

ILLINOIS POLLUTION CONTROL BOARD  
July 7, 1977

IN THE MATTER OF: )  
)  
)  
MOTOR VEHICLE NOISE REGULATIONS ) R74-10

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

On June 10, 1977 the Automotive Exhaust Systems Manufacturers Committee (AESMC) petitioned the Board to reconsider the language in Rule 301 in the amendments to Chapter 8: Noise Regulations adopted on May 12, 1977. AESMC felt that the prohibition against modification or replacement of automotive exhaust systems should be limited to those changes which produce excessive or unusual noise.

On June 24, 1977 the Agency responded to AESMC's petition with a proposal that the Board adopt new language for Section 301 which would more nearly parallel the Motor Vehicle Muffler Provision stated in the Illinois Revised Statutes in Chapter 95 1/2 at Section 12-602. The Agency's proposal as stated in the Order below would accommodate the AESMC's petition and would conform the language of Section 301 with the intent of the Board as stated in its Opinion on May 26, 1977.

Upon a review of Section 301 of the amendments to Chapter 8: Noise Regulations the Board finds that the language contained in the Order below reflects the correct interpretation of the Board's Opinion in this matter.

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

ORDER

It is the Order of the Pollution Control Board that Section 301 of Chapter 8: Noise Regulations of the Board's Rules and Regulations be amended to read as follows:

Rule 301: EXHAUST SYSTEM

No person shall operate or cause or allow the operation of a motor vehicle on a public right of way unless it is at all times equipped with an adequate muffler or other sound dissipative device which is:

a) In constant operation and properly maintained to prevent any excessive or unusual noise;

b) Free from defects which affect sound reduction; and

c) Not modified in a manner which will amplify or increase the noise of such muffler or other sound dissipative device above that emitted by the muffler originally installed on the vehicle so as to produce excessive or unusual noise.

IT IS SO ORDERED.

Mr. Young dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 7<sup>th</sup> day of July, 1977 by a vote of 4-1.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board