggested that even dragsters could be muffled, but information to substantiate or refute such generalities was not provided. The problem of analyzing the data was compounded by the problem of converting dBA's into dB readings. Had the record supported the conclusion that noise abatement techniques were not available, the fragmentary data would not have been adequate to establish a different numerical standard.

2. Little economic data were presented into the record. Much of the data consisted of general statements on the numbers of people directly or indirectly involved with motorized racing in Illinois. The evidence did not indicate how operators would be affected by the regulation except to say that they could not comply at all and therefore would all presumably be out of business. However, the record did not support the statement that compliance was not feasible. Many tracks, due to location, controls, and racing limitations, may already be in compliance. In future hearings it would be helpful to point out how the present standard might affect operators who typify the kinds and conditions of motor racing found statewide.

3. The evidence is insufficient to enable the Board to change the present regulation in light of Section 27 of the Act. Information required to be considered by the Board in adopting a regulation was not supplied although requested on several occasions, and much of the data submitted was incomplete. We are required to follow the legislative mandate in adopting regulations. Since conditions, tracks, cars, equipment, etc. are widely varied in motorized racing, sufficient information must be supplied to give the Board a representative picture of the industry.

4. Many citizens, both in hearings and during the public comment period, strongly objected to the Agency amendment. It is clear that motorized racing seriously interferes with and disrupts the homelife of many people. While the serious concerns of such citizens can be outweighed by other more serious interests, the record on this case does not convince us that racetracks are entitled to greater rights in the light of the citizen objections. The homelife of an individual is one of his most important interests; the record does not support a change to undermine or limit this substantial social interest.

5. Some evidence was submitted which suggests that the present standard and methods of noise measurement may need to be reviewed, but not enough factual data were provided to establish different standards. On August 11, 1975, the Agency filed another proposed amendment to Chapter 8. The proposed amendment, docketed R75-11 by the Board, deals with the same subject matter of R74-14. This proposed amendment will be consolidated with R74-14 and further hearings shall be held as soon as possible. In view of the questions raised concerning current numerical limits, methods of measuring noise, and the proposed amendment to Chapter 8 that was filed by the Agency on August 11, 1975, the Board will extend the compliance date in Rule 209(j) of Chapter 8 to February 10, 1976, in order to consider these issues further.

Individual racetracks are not foreclosed from seeking other relief. First, under Section 37 of the Act, the variance procedure exists for any person. While no racing facility has ever sought a variance from the numerical limits, relief is available if sufficient proof can be shown. Second, under Rule 201(d) of Chapter 8, racetracks can implement zoning changes on the local level and thereby protect themselves from residents who move in after the racetrack is already situated in the area. Furthermore, pursuant to Rule 201(d) racetracks can have adjacent areas zoned "Class C", thereby achieving exemption from the limits set out for Class A and B receiving land.

ORDER

IT IS THE ORDER of the Illinois Pollution Control Board that:

1. The proposed amendment to Part II of Chapter 8, contained in Exhibit 3 of R74-14 is hereby rejected.

2. R74-14 and R75-11 are consolidated and set for hearing with the record in R74-14 to be incorporated in this new proceeding.

3. The compliance date in Rule 209(j) of Chapter 8 is hereby amended and extended to February 10, 1976.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 28th day of August, 1975, by a vote of 3 — 0.

Christan L. Moffett(g)
Christan L. Moffett, Clerk
Illinois Pollution Control Board