

ILLINOIS POLLUTION CONTROL BOARD  
May 24, 1990

BRIAN J. PETER, )  
 )  
Complainant, )  
 )  
v. ) PCB 89-151  
 ) (Enforcement)  
GENEVA MEAT AND FISH MARKET and )  
GARY PIKULSKI, )  
 )  
Respondent. )

ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon its own motion for response to a filing received from the Complainant. On March 22, 1990 the Board found, inter alia, that Respondent had violated 35 Ill. Adm. Code 900.102 and 901.102 of the Board's noise regulations and ordered Respondent to cease and desist from violations of the Board's regulations. Paragraph 2 of that order required Respondent to submit a report describing noise abatement alternatives not later than April 30, 1990, and to demonstrate compliance not later than June 15, 1990. Paragraph 2 of that Order further required Respondent to send Complainant a copy of the report.

On April 27, 1990, Respondent submitted a report indicating that it has installed a three-sided plywood enclosure with a roof around the rooftop condensers. Respondent also had ninety-degree elbows fitted to the exhausts of the heat pumps, and disconnected three rooftop air cooled condensers. Respondent also submitted results of noise measurements taken since installation of the abatement devices which show substantial noise reductions.

Respondent believes that the noise abatement measures it has taken as described above satisfy the Board's Order of March 22, 1990 and place Respondent in substantial compliance with the applicable Board regulations.

On May 22, 1990, the Board received a letter from Complainant which basically contests the information contained in Respondent's report. The Board notes that Complainant's letter and Respondent's report contain facts which are not part of the record and therefore should be supported by affidavits. Also, there is no indication that this letter was served upon Respondent. The Board therefore orders Complainant to file any affidavits necessary to support the facts asserted in the letter. The Board further orders Complainant to serve a copy of his letter in a manner as indicated by the Board's procedural

rules Section 101.142 and to file proof of service as indicated by Section 101.143. Such service, proof of service, and the filing of affidavits shall be completed not later than June 1, 1990.

The Board further orders, after proper service and proof of service of Complainant's letter is complete, that Respondent respond to Complainant's letter. Such response shall include, but need not be limited to:

- 1) whether any exceedances of the noise limits contained in Section 900.102 continue to occur, and if so, what measures Respondent intends to use to attain compliance;
- 2) whether the sources of the noise were operating at full capacity during the time that the measurements were taken;
- 3) whether any additional equipment has been added to the structure which would increase the noise levels since the last recording on March 23, 1990.

Such response shall be received by the Board not later than June 15, 1990, accompanied by proof of service upon Complainant. Also, any facts asserted in the previously submitted report and response which are not already part of the record in this proceeding should be supported by affidavits.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above and Order was adopted on the 14<sup>th</sup> day of May, 1990, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board