

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1976

IN THE MATTER OF)	
PROPOSED MOTOR RACING)	R75-11
NOISE REGULATIONS)	
)	
IN THE MATTER OF THE)	
NOISE POLLUTION CONTROL REGULATIONS)	R72-2

ORDER OF THE BOARD (by Mr. Goodman):

On February 23, 1976, the Environmental Protection Agency (Agency) filed a motion to Extend the Compliance Date in Rule 209(j) of the Noise Regulations (Chapter 8) to November 10, 1976. On February 27, 1976, the Association for Motor Sports (AMS) filed a Motion to Extend Effective Date of Noise Regulations. On March 22, 1976, William Johnston, et al., residents in the vicinity of the Santa Fe Race Track, filed an Objection to the Motions of the Agency and AMS. The Board has considered the Motions and Brief submitted by the parties and hereby denies the Motions to extend the compliance date.

In reviewing the above-mentioned Motions, the Board has discovered a Motion filed on November 2, 1973, by AMS, et al., petitioning the Board for a stay of the compliance dates of the Board's Noise Regulations adopted in R72-2, pending the outcome of a petition for judicial review of R72-2 filed by these Petitioners in the Illinois Appellate Court. The Motion for Stay was filed by AMS as a representative of motor racing interests in Illinois, including the interests of those who participate in the sport as drivers, track owners, track operators, equipment manufacturers, wholesalers, and retailers, as well as by individual parties named in the Petition. The Board hereby denies the Motion for Stay.

However the Board recognizes that Petitioners may have desired to pursue a Motion for Stay in Appellate Court but were precluded from doing so by Rule 335 of the Illinois Supreme Court Rules which requires Petitioners to exhaust their administrative remedy before seeking a stay in Appellate Court. Therefore, the Board on its own motion grants Petitioners a stay of Rule 209(j) of the Noise Regulations until November 22, 1976, or until such time as Petitioners are either granted or denied a stay by the Illinois Appellate Court, whichever is sooner.

Mr. Zeitlin abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 22nd day of July, 1976 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board