

9169-6

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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|-----------------------|---|--------------|
| VITAUTAS MATULYAUSKAS |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 2026-044 |
| |) | |
| LISLE PARK DISTRICT, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF ELECTRONIC FILING

To:

Vitautas Matulyauskas
6282 Timberview Dr.
Lisle, IL 60532

Don Brown
Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, Illinois 60605

PLEASE TAKE NOTICE that on February 3, 2026, I electronically filed with the Clerk Of the Pollution Control Board of the State of Illinois Respondent's Motion to Dismiss, and Appearance of Andrew S. Paine, copies of which are attached hereto and herewith served upon you.

LISLE PARK DISTRICT

/s/ Andrew S. Paine
Andrew S. Paine
One of the Attorneys for Respondent

Attorney for Respondent, Lisle Park District
Andrew S. Paine (6293515)
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| Respondent. |) | |

APPEARANCE

The undersigned, Andrew S. Paine, an attorney, enters an appearance on behalf of Respondent, Lisle Park District.

LISLE PARK DISTRICT

/s/ Andrew S. Paine
 Andrew S. Paine
 One of the Attorneys for Respondent

Attorney for Respondent, Lisle Park District
 Andrew S. Paine (6293515)
 TRESSLER LLP
 233 S. Wacker Drive, 61st Floor
 Tel: 312-627-4154
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 Firm No.6990
apaine@tresslerllp.com

Dated: February 3, 2026

This document was filed electronically

CERTIFICATE OF SERVICE

I, Andrew S. Paine, an attorney, certify that I caused a copy of this Notice of Filing and the documents referenced therein to be served upon the below named individuals by electronic mail, this 3rd day of February, 2026.

LISLE PARK DISTRICT

/s/ Andrew S. Paine _____

Andrew S. Paine

One of the Attorneys for Respondent

Service List

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RESPONDENT’S MOTION TO DISMISS

Respondent, Lisle Park District (“Park District”), by and through its attorneys, Tressler LLP, respectfully moves the Illinois Pollution Control Board (“PCB”), pursuant to 35 Ill. Admin. Code 101.202 and 103.212, to dismiss the complaint in this matter as “frivolous” for failing to state a cause of action upon which the PCB can grant relief. In support of its Motion to Dismiss, Respondent states as follows:

I. INTRODUCTION

On January 5, 2026, Complainant filed a citizen complaint against the Park District (“Complaint”), a copy of which is attached hereto as Exhibit A. Complainant alleges that the Park District violated certain noise pollution standards and regulations in Section 24 of the Environmental Protection Act (“Act”) (415 ILCS 5/24) and 35 Ill. Admin. Code 900.102. Complaint, pg. 2. More specifically, Complainant alleges that the Park District “owns, operates, controls, and permits unstructured public pickleball play on outdoor courts located at Abbeywood Park, 2211 Abbeywood Drive, Lisle, Illinois,” and that the pickleball play generates noise pollution in violation of 415 ILCS 5/24 and 35 Ill. Admin. Code 900.102. Complaint, pgs. 1-2.

II. FACTUAL BACKGROUND

The Park District is an Illinois park district and unit of local government organized under and operating pursuant to the Illinois Park District Code (70 ILCS 1205/1-1 *et seq.*). Complaint, pg.1; See also, Ill. Const. Article VII, Section 1. The Park District owns, operates, maintains, manages, and controls certain real property located at 2211 Abbeywood Drive, Lisle, Illinois, commonly referred to as Abbeywood Park. Complaint, Pg. 1.

Abbeywood Park is a 5.1-acre neighborhood park that is open for, and used by, Park District residents and the general public, and includes a variety of park and recreational amenities, including but not limited to two pickleball courts, a tennis court, a playground, a basketball court, and walking paths. See, <https://www.lisleparkdistrict.org/> (last visited 2/03/26).

The pickleball courts are subject to a variety of rules and regulations established by the Park District, including hours of operation (currently 8:00 am to dusk), a prohibition on playing loud music, a prohibition on the use of automatic ball machines, discontinuance of programming, lessons, and clinics, and the recommended use of “quiet category equipment.” These rules and regulations are publicized in a variety of ways, including on the Park District’s website and on signage prominently displayed at the pickleball courts, and are enforced by Park District staff and the Village of Lisle Police Department. In addition, all parks and property owned by the Park District are also subject to Ordinance 13-02, an Ordinance Regulating the Use of the Parks and Property Owned or Controlled by the Lisle Park District (“Conduct Ordinance”). See, <https://www.lisleparkdistrict.org/policies.html> (last visited 2/03/26). The Conduct Ordinance regulates the general public’s use of all parks, property and facilities owned and controlled by the Park District, and is enforced by Park District staff and Village of Lisle Police Department. *Id.*

III. ARGUMENT

A. The Complaint Should be Dismissed as Legally “Frivolous.”

Under the Act and the PCB's rules, Respondent may move to dismiss a citizen complaint as "frivolous" if it requests "relief that the Board does not have the authority to grant," or "fails to state a cause of action upon which the Board can grant relief." 35 Ill. Adm. Code 101.202, 103.212. Here, Complainant alleges violations of 415 ILCS 5/24 and 35 Ill. Admin. Code 900.102 related to certain noise pollution emanating from the Park District's pickleball courts located in Abbeywood Park. Based on the clear language of Sections 25 and 3.310 of the Act, the PCB's noise standards and regulations do not apply to the activity in question and, therefore, the PCB lacks jurisdiction. 415 ILCS 5/25 and 415 ILCS 5/3.310. As a result, and for the reasons set forth in more detail below, none of Complainant's allegations state a valid cause of action upon which the PCB can grant relief and the Complaint should be dismissed as frivolous.

B. The PCB Lacks Jurisdiction Over the Activity in Question Pursuant to Sections 25 and 3.310 of the Act.

1. The Complaint Fails to Properly Allege a Violation of 415 ILCS 5/24

Complainant alleges a violation of 415 ILCS 5/24 based on noise generated by pickleball activity in Abbeywood Park. Section 24 states, in relevant part:

No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, so as to violate any regulation or standard adopted by the Board under this Act.

415 ILCS 5/24. And while Section 24 of the Act is capable of being violated, "the plain language of Section 24 provides no general cause of action under the Act." *Shepard v. Pollution Control Bd.*, 272 Ill. App. 3d 764, 768 (2d Dist. 1995), see also, *Rulon v. Double D Gun Club*, PCB 03-7 (Aug. 22, 2002). Rather, in order to establish a violation of Section 24, Claimant must allege, and ultimately prove, that the Park District is emitting noise "so as to violate any regulation or standard

adopted by the Board.” *Id.* See also, *Anthony and Karen Roti et al., v. LTD Commodities*, PCB 99-19 (Nov. 5, 1998).

Section 25 of the Act creates rulemaking authority for the PCB. 415 ILCS 5/25. Importantly, it also contains certain specific limitations on the PCB’s rulemaking authority. *Id.* Section 25 states, in relevant part:

No Board standards for monitoring noise or regulations prescribing limitations on noise emissions shall apply to any organized amateur or professional sporting activity except as otherwise provided in this Section.

415 ILCS 5/25. And as discussed in more detail below, the Park District’s pickleball activities at Abbeywood Park are “organized amateur or professional sporting activity” as that term is defined by Section 3.310 of the Act (415 ILCS 5/3.310) and are therefore exempt from the PCB’s noise standards and regulations under Section 25 of the Act (415 ILCS 5/25).

2. The Complaint Fails to Properly Allege Violations of 35 Ill. Admin. Code 900.102.

Complainant also alleges a violation of the PCB’s numerical standards in 35 Ill. Admin. Code 900.102 based on noise generated by pickleball activity in Abbeywood Park. Section 900.102 states, in relevant part:

A person must not cause or allow the emission of sound beyond the boundaries of that person's property, as defined in Section 25 of the Environmental Protection Act [415 ILCS 5/25], that causes noise pollution in Illinois or violates any provision of this Chapter.

35 Ill. Admin. Code 900.102. As with alleged violations of Section 24 of the Act, Illinois Courts have determined that Section 900.102 is subject to the limitations set forth in Sections 25 and 3.310 of the Act. *Shepard v. Pollution Control Bd.*, 272 Ill. App. 3d 764, 769 (2d Dist. 1995); *Hinsdale Golf Club v. Kochanski*, 197 Ill. App. 3d 634 (2d Dist. 1990); *People v. Pollution Control Bd.*, 129 Ill. App. 3d 958, (.1st Dist. 1984).

And as discussed in more detail below, because the Park District's pickleball activities at Abbeywood Park are "organized amateur or professional sporting activity" as that term is defined by Section 3.310 of the Act (415 ILCS 5/3.310), they are likewise exempt from the PCB's noise standards and regulations pursuant to Section 25 of the Act (415 ILCS 5/25).

3. Organized Amateur or Professional Sporting Activity is Not Subject to PCB Noise Standards or Regulations.

As discussed above, both Illinois Courts and the PCB have established that the exemptions to PCB's noise standards and regulations set forth in Section 5/25 of the Act are applicable to alleged violations of Section 24 of the Act and the numerical standards in 35 Ill. Admin. Code 900.102. Section 25 states, in relevant part:

No Board standards for monitoring noise or regulations prescribing limitations on noise emissions shall apply to any organized amateur or professional sporting activity except as otherwise provided in this Section.

415 ILCS 5/25. Section 3.310 of the Act defines "organized amateur or professional sporting activity" as:

Organized amateur or professional sporting activity. "Organized amateur or professional sporting activity" means an activity or event carried out at a facility by persons who engaged in that activity as a business or for education, charity or entertainment for the general public, including all necessary actions and activities associated with such an activity. This definition includes, but is not limited to, (i) rifle and pistol ranges, licensed shooting preserves, and skeet, trap or shooting sports clubs in existence prior to January 1, 1994, (ii) public hunting areas operated by a governmental entity, (iii) organized motor sports, and **(iv) sporting events organized or controlled by school districts, units of local government, state agencies, colleges, universities, or professional sports clubs offering exhibitions to the public.**

415 ILCS 5/3.310 (emphasis added). Abbeywood Park is owned, operated, maintained, managed, and controlled by the Park District, a unit of local government. See Complaint, Pg. 1; IL Const. Article VII, Section 1. Pickleball and the variety of other recreational activities offered by the

Park District in Abbeywood Park are enjoyed by Park District residents and members of the general public. As such, the pickleball activity at issue here clearly falls within the definition of “organized amateur or professional sporting activity” referenced in Section 25 and defined in Section 3.310.

4. Pickleball Activity is “Organized Amateur or Professional Sporting Activity” under PCB Precedent.

The PCB addressed a nearly identical fact pattern in *Mr. & Mrs. Don Williams, et al., v. Schaumburg Park District*, PCB 96-186 (May 16, 1996), a copy of which is attached hereto as Exhibit B. In *Williams*, the PCB considered the jurisdictional issue of whether the activities in question constituted “organized amateur or professional sporting activity” under the Act and whether, as a result, the PCB’s noise standards and regulations were inapplicable. *Id.* At issue in *Williams* was noise related to basketball activities occurring at a park owned, operated, and controlled by the Schaumburg Park District. *Id.*

In *Williams*, the Complainant alleged as follows:

Complainants maintain that the activities at Odium Park do not represent an “organized amateur or professional sporting activity” and therefore falls within the Board’s purview. Complainants contend that the facility has never hosted any organized activity nor has any organized team play or practice taken place on the court. The complainants observe that there are no coaches at the facility and no supervision by the Park District. The complainants further maintain that the activity on the court is not conducted for business, education, charity, or entertainment of the general public. Complainants report that the basketball court has been used as early as 5:30 a.m. and as late as 1:30 a.m. Complainants contend that the Park District’s employment of 2 park rangers for six months of the year who are responsible for patrolling fifty-seven facilities does not mean that the Park District controls or organizes the activities on the court. In addition, complainants contend that the Park District’s regulations on the use of the facility are general rules regarding prohibited behavior on all Park District property and do not indicate control of the activities on the court.

Id. The respondent in *Williams*, Schaumburg Park District, maintained that:

[T]he basketball games that take place at the park are an “organized amateur or professional sporting activity” and are therefore exempt from the Board’s noise regulations. The Park District maintains that the basketball games are sporting events organized or controlled by a unit of local government as specified in the definition of “organized amateur or professional sporting activity” in Section 3.25 of the Act.¹ The Park District states that it restricts the hours of play and the behavior permitted on the basketball court. These rules and regulations are enforced by park rangers who are employed by the Park District. The Park District reports that members of the public do watch games played at the park. The Park District maintains that it is a unit of local government.

Id. The PCB in *Williams*, in determining that it lacked jurisdiction to hear the complaint as filed alleging violations of the noise standards, held as follows:

The Board must ascertain whether the activities alleged in the complaint filed on February 13, 1996 constitute an “organized amateur or professional sporting activity” and are therefore exempt from the Board’s noise regulations. The Board has reviewed and given consideration to all of the arguments presented by the parties. The definition of “organized amateur or professional sporting activity” in Section 3.25 includes “sporting events organized or controlled by ... units of local government” as part of the definition. The basketball games at the park are controlled by the Park District which is a unit of local government. The Park District has established rules for play and controls the use of the facility. While the rules may apply to all activities at Park District facilities they provide the Park District with control over the activities at its facilities including the basketball court.

In addition to finding that the activities satisfy the specific portion of the definition of “organized amateur or professional sporting activity” the Board finds that the activities also satisfy the more general provisions of the definition. The activities at the facility are carried out for the entertainment of those participating in the activity whether spectator or participant. It is not relevant that there be spectators to the activity but rather that members of the general public be allowed to participate in the activity either as a participant or spectator.

The Board finds that the complained of activities do represent an “organized amateur or professional sporting activity” as defined by the Act. Therefore, the Board does not have jurisdiction to hear this matter.

Id.

¹ Section 3.25 of the Act was renumbered pursuant to P.A. 92-574, eff. 6-26-02, and is now Section 3.310. The definition of “organized amateur or professional sporting activity” set forth in Section 3.25 and cited in *Williams* is identical to the current definition of “organized amateur or professional sporting activity” in Section 3.310.

The facts in *Williams* are nearly identical to the facts in this case, with the only difference being the organized amateur sporting activity in question. In *Williams* it was basketball. In this case it is pickleball. In this case, like in *Williams*, the pickleball games at Abbeywood Park are controlled by the Park District, which is a unit of local government. In this case, like in *Williams*, the Park District has established rules for play and controls use of the facility. *Williams* involved general rules governing the use of all park district grounds and facilities. However, in this case, not only does the Park District have a Conduct Ordinance that establishes general rules that govern the use of all of its parks and facilities, it also has specific rules that govern use of the pickleball courts and pickleball activity in particular. In this case, like in *Williams*, pickleball is available and carried out for the entertainment of those participating in the activity, whether as active participants or as spectators. And as the PCB noted in *Williams*, “it is not relevant that there be spectators to the activity but rather that members of the general public be allowed to participate in the activity either as a participant or spectator.” *Id.*

When comparing the facts in *Williams* to the facts in this case, all of the factors considered by the PCB in determining that the PCB lacked jurisdiction are present here. As such, the pickleball activity in question clearly meets the definition of “organized amateur or professional sporting activity.” As a result, the PCB lacks jurisdiction to hear this matter pursuant to Sections 25 and 3.310 of the Act.

IV. CONCLUSION

For the reasons stated above, the PCB’s noise standards and regulations do not apply to the activity in question and, therefore, the PCB lacks jurisdiction. As a result, none of Complainant’s allegations state a valid cause of action upon which the PCB can grant relief and the Complaint should be dismissed as frivolous.

WHEREFORE, Respondent, Lisle Park District, respectfully request that, pursuant to 35 Ill. Adm. Code 101.202 and 103.212, the Board dismiss the Complaint in this action as "frivolous" for failing to state a claim under Illinois law.

Respectfully submitted,

LISLE PARK DISTRICT

/s/ Andrew S. Paine

Andrew S. Paine

One of the Attorneys for Respondent

Attorney for Respondent, Lisle Park District
Andrew S. Paine (6293515)
TRESSLER LLP
233 S. Wacker Drive, 61st Floor
Tel: 312-627-4154
Fax: 312-627-1717
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apaine@tresslerllp.com

EXHIBIT A
Citizen Complaint

Before the Illinois Pollution Control Board

Vitautas Matulyauskas, Complainant

v.

Lisle Park District, Respondent

PCB 26-____ (for Board use only)

1. Your Contact Information

Name: Vitautas Matulyauskas

Street Address: 6282 Timberview Dr.

County: DuPage

City, State: Lisle, Illinois, 60532

Phone: (630) 747-4018

2. Place Where You Can Be Contacted During Normal Business Hours

Same as above.

3. Name and Address of Respondent (Alleged Polluter)

Name: Dan Garvy, Lisle Park District

Street Address: 1925 Ohio St.

County: DuPage

City, State: Lisle, Illinois, 60532

Phone: (630) 964-3410

4. Description of the Activity Causing Pollution

The Respondent owns, operates, controls, and permits unstructured public pickleball play on outdoor courts located at Abbeywood Park, 2211 Abbeywood Drive, Lisle, Illinois. The courts are made available for continuous open public use without restrictions on frequency, duration, or hours of play. Courts were converted from tennis courts and are way too close to the properties. (45' from my property line)

Pickleball play at this location generates repetitive, impulsive, high-frequency noise emissions primarily from paddle-to-ball impacts. These impulsive sound events occur in rapid succession and at irregular intervals, producing a distinct and intrusive noise character that propagates beyond the park property boundaries and into nearby residential areas. The resulting sound emissions are readily perceptible at neighboring homes and interfere with the normal use and enjoyment of adjacent residential property.

5. Provisions Alleged to Be Violated

The Respondent has violated **Section 24 of the Environmental Protection Act (415 ILCS 5/24)**, which prohibits any person from causing or allowing the emission of contaminants, including noise, so as to cause or tend to cause air pollution, endanger human health or welfare, or unreasonably interfere with the enjoyment of life or lawful business or activity beyond the boundaries of the property on which the emissions originate.

The Respondent has also violated **35 Ill. Adm. Code 900.102**, which provides that no person shall cause or allow the emission of sound beyond the boundaries of the property on which the sound originates where such emission causes noise pollution in Illinois or otherwise violates any provision of the Board's noise regulations. The sound emissions at issue constitute noise pollution as defined in **415 ILCS 5/3.315**, in that they unreasonably interfere with the enjoyment of life or lawful activity. A violation of these provisions may be established through qualitative evidence and is not dependent upon the applicability of numeric sound level standards.

Although **35 Ill. Adm. Code 901.107** exempts sound emissions from certain recreational park activities classified under **LBCS Code 5500** from the numeric sound level limits set forth in **35 Ill. Adm. Code 901.102 through 901.106**, that exemption is limited in scope and does not preclude application of the Act's general prohibitions under **415 ILCS 5/24** or the qualitative noise prohibition contained in **35 Ill. Adm. Code 900.102**.

In addition, **415 ILCS 5/25(f)** limits the Board's authority to adopt numeric sound level standards applicable to organized amateur or professional sporting activities. The pickleball activity at issue here consists of informal, unscheduled, open public recreational use without leagues, officials, permits, or organized events, and therefore does not constitute an organized amateur or professional sporting activity within the meaning of Section 25(f). Accordingly, sound emissions resulting from such activity remain subject to regulation under the Act and the Board's general noise prohibitions where they cause or tend to cause noise pollution.

6. Type and Location of Pollution

The pollution is **noise**, consisting of high-frequency, impulsive sound emissions (approximately 900–1,800 Hz) generated by pickleball play. The source is Abbeywood Park pickleball courts at 2211 Abbeywood Dr, Lisle, Illinois. The noise crosses the property boundary and impacts nearby residences, including the Complainant's home at 6282 Timberview Dr.

Measured levels documented by a licensed professional engineer include peak levels exceeding 100 dBC (LCpeak), LAFmax values approaching 80 dBA, and sustained LAeq levels materially above residential background conditions. Exhibit A

7. Duration and Frequency

The noise has occurred since the conversion of the courts to pickleball use in approximately May 2022. It occurs repeatedly and frequently during park hours, often daily,

from early morning through evening, particularly during spring, summer, and fall. Individual impacts occur dozens of times per minute and persist for hours when courts are occupied. The condition is ongoing. Observed Usage log is attached. Exhibit C

8. Adverse Effects

The repetitive, impulsive pickleball noise unreasonably interferes with the Complainants' enjoyment of life and use of their residential property, including outdoor activities, rest, relaxation, job duties, and concentration. The noise's impulsive and high-frequency characteristics—rapid onset of approximately **1–2 milliseconds**, followed by high-density repetition over roughly **20 milliseconds**—make it particularly intrusive, penetrating, and stressful compared to typical ambient residential sounds, akin to living adjacent to a pistol firing range.

These impacts are documented in the attached peer-reviewed study, *"Pickleball Noise: The Physiological and Psychological Effects on Nearby Residents"* by **Kathleen M. Romito** and **Daniel Fink** (*Proceedings of Meetings on Acoustics*, Vol. 56, 050001 (2025)). The study analyzes **246 self-reported mentions of adverse health effects** from similar exposures, of which **45.9% were physical** (including **46.0% nervous system effects, 25.7% cardiovascular effects, and 25.7% sleep disruption**) and **54.1% psychological** (including **51.3% severe distress or use of the term "torture," with two respondents reporting suicidal thoughts; 23.9% trauma or PTSD-like symptoms; and the remainder reporting anxiety, stress, and depression**).

The study further explains how sustained exposure to impulsive noise activates a harmful physiological stress response, resulting in elevated heart rate, increased blood pressure, adrenaline and cortisol release, and vascular inflammation. Documented long-term risks include cardiovascular disease, stroke, dementia, and cognitive decline. (*Exhibit B*)

Personally, within the past decade, during an insurance health screening, the male Complainant was informed that he ranked in the **top 5% of healthiest individuals** in his age group. However, after approximately **two years of exposure** to the pickleball noise, he was diagnosed with cardiovascular disease and underwent a **heart procedure (stent placement)** in **June 2024**. Since that time, he has required frequent physician visits, multiple MRI scans of the head, and ongoing cardiac medications.

The spouse of a Complainant has likewise suffered unexplained health deterioration, including high blood pressure and persistent stress, necessitating multiple surgeries related to **endocrine system dysfunction caused by chronic stress**. The noise exposure has induced severe psychological distress described as "torture," exacerbating anxiety, hypervigilance, and PTSD-like symptoms, including nightmares and heightened sound sensitivity.

The male Complainant's employment requires night shifts, rendering him unable to sleep during daytime pickleball play hours and resulting in chronic sleep deprivation. As seniors who spend the majority of their time homebound, the Complainants are disproportionately

affected compared to surrounding neighbors, leading to a significantly reduced quality of life, potential diminution of property value, and ongoing mental anguish.

9. Relief Requested

Through numerous statements and actions, the Park District has demonstrated that it is fully aware of the noise problems but refuses to implement readily available common-sense measures. Complainant is a member of USA pickleball association and strongly believes relief measures requested are doable and reasonable.

The Complainants respectfully request that the Board enter an order finding that the Respondent has violated the Environmental Protection Act and the Board's noise regulations as alleged herein, and requiring the Respondent to take such actions as are necessary to abate the noise pollution and prevent its recurrence. Without limiting the Board's discretion, Complainants request that such relief include the following:

- a. An order requiring the Respondent to cease and desist from causing or allowing noise pollution originating from the pickleball courts at Abbeywood Park and to implement effective noise-abatement measures sufficient to prevent unreasonable interference with the enjoyment of life or lawful activity beyond the property boundary;
- b. An order requiring the Respondent to adopt and enforce reasonable operational controls governing the type of pickleballs permitted for use on the courts, including requiring the use of pickleballs meeting recognized quiet-performance criteria designed to substantially reduce impulsive, high-frequency noise emissions, such as foam or other low-noise pickleballs designated under the **USA Pickleball Quiet Category** or other objectively verifiable quiet-ball standards;
- c. An order requiring the Respondent to post clear and conspicuous signage at the pickleball courts informing users of any ball-use restrictions adopted to comply with the Board's order;
- d. An order requiring the Respondent to implement reasonable compliance measures sufficient to ensure adherence to any ball-use restrictions imposed pursuant to the Board's order, which may include monitoring, on-site provision of compliant balls, or other measures appropriate in light of the enforcement challenges identified in the attached expert **Sound Data Analysis Report** prepared by Robert M. Unetich, P.E. (Sept. 2025) ; Exhibit A
- e. An order requiring such additional or alternative measures as the Board determines are necessary and appropriate to abate the noise pollution and prevent future violations, including operational limitations or cessation of use, should the Board determine that equipment-based controls alone are insufficient to achieve compliance, as discussed in the attached expert report.

Complainants further request that the Board assess a civil penalty against the Respondent as authorized under the Environmental Protection Act and grant such other and further relief as the Board deems just and appropriate.

10. Duplicative or Similar Actions

The Complainant is not aware of any identical or substantially similar enforcement action brought before the Board or another forum against the Respondent for the same alleged noise pollution.

11. Representation

The Complainant represents himself as an individual and is not an attorney licensed to practice law in Illinois.

12. Attachments – additional material

The following exhibits are filed separately in support of this Formal Complaint:

- Exhibit A: Sound Data Analysis Report by Robert M. Unetich, P.E. (Sept. 30, 2025)
- Exhibit B: Peer-reviewed study 'Pickleball noise: The physiological and psychological effects on nearby residents' by Romito and Fink (2025)
- Exhibit C: Observed Pickleball Court Usage Log
- Exhibit S: Abbeywood park Pickleball story

13. Signature



Vitautas Matulyauskas
Date: January 3, 2026, 2025

Certification (Optional)

I, Vitautas Matulyauskas, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Vitautas Matulyauskas

NOTICE OF FILING

Before the Illinois Pollution Control Board

Vitautas Matulyauskas, Complainant

v.

Lisle Park District, Respondent

PCB 26-____ (for Board use only)

Please take notice that today, **January 3, 2026**, I, **Vitautas Matulyauskas**, filed with the Clerk of the Illinois Pollution Control Board ("Board") a **Formal Complaint** commencing a citizen's enforcement action pursuant to the Illinois Environmental Protection Act. A copy of the Formal Complaint is served upon you together with this Notice of Filing.

You may be required to attend a hearing on a date to be set by the Board.

Failure to file an **Answer** to the Formal Complaint within **60 days** after service may have severe consequences. Failure to timely answer will result in all allegations in the Formal Complaint being taken as admitted for purposes of this proceeding. See **35 Ill. Adm. Code 103.204(f)**.

If you have any questions regarding this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office of the Illinois Pollution Control Board, or an attorney.

Complainant:

Vitautas Matulyauskas
6282 Timberview Dr
Lisle, IL 60532
Phone: (630) 747-4018

Vitautas Matulyauskas
Date: January 3, 2026

INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT

The following information has been prepared by the Illinois Pollution Control Board for general informational purposes only and does not constitute legal advice or substitute for

the provisions of any statute, rule, or regulation. Information about the Formal Complaint process before the Board is found in the Illinois Environmental Protection Act (415 ILCS 5) and the Board's procedural rules (35 Ill. Adm. Code 101 and 103).

Board Review of Formal Complaint

The Board will not accept a Formal Complaint for hearing if it finds the complaint to be either **duplicative** or **frivolous** within the meaning of Section 31(d)(1) of the Act (415 ILCS 5/31(d)(1)) and Section 101.202 of the Board's procedural rules.

- A complaint is **duplicative** if it is identical or substantially similar to a case brought before the Board or another forum.
- A complaint is **frivolous** if it seeks relief the Board does not have authority to grant or fails to state a cause of action upon which the Board can grant relief.

If the Board determines that a complaint is duplicative or frivolous, it will dismiss the complaint and notify the parties.

Motions and Answer

A respondent may file a motion alleging that the complaint is duplicative or frivolous within **30 days** after receipt of the complaint. If no such motion is filed, the respondent must file an **Answer** within **60 days** after service. Failure to timely answer may result in all allegations being deemed admitted.

Representation

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. An individual may represent himself or herself.

Costs

The Board charges no filing fee. Each party is responsible for its own costs, including attorney fees and witness expenses.

If you have questions, contact the Clerk's Office at (312) 814-3461.

DOCUMENTATION OF SERVICE

Before the Illinois Pollution Control Board

Vitautas Matulyauskas, Complainant

v.

Lisle Park District, Respondent

PCB 26-____ (for Board use only)

AFFIDAVIT OF SERVICE

I, **Vitautas Matulyauskas**, on oath or affirmation, state as follows:

1. I am the Complainant in this matter.
2. On **January 3, 2026**, I served copies of the attached **Formal Complaint** and **Notice of Filing** upon the Respondent at the address listed below by the method indicated.

B. U.S. Mail or third-party commercial carrier with a recipient's signature to be recorded upon delivery.

On **January 3, 2026**, by **4:00 PM**, at **Lisle Post Office, 1225 Warrenville Rd, Lisle, IL 60532**, copies of the attached Formal Complaint and Notice of Filing were provided to the United States Postal Service, with the Respondent's address appearing on the envelope, and with proper postage prepaid.

The delivery confirmation containing the recipient's signature is not available at this time. Within seven (7) days after it becomes available, I will file with the Clerk of the Illinois Pollution Control Board the delivery confirmation identifying the Formal Complaint to which it corresponds.

RESPONDENT'S ADDRESS

Name: Lisle Park District

Street: 1925 Ohio St

City, State, ZIP: Lisle, IL 60532

I certify under penalty of perjury that the foregoing is true and correct.

Vitautas Matulyauskas

6282 Timberview Dr

Lisle, IL 60532

Date: January 3, 2026

EXHIBIT B

Mr. & Mrs. Don Williams, et al., v. Schaumburg Park District, PCB 96-186 (May 16, 1996)

ILLINOIS POLLUTION CONTROL BOARD

May 16, 1996

| | | |
|---------------------------------|---|-----------------------|
| MR. & MRS. DON WILLIAMS, MR. & |) | |
| MRS. THOMAS MORRIS & MR. & MRS. |) | |
| PETER BIZIOS, |) | |
| |) | |
| Complainants, |) | PCB 96-186 |
| |) | (Enforcement - Noise) |
| v. |) | |
| |) | |
| SCHAUMBURG PARK DISTRICT, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by E. Dunham):

On March 21, 1996, the Board directed the parties in this proceeding to file briefs with the Board addressing whether the complained of activity is an "organized amateur or professional sporting activity" and whether the complaint alleges violations of the Act which fall within the Board's purview. The complainants filed their brief on April 18, 1996 and filed additional information on April 25, 1996. The Schaumburg Park District (Park District) filed its brief on May 2, 1996. On May 10, 1996, complainants filed a motion for leave to file a response brief and its response brief. The Board grants complainants' motion for leave to file a response brief.

The Park District argues that the basketball games that take place at the park are an "organized amateur or professional sporting activity" and are therefore exempt from the Board's noise regulations. The Park District maintains that the basketball games are sporting events organized or controlled by a unit of local government as specified in the definition of "organized amateur or professional sporting activity" in Section 3.25 of the Act. The Park District states that it restricts the hours of play and the behavior permitted on the basketball court. These rules and regulations are enforced by park rangers who are employed by the Park District. The Park District reports that members of the public do watch games played at the park. The Park District maintains that it is a unit of local government.

Complainants maintain that the activities at Odium Park do not represent an "organized amateur or professional sporting activity" and therefore falls within the Board's purview. Complainants contend that the facility has never hosted any organized activity nor has any organized team play or practice taken place on the court. The complainants observe that there are no coaches at the facility and no supervision by the Park District. The complainants further maintain that the activity on the court is not conducted for business, education, charity, or entertainment of the general public. Complainants report that the basketball court has been used as early as 5:30 a.m. and as late as 1:30 a.m. Complainants contend that the Park District's employment of 2 park rangers for six months of the year who are responsible for patrolling fifty-seven facilities does not mean that the Park District controls or organizes the

activities on the court. In addition, complainants contend that the Park District's regulations on the use of the facility are general rules regarding prohibited behavior on all Park District property and do not indicate control of the activities on the court.

DISCUSSION

Section 24 of the Act provides that "[n]o person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity". Accordingly, the Board's rules define noise pollution as "the emission of sound that unreasonably interferes with the enjoyment of life or lawful business or activity" and prohibit the emission of such noise pollution beyond the boundaries of one's property. (35 Ill. Adm. Code 900.101 and 900.102.)

Section 25 of the Act places restrictions on the Board's ability to hear noise violation proceedings involving certain sporting activities:

No Board standards for monitoring noise or regulations prescribing limitations on noise emissions shall apply to any organized amateur or professional sporting activity except as otherwise provided for in this Section.

415 ILCS 5/25 (1994).

In addition, the Board notes that Section 3.25 of the Act defines "Organized Amateur or Professional Sporting Activity" as:

[a]n activity or event carried out at a facility by persons who engaged in that activity as a business or for education, charity or entertainment for the general public, including all necessary actions and activities associated with such an activity. This definition includes, but is not limited to, skeet, trap or shooting sports clubs in existence prior to January 1, 1975, organized motor sports, and sporting events organized or controlled by school districts, units of local government, state agencies, colleges, universities or professional sports clubs offering exhibitions to the public. (emphasis added)

415 ILCS 5/3.25 (1994).

The Board must ascertain whether the activities alleged in the complaint filed on February 13, 1996 constitute an "organized amateur or professional sporting activity" and are therefore exempt from the Board's noise regulations. The Board has reviewed and given consideration to all of the arguments presented by the parties. The definition of "organized amateur or professional sporting activity" in Section 3.25 includes "sporting events organized or controlled by ... units of local government" as part of the definition. The basketball games at the park are controlled by the Park District which is a unit of local government. The Park District has established rules for play and controls the use of the facility. While the rules may

apply to all activities at Park District facilities they provide the Park District with control over the activities at its facilities including the basketball court.

In addition to finding that the activities satisfy the specific portion of the definition of "organized amateur or professional sporting activity" the Board finds that the activities also satisfy the more general provisions of the definition. The activities at the facility are carried out for the entertainment of those participating in the activity whether spectator or participant. It is not relevant that there be spectators to the activity but rather that members of the general public be allowed to participate in the activity either as a participant or spectator.

The Board finds that the complained of activities do represent an "organized amateur or professional sporting activity" as defined by the Act. Therefore, the Board does not have jurisdiction to hear this matter. (See Hinsdale Golf Club v. Kochanski (2d Dist. 1990), 197 Ill. App.3d 634, 555 N. E. 2d 31 and Shephard v. Northbrook Sports Club (2d Dist. 1995), 272 Ill. App.3d 764, 651 N.E. 2d 555.)

CONCLUSION

Based on the record, the Board finds that the respondent's activities as alleged in the complaint constitute an "organized amateur or professional sporting activity". Pursuant to Section 25 of the Act, the Board's noise standards and regulations do not apply to these activities. Therefore, the Board does not have jurisdiction to hear the complaint as filed alleging violations of the noise standards.

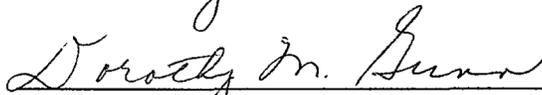
The complaint in this matter is hereby dismissed and the docket closed.

IT IS SO ORDERED.

Chairman C.A. Manning, and Members M. McFawn and J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 16th day of May, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board