

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1992

JOSEPH B. STRATTON and)
PAMELA J. STRATTON,)
)
Complainants,)
)
v.) PCB 90-108
) (Enforcement)
CHARLES M. ROCK and)
LITTLE CAESAR'S PIZZA,)
)
Respondents.)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on its own motion. This proceeding is a noise enforcement case brought by Joseph and Pamela Stratton against respondents Charles M. Rock and Little Caesar's Pizza. On May 9, 1991, the Board found that the noise emitted from a compressor unit and a fan on Little Caesar's roof constituted an unreasonable interference with the Strattons' use and enjoyment of their property, in violation of Section 24 of the Environmental Protection Act (Ill.Rev.Stat. 1989, ch. 111½, par. 1024) and 35 Ill.Adm.Code 900.102. On October 10, 1991, at the Strattons' request for additional relief, the Board reopened this proceeding. On November 8, 1991, respondents filed their response to the Strattons' allegations that the noise barriers installed pursuant to the Board's May 9, 1991 order are insufficient. On December 11, 1991, the Strattons filed a motion for additional relief, in response to the respondents' November filing. Finally, on December 16, 1991, Little Caesar's filed an objection to the Strattons' motion for additional relief.

The Board has reviewed the allegations made by the Strattons and by both respondents, and finds that there must be an additional evidentiary hearing in this matter. This hearing is limited to the issue of whether the actions taken by respondents in response to the Board's May 9, 1991 order were sufficient to fulfill the terms of that order. The hearing officer is directed to set this case for hearing as expeditiously as possible.

Finally, the Board notes that on December 16, 1991, J. Reed Roesler of Keck, Mahin & Cate filed an appearance on behalf of Little Caesar's Pizza. At hearing, Mr. Reed should make clear whether or not he also represents Charles M. Rock.

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 23rd day of June, 1992, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board