

ILLINOIS POLLUTION CONTROL BOARD  
November 20, 2008

JOSEPH & VICTORIA MORRISSEY,            )  
  )  
    Complainants,                            )  
  )  
    v.    )     PCB 09-10  
  )     (Citizens Enforcement - Noise)  
GEOFF PAHIOS and ALPINE                 )  
AUTOMOTIVE, INC.,                         )  
  )  
    Respondents.                            )

ORDER OF THE BOARD (by N.J. Melas):

By order of September 16, 2008, the Board accepted for hearing an August 1, 2008 *pro se* noise complaint (Comp.) filed by Joseph and Victoria Morrissey (complainants) against Geoff Pahios (Pahios) and Alpine Automotive, Inc. (Alpine) (collectively, respondents). The complaint concerns respondents' auto/truck repair, 24-hour towing service, and police impound facility located at 1320 Ensell Road in Lake Zurich, Lake County.

Since then, the Board has received the following filings: respondents' September 24, 2008 answer and affirmative defense, complainants' September 29, 2008 "Response [in opposition] to Respondent's Request to Dismiss with Prejudice [contained in relief request in respondents' answer]", and complainants' October 6, 2008 "Answer to First Affirmative Defense." The Board will not rule on the merits of any of the issues raised in these filings until after the parties have presented their cases at hearing. The information alleged concerning priority of location or meetings with complainants concerning noise mitigation is relevant to the factors the Board must consider under Sections 33(c) and 42(h) of the Environmental Protection Act (Act) (415 ILCS 5/33(c), 42(h) (2006)) in determining whether the alleged violations occurred and fashioning any appropriate remedy.

The Board directs the hearing officer to proceed expeditiously to hearing in this matter consistent with the Board's September 16, 2008 order.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 20, 2008, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board