

ILLINOIS POLLUTION CONTROL BOARD
March 26, 1992

RICHARD J. PECKA,)	
JANICE M. PECKA,)	
)	
Complainants,)	
)	
v.)	PCB 92-27
)	(Enforcement)
)	
SKYLARKS REMOTE CONTROL)	
AIRPLANE CLUB,)	
)	
and)	
)	
JOHN CROWN GOLDEN OAKS FARM,)	
)	
Respondents.)	

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on a February 28, 1992 motion to strike and dismiss filed on behalf of Respondent John Crown, Golden Oaks Farm. Prior to a determination on the merits of the motion to strike and dismiss, however, a threshold issue must be considered. The Board must determine whether it has jurisdiction to hear the complaint. Section 25 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1025) places restrictions on the Board's ability to hear noise complaints 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 in this Section. Baseball, football or soccer sporting events played during nighttime hours, by professional athletes, in a city with more than 1,000,000 inhabitants, in a stadium at which such nighttime events were not played prior to July 1, 1982, shall be subject to nighttime noise emission regulations promulgated by the Illinois Pollution Control Board.

The statutory definition of "organized amateur or professional sporting activity" is contained in Section 3.25 of the Act:

"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

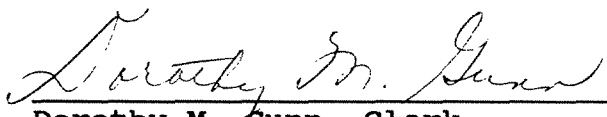
associated with such an activity. This definition includes, but is not limited to, skeet, trap or shooting sports clubs in existence prior to January 1, 1975, organized motor sports, and sporting events organized or controlled by school districts, units of local government, state agencies, colleges, universities or professional sports clubs offering exhibitions to the public.

The Board directs the parties' attention to the Appellate Court ruling in Hinsdale Golf Club v. Kochanski (2d Dist. 1990), 197 Ill.App.3d 634, 555 N.E.2d 31. The Board notes the Hinsdale case contains an interpretation of the "organized amateur or professional sporting activity" exemption that may be applicable to this proceeding.

The Board will require each party in this proceeding to file a written document discussing whether the complained of activity is an "organized amateur or professional sporting activity", which is outside the Board's authority to regulate. Any facts contained in these documents must be supported by an affidavit. The parties shall file one original and 10 copies of their document and proof that the document was served on the opposing party, not later than April 16, 1992.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 26th day of March, 1992, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board