

ILLINOIS POLLUTION CONTROL BOARD
October 10, 1991

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. C. Marlin):

This matter comes before the Board on the August 26, 1991 letter from Complainants requesting additional relief from the Board's Order entered on May 9, 1991. In the May 9, 1991 Opinion and Order, the Board found that the noise emitted from two units located on Respondents' roof constituted an unreasonable interference with the use and enjoyment of Complainants' property in violation of Section 24 of the Environmental Protection Act (Ill. Rev. Stat. 1989 ch. 111 1/2, par. 1024) and 35 Ill. Adm. Code 900.102. The Board ordered Respondents to take several steps to attain compliance with the Board regulations and to cease and desist from any further noise violations no later than July 31, 1991.

The Complainants originally filed their letter with the Board on August 12, 1991. Due to service deficiencies, they refiled the letter with proper service upon Respondents on August 26, 1991. The letter alleges that Respondents have erected noise barriers which contain approximate one inch gaps every four inches and have an approximate ten inch gap at the bottom. This description is supported by a photograph of the roof units and barrier.

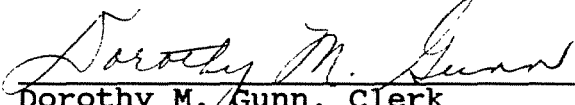
Although the Board's procedural rules do not provide for this situation, the Board will reopen this case in the interest of administrative economy. The Board grants the motion and orders this case reopened.

The Respondents are hereby ordered to file a response with the Board. Specifically, the reply shall contain a description of the respondents' actions with regards to the requirements of 2(a), (b), (c), and (d) of the Board's Order of May 9, 1991. The reply is to be filed in the Board's offices no later than October 31, 1991.

IT IS SO ORDERED.

Board Member J. D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of October, 1991, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board