

ILLINOIS POLLUTION CONTROL BOARD
September 3, 1992

YOLANDA PRICE,)
)
 Complainant,)
)
 v.) PCB 92-119
) (Enforcement)
 SOUTH SHORE VILLA)
 CONDOMINIUMS, and QUALITY)
 MANAGEMENT SERVICE, INC.,)
)
 Respondents.)

ORDER OF THE BOARD (by J. Anderson):

On August 20, 1992, Yolanda Price filed this complaint alleging a noise nuisance in violation of 35 Ill. Adm. Code 900.102. Ms. Price alleges that operation of the boiler by the respondents, the condominium association and the management service, causes an unreasonable level of noise in the condominium unit which she owns and in which she lives.

The Board on its own motion directs the parties to brief the issue as to whether the Board has jurisdiction in this matter in light of the Board's holding in Bruce Nesbitt v. The 100 Bellevue Place Condominium Association, PCB 92-48 (May 21, 1992). In that case, the Board dismissed a complaint concerning noise from an air conditioner and elevator, finding that

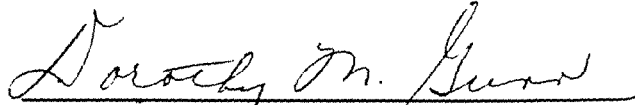
...noise that emanates from one [condominium] unit to another or from a common element to a [condominium] unit remains within the confines of a single property unit, and does not "emit beyond the boundaries" of one property to another.

(Nesbitt, p. 4)

The parties are directed to file simultaneous briefs addressing this jurisdictional issue on or before September 25, 1992. The Clerk is directed to serve the parties with a copy of Nesbitt along with this order via first class mail.

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 3rd day of September, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board