

9169-6

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Ste 630
Chicago, Illinois 60605

PLEASE TAKE NOTICE that on June 1, 2026, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois Respondent's Answer to Complaint, a copy of which is attached hereto and hereby 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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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 1st day of June, 2026.

LISLE PARK DISTRICT

/s/ Andrew S. Paine

Andrew S. Paine

One of the Attorneys for Respondent

Service List

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LISLE PARK DISTRICT,)	
)	
Respondent.)	

ANSWER TO COMPLAINT

Respondent, Lisle Park District (“Park District”), by and through its attorneys, Tressler LLP, and for its Answer to the Complaint, states as follows:

1. Your Contact Information

Name: Vitautas Matulyauskas
Street Address: 6282 Timberview Dr.
County: DuPage
City, State: Lisle, Illinois, 60532
Phone: (630) 747-4018

ANSWER: Upon information and belief, Respondent admits the allegations contained in this paragraph.

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

Same as above.

ANSWER: Upon information and belief, Respondent admits the allegations contained in this paragraph.

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

ANSWER: Respondent admits the allegations contained in this paragraph are accurate.

4. Description of the Activity Causing Pollution

The Respondent owns, operates, controls, and permits unstructured public pickle ball 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.

ANSWER: Respondent admits the allegations contained in this paragraph to the extent that Respondent owns, operates, and controls Abbeywood Park, and it permits public pickle ball play on outdoor courts located at Abbeywood Park. Respondent denies the remainder of the allegations contained in this paragraph.

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.

ANSWER: Respondent denies any violations of any standards set by the Pollution Control Board, the Illinois Administrative Code, or any other Illinois or Federal law or regulation.

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

ANSWER: Respondent admits the allegations contained in this paragraph to the extent that Respondent permits public pickleball play on outdoor courts located in Abbeywood Park and that the public pickleball play generates noise. Respondent denies the remainder of the allegations contained in this paragraph.

7. Duration and Frequency

The noise has occurred since the conversion of the courts to pickle ball 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

ANSWER: Respondent admits the allegations contained in this paragraph to the extent that the pickleball courts in Abbeywood Park opened in or around May of 2022, that public pickleball activity occurs at various times throughout the day during hours established by Respondent, and that public pickleball activity occurs in the spring, summer, and fall months. Respondent denies the remainder of the allegations contained in this paragraph.

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 pickle ball 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.

ANSWER: Respondent denies the allegations contained in this paragraph.

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 commonsense measures. Complainant is a member of USA pickle ball 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 pickle ball 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.

ANSWER: Respondent affirmatively states that it has been in contact with Complainant numerous times since May of 2022 regarding these allegations and Respondent has implemented several changes to the public pickleball play at Abbeywood Park during that time, many of which were in direct response to suggestions made by Complainant. The Respondent denies any violations of any standards set by the Pollution Control Board, the Illinois Administrative Code, or any other Illinois or Federal law or regulation. The Respondent further denies the remainder of the allegations contained in this Paragraph.

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.

ANSWER: Respondent lacks the knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

11 . Representation

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

ANSWER: Upon information and belief, Respondent admits the allegations contained in this Paragraph.

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 Pickle ball Court Usage Log
- Exhibit S: Abbeywood park Pickleball story

ANSWER: Respondent admits that certain exhibits are attached to the Complaint. Respondent lacks the knowledge or information sufficient to form a belief as to the truth of the allegations contained in the exhibits or the truth or veracity of the exhibits themselves.

WHEREFORE, the Respondent, Lisle Park District, respectfully requests this Board enter judgment in its favor and against Complainant and for any and all other relief as this Board deems appropriate and just.

AFFIRMATIVE DEFENSES

Affirmative Defense No. 1

1. The Respondent is a “local public entity” as defined by the Local Governmental and Governmental Employees Tort Immunity Act (“Act”). 745 ILCS 10/1-206.

2. “Except as otherwise provided by Statute, a public employee serving in a position involving the determination of policy or the exercise of discretion is not liable for an injury

resulting from his act or omission in determining policy when acting in the exercise of such discretion even though abused.” 745 ILCS 10/2-201.

3. “A local public entity is not liable for an injury resulting from an act or omission of its employee where the employee is not liable.” 745 ILCS 10/2-109.

4. To the extent the vague allegations of Complainant’s Complaint allege that any particular condition of the property resulted in an alleged injury, then pleading in the affirmative, and subject to the responsive pleadings contained in the Answer, such condition resulted from a discretionary decision by a Respondent employee, and thus the Respondent has absolute immunity pursuant to 745 ILCS 10/2-109 and 10/2-201.

Affirmative Defense No. 2

1. The Respondent is a “local public entity” as defined by the Local Governmental and Governmental Employees Tort Immunity Act (“Act”). 745 ILCS 10/1-206.

2. The Act protects local public employees from liability for actions committed “in the execution or enforcement of any law unless such act or omission constitutes willful and wanton conduct.” 745 ILCS 10/2-202.

3. Willful and wanton conduct is “a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property.”

4. The Respondent’s acts or omissions did not constitute willful or wanton conduct.

Affirmative Defense No. 3

1. There was in full force and effect, in the State of Illinois, at the time of the occurrence in question the following additional sections of the Tort Immunity Act, which provide as follows:

(a) Section 2-103. Failing to adopt or enforce. A local public entity is not liable for an injury caused by adopting or failing to adopt an enactment or by failing to enforce any law.

(b) Section 2-201. Determination of policy or exercise of discretion. Except as otherwise provided by Statute, a public employee serving in a position involving the determination of policy or the exercise of discretion is not liable for an injury resulting from his act or omission in determining policy when acting in the exercise of such discretion even though abused.

(c) Section 2-204. Acts or omissions of another person. Except as otherwise provided by statute, a public employee, as such and acting within the scope of his employment, is not liable for an injury caused by the act or omission of another person.

(d) Section 2-205. Adoption of enactment. A public employee is not liable for an injury caused by his adoption of, or failure to adopt, an enactment, or by his failure to enforce any law.

(e) Section 2-207. Failure to inspect. A public employee is not liable for an injury caused by his issuance, denial, suspension or revocation of or by his failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order or similar authorization where he is authorized by enactment to determine whether or not such authorization should be issued, denied, suspended or revoked.

(f) Section 3-103. Adoption of a plan or design.

(a) A local public entity is not liable under this Article for an injury caused by the adoption of a plan or design of a construction of, or an improvement to public property where the plan or design has been approved in advance of the construction or improvement by the legislative body of such entity or by some other body or employee exercising discretionary authority to give such approval or where such plan or design is prepared in conformity with standards previously so approved. The local public entity is liable,

however, if after the execution of such plan or design it appears from its use that it has created a condition that it is not reasonably safe.

(b) A public employee is not liable under this Article for an injury caused by the adoption of a plan or design of a construction of, or an improvement to public property.

2. The aforementioned sections of the Tort Immunity Act immunize the Respondent and bar Complainant from recovery.

WHEREFORE, the Respondent, Lisle Park District, respectfully requests this Board enter judgment in its favor and against Complainant and for any and all other relief as this Board deems appropriate and just.

Respectfully submitted,

LISLE PARK DISTRICT

/s/ Andrew S. Paine

Andrew S. Paine

One of the Attorneys for Respondent

Attorney for Respondent, Lisle Park District
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STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)

AFFIDAVIT OF INSUFFICIENT KNOWLEDGE

Dan Garvy, on oath deposes and states:

1. That he is the Director of Parks and Recreation of the Lisle Park District.
2. That this answer contains certain statements of insufficient knowledge on which to form a belief as to the truth of the allegations contained in the Complaint.
3. That those allegations of insufficient knowledge are, to the best of his knowledge and belief, true and correct.



Dan Garvy, Director of Parks and Recreation
Lisle Park District

SUBSCRIBED AND SWORN to
Before me this 29 day of May, 2026



Notary Public



215128