

ILLINOIS POLLUTION CONTROL BOARD
April 2, 2026

VITAUTAS MATULYAUSKAS,)
)
 Complainant,)
)
 v.) PCB 26-44
) (Citizens Enforcement - Noise)
 LISLE PARK DISTRICT,)
)
 Respondent.)

ORDER OF THE BOARD (by B.F. Currie):

On January 5, 2026, Vitautas Matulyauskas filed a *pro se* complaint (Comp.) against Lisle Park District (Lisle). The complaint concerns noise from pickleball courts in Abbeywood Park at 2211 Abbeywood Drive, Lisle, DuPage County.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2024)), any person may bring an action before the Board to enforce Illinois’ environmental requirements. *See* 415 ILCS 5/3.315, 31(d)(1) (2024); 35 Ill. Adm. Code 103. In this case, Mr. Matulyauskas alleges that Lisle violated Section 900.102 of the Board’s noise regulations (35 Ill. Adm. Code 900.102) and Section 24 of the Act (415 ILCS 5/24 (2024)) by causing or allowing noise emissions from the Abbeywood Park pickleball courts so as to unreasonably interfere with his enjoyment of life. Mr. Matulyauskas asks that the Board order Lisle to, among other things, (1) cease and desist from causing or allowing noise pollution originating from the pickleball courts; (2) adopt and enforce reasonable operational controls governing the type of pickleballs permitted for use on the courts, including requiring the use of quiet-performance pickleballs; and (3) pay a civil penalty.

On February 3, 2026, Lisle timely filed a motion to dismiss the complaint (Mot.). *See* 35 Ill. Adm. Code 103.212(b). Lisle argues the complaint is frivolous for failing to state a cause of action upon which the Board can grant relief. Specifically, Lisle argues that the pickleball play is an “organized amateur or professional sporting activity” under the Act and therefore exempt from Board noise regulation. On February 11, 2026, Mr. Matulyauskas filed a response to the motion to dismiss (Resp.) and on February 13, 2026, he filed a motion for leave to file a supplemental memorandum.

For the reasons below, the Board denies Lisle’s motion to dismiss the complaint, finds the complaint is neither duplicative nor frivolous, accepts the complaint for hearing, and grants Lisle leave until June 1, 2026, to file an answer to the complaint. First, the Board addresses a procedural motion and summarizes the filings.

PROCEDURAL MOTION

Within the 14-day timeframe for filing a response to Lisle’s motion to dismiss (35 Ill. Adm. Code 101.500(d)), and after filing his response, Mr. Matulyauskas’ filed a motion for leave to file a supplemental memorandum, attaching the supplemental memorandum. Lisle did not file an objection to his motion for leave. The Board grants the motion for leave and accepts Mr. Matulyauskas’ supplemental memorandum.

FILINGS

Mr. Matulyauskas’ Complaint

The complaint alleges that Lisle has violated Section 24 of the Act and Section 900.102 of the Board’s regulations. Comp. at 4. Section 24 of the Act provides: “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 (2024). Section 900.102 of the Board’s noise regulations states in relevant part: “A person must not cause or allow the emission of sound beyond the boundaries of that person’s property . . . that causes noise pollution in Illinois . . .” 35 Ill. Adm. Code 900.102. And the regulations define “noise pollution” as “the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.” 35 Ill. Adm. Code 900.101.

Mr. Matulyauskas alleges noise pollution from “unstructured public pickleball play on outdoor courts” at Abbeywood Park in Lisle. Comp. at 3. The pickleball courts were “converted from tennis courts.” *Id.* Mr. Matulyauskas lives across the street from the pickleball courts; his residential property boundary is allegedly 45 feet from the courts. *Id.* The alleged noise consists of “high-frequency, impulsive sound emissions. . . generated by pickleball play,” primarily from “paddle-to-ball impacts.” *Id.* at 3, 4. Mr. Matulyauskas alleges that the noise began in approximately May 2022 when the court conversion occurred. *Id.* at 4. The noise “occurs repeatedly and frequently during park hours, often daily, from early morning through evening, particularly during spring, summer, and fall.” *Id.* at 4-5.

Mr. Matulyauskas compiled a usage log of when he observed the courts to be in use and attached the log to the complaint as Exhibit C. The log recorded 39 days of play, spanning from August to October, and shows that the courts were used every day and play began some days at 8 a.m. and some days ended as late as 7:30 p.m. Comp., Exh. C. Mr. Matulyauskas also included, as Exhibit A to his complaint, a Data Analysis Report from Pickleball Sound Labs. According to the report, sound measurements were taken approximately 55 feet from the court fence and on the property line of Mr. Matulyauskas’ residence. Comp., Exh. A at 5. The report shows that the sound measurements recorded the average ambient sound (without pickleball noise) and 20 minutes of sound recording while pickleball play was occurring. *Id.* at 6. Mr. Matulyauskas alleges the “measured levels documented by a licensed professional engineer include peak levels exceeding 100dBC (LCpeak), LAFmax values approaching 80 dBA, and sustained LAeq levels materially above residential background conditions.” Comp. at 4.

The complaint alleges that 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,” in violation of Section 24 of the Act and Section 900.102 of the Board’s regulations. Comp. at 4, 5.¹ Mr. Matulyauskas further alleges that since the courts were converted, he and his spouse have experienced cardiac issues, stress, and psychological distress. *Id.* at 5. Mr. Matulyauskas alleges that he works a night shift and daytime pickleball noise has interfered with his ability to sleep. *Id.*

According to the complaint, because the pickleball play consists of “informal, unscheduled, open public recreational use without leagues, officials, permits, or organized events,” it “does not constitute an organized amateur or professional sporting activity” under the Act’s Section 25 exemption. Comp. at 4.

Lisle’s Motion to Dismiss

Lisle asks the Board to dismiss the complaint as frivolous for failing to state a cause of action upon which the Board can grant relief. Mot. at 1. Specifically, Lisle claims that pickleball play on the courts at Abbeywood Park constitutes an “organized amateur or professional sporting activity”, which Section 25 of the Act exempts from the Board’s noise regulations. *Id.* at 4. Therefore, Lisle argues that the Board does not have jurisdiction to hear this complaint. *Id.* at 3, 8.

Section 25 of the Act provides the exemption:

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 (2024) (emphasis added).

And Section 3.310 of the Act defines “organized amateur or professional sporting activity” as follows:

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 (2024).

¹ The complaint occasionally uses the plural “Complainants,” but the complaint names only Mr. Matulyauskas as complainant and the Board considers him this proceeding’s only complainant.

Lisle points to Williams v. Schaumburg Park District, PCB 96-186 (May 16, 1996), in which the Board dismissed a citizen noise complaint after finding that basketball activities occurring at a park owned and operated by Schaumburg Park District fell within the Section 25 exemption.

Lisle argues that the facts in Williams are “nearly identical” to those in this case, “with the only difference being the organized amateur sporting activity in question.” Mot. at 6. As in Williams, Lisle continues, the sporting activity is controlled by the Park District, a unit of local government. *Id.* at 8. Lisle has a conduct ordinance, which controls use of all its parks and facilities, as well as specific rules that control pickleball courts and pickleball play. *Id.* Lisle alleges that these rules are enforced by Park District staff and the Village of Lisle Police Department. *Id.* at 2. Pickleball at Abbeywood Park is available to Park District residents and members of the general public. *Id.* The pickleball play is “carried out for the entertainment of those participating in the activity, whether as active participants or as spectators.” *Id.* at 8.

Mr. Matulyauskas’ Response to Lisle’s Motion to Dismiss

In his response, Mr. Matulyauskas asserts factual differences between Williams and this case. Mr. Matulyauskas claims that Williams emphasized facts demonstrating “active control and management, including” “ranger enforcement, structured restrictions, and the Park District’s active oversight of the basketball court.” Resp. at 6. In contrast, Mr. Matulyauskas alleges that Lisle Park District’s rules involving pickleball play at Abbeywood Park are “voluntary, unenforced, and acknowledged by Respondent’s own staff to be ineffective.” *Id.*

BOARD DISCUSSION

Motion to Dismiss

When deciding a motion to dismiss, the Board takes all well-pleaded factual allegations as true and draws all reasonable inferences from them in favor of the non-movant. *See, e.g., Beers v. Calhoun*, PCB 04-204, slip op. at 2 (July 22, 2004). A complaint is 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 (definition of “frivolous”).

The exemption in Section 25 of the Act for an “organized amateur or professional sporting activity” applies not only to the Board’s prohibition against noise that exceeds numeric standards, but also to the Board’s prohibition against noise that “unreasonably interferes” with the enjoyment of life or with any lawful business or activity. *See Shepard v. Pollution Control Board*, 272 Ill. App. 3d 764, 768-9 (2d Dist. 1995).

Lisle’s motion to dismiss asserts that Section 25 exempts the Abbeywood Park pickleball noise from Mr. Matulyauskas’ claim of unreasonable interference. Central to the Section 25 exemption is the definition of “organized amateur or professional sporting activity.” As relevant here, the Act defines the term as, “an activity or event carried out at a facility by persons who engaged in that activity . . . for . . . entertainment for the general public, including all necessary actions and activities associated with such an activity. This definition includes, but is not limited

to . . . (iv) sporting events organized or controlled by . . . units of local government . . . offering exhibitions to the public.” 415 ILCS 5/3.310 (2024).

A quasi-judicial agency may depart from its own precedent so long as it articulates its reasons for doing so. *See Chemetco, Inc. v. Illinois Pollution Control Board*, 140 Ill. App. 3d 283, 289 (5th Dist. 1986). The Board today finds that Williams expanded the exemption for an “organized amateur or professional sporting activity” beyond what the statutory language supports, contrary to the protective purposes of the Act.

In Williams, the Board found, at the pleading stage, that the pickup basketball games at Schaumburg Park District’s basketball court qualified for the Section 25 exemption on two grounds: the basketball games constituted (1) sporting events controlled by a unit of local government and (2) an activity carried out at a facility by persons who engaged in that activity for entertainment for the general public. Williams, PCB 96-186, slip op. at 2-3. The Board therefore dismissed the residents’ noise complaint for lack of jurisdiction. *Id.* at 3.

First, Williams found that the basketball games satisfied the following clause in the definition’s second sentence: “sporting events . . . controlled by . . . units of local government.” Williams, PCB 96-186, slip op. at 2-3. According to Williams, the existence of local rules applicable to all activities at Park District facilities, including the basketball court, was sufficient to establish that Schaumburg controlled the basketball games: “*the rules . . . provide* the Park District with *control* over the activities at its facilities including the basketball court.” *Id.* (emphasis added). The “controlled by” analysis articulated in Williams did not rely on either the specific content of the park district’s rules or the effectiveness of their enforcement.

Williams did not address whether the basketball games were “events,” as used in the definition’s second sentence. An “event” denotes something scheduled, discrete, and structured, like a tournament, not a pickup basketball game. The definition’s first sentence, on the other hand, uses the phrase “activity or event.” As the General Assembly used both words in the same definition, the words must have been intended to have different meanings or else “or activity” would be rendered surplusage. *See People v. Jackson*, 2011 IL 110615, ¶ 12 (“Each word, clause, and sentence of a statute must be given a reasonable meaning, if possible, and should not be rendered superfluous.”). Tellingly, Williams did not use the word “events” when analyzing the second sentence. Instead, it used the broader term “activities,” which does not appear in the second sentence. To qualify under the second sentence’s plain language, Lisle’s pickleball games would have to constitute sporting “events.”

Williams also did not consider the phrase at the end of the definition’s second sentence: “offering exhibitions to the public.” *See Hinsdale Golf Club v. Kochanski*, 197 Ill. App. 3d 634, 639 (2d Dist. 1990) (the phrase qualifies all the entities listed in what is now Section 3.310(iv), whether “school districts, units of local government, state agencies, colleges, universities or professional sports clubs”). An “exhibition” implies a performance, demonstration, or competition put on for the benefit of an audience. Offering exhibitions to the public is consistent with an event. The question remains at this point in the case whether the pickleball games at Abbeywood Park are events being offered by Lisle as exhibitions to the public. The Board expects this issue will be developed in the record as the case proceeds.

Additionally, the question remains whether the pickleball games are “organized or controlled by” Lisle. The Board expects this issue will also be developed in the record as the case proceeds. Relatedly, the parties should address whether either the contents or enforcement of Lisle’s rules is relevant to this issue.²

Second, Williams found that the basketball games also satisfied the following clause in the definition’s first sentence: “an activity . . . carried out at a facility by persons who engaged in that activity . . . for . . . entertainment for the general public.” Williams, PCB 96-186, slip op. at 3. Williams found that the relevant fact for satisfying the definition’s first sentence was that “members of the general public be allowed to participate in the activity either as a participant or spectator.” *Id.* The Board did not respond to complainants’ claims that “the facility has never hosted any organized activity nor has any organized team play or practice taken place on the court.” *Id.* at 1. Nor did the Board address complainants’ allegations that they observed “no coaches at the facility and no supervision by the Park District.” *Id.*

The question remains at this point in the case whether the pickleball games complained of constitute an “organized” activity being “carried out.” The Board expects this issue will be developed in the record as the case proceeds.

Taking all well-pled factual allegations of Mr. Matulyauskas’ complaint as true and drawing all reasonable inferences from them in his favor, the Board cannot conclude that Lisle has established the Section 25 exemption as a matter of law. Therefore, the Board denies Lisle’s motion to dismiss Mr. Matulyauskas’ complaint as frivolous.

Duplicative or Frivolous

Section 31(d)(1) of the Act provides that “[u]nless the Board determines that [the] complaint is duplicative or frivolous, it shall schedule a hearing.” 415 ILCS 5/31(d)(1) (2024); *see also* 35 Ill. Adm. Code 103.212(a). A complaint is duplicative if it is “identical or substantially similar to one brought before the Board or another forum.” 35 Ill. Adm. Code 101.202. A complaint is 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.” *Id.*

Based on the information in this record, the Board finds that Mr. Matulyauskas’ complaint is not duplicative. Above, in denying Lisle’s motion to dismiss, the Board found that the Act’s Section 25 exemption does not render Mr. Matulyauskas’ complaint frivolous. The Board now further finds that the complaint is not otherwise frivolous based on the record information.

² Lisle’s motion to dismiss asserts facts regarding its pickleball-specific rules, its general rules, and the enforcement of both, but lacks any supporting oath, affidavit, or certification. *See* 35 Ill. Adm. Code 101.504 (facts asserted that are not of record must be supported by oath, affidavit, or certification).

Hearing and Answer

The Board finds that the complaint meets the content requirements of the Board's procedural rules and accepts the complaint for hearing. *See* 415 ILCS 5/31(d)(1) (2024); 35 Ill. Adm. Code 103.204(c), (f), 103.212(a). Generally, if a respondent fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider the respondent to have admitted the allegation. *See* 35 Ill. Adm. Code 103.204(d). Lisle's timely filing of its motion to dismiss stayed the 60-day period for filing an answer to the complaint, which stay ends today with the Board's ruling on the motion. *See* 35 Ill. Adm. Code 103.204(e). Lisle therefore has until June 1, 2026, to file an answer to Mr. Matulyauskas' complaint. *See* United City of Yorkville v. Hamman Farms, PCB 08-96, slip op. at 26 (Oct. 16, 2008) (setting 60-day deadline after ruling on motion to dismiss).

The Board directs the hearing officer to proceed expeditiously to hearing. Among the hearing officer's responsibilities is the "duty . . . to ensure development of a clear, complete, and concise record for timely transmission to the Board." 35 Ill. Adm. Code 101.610. A complete record in an enforcement case thoroughly addresses, among other things, the appropriate remedy, if any, for the alleged violations, including any civil penalty.

If a complainant proves an alleged violation, the Board considers the factors set forth in Sections 33(c) and 42(h) of the Act to fashion an appropriate remedy for the violation. *See* 415 ILCS 5/33(c), 42(h) (2024). Specifically, the Board considers the Section 33(c) factors in determining, first, what to order the respondent to do to correct an on-going violation, if any, and, second, whether to order the respondent to pay a civil penalty. The factors provided in Section 33(c) bear on the reasonableness of the circumstances surrounding the violation, such as the character and degree of any resulting interference with protecting public health, the technical practicability and economic reasonableness of compliance, and whether the respondent has subsequently eliminated the violation.

If, after considering the Section 33(c) factors, the Board decides to impose a civil penalty on the respondent, only then does the Board consider the Act's Section 42(h) factors in determining the appropriate amount of the civil penalty. Section 42(h) sets forth factors that may mitigate or aggravate the civil penalty amount. These factors include the following: the duration and gravity of the violation; whether the respondent showed due diligence in attempting to comply; any economic benefits that the respondent accrued from delaying compliance based upon the "lowest cost alternative for achieving compliance"; the need to deter further violations by the respondent and others similarly situated; and whether the respondent "voluntarily self-disclosed" the violation. 415 ILCS 5/42(h) (2024). Section 42(h) requires the Board to ensure that the penalty is "at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship." *Id.* Such penalty, however, "may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent." *Id.*

Accordingly, the Board further directs the hearing officer to advise the parties that in summary judgment motions and responses, at hearing, and in briefs, each party should consider: (1) proposing a remedy for a violation, if any (including whether to impose a civil penalty), and supporting its position with facts and arguments that address any or all of the Section 33(c) factors; and (2) proposing a civil penalty, if any (including a specific total dollar amount and the portion of that amount attributable to the respondent's economic benefit, if any, from delayed compliance), and supporting its position with facts and arguments that address any or all of the Section 42(h) factors. The Board also directs the hearing officer to advise the parties to address these issues in any stipulation and proposed settlement that may be filed with the Board.

CONCLUSION

First, the Board denies Lisle's motion to dismiss, which was based solely on the Act's Section 25 exemption for an "organized amateur or professional sporting activity." This denial does not preclude Lisle from attempting to establish the exemption on a developed record. Second, the Board finds that Mr. Matulyauskas' complaint is neither duplicative nor otherwise frivolous. Third, the Board accepts the complaint for hearing. And fourth, the Board gives Lisle 60 days to file an answer to the complaint.

ORDER

1. The Board denies Lisle Park District's motion to dismiss and accepts Mr. Matulyauskas' complaint for hearing.
2. Lisle Park District may file an answer to the complaint by June 1, 2026.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 2, 2026, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board