

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

JAMES R. THOMPSON CENTER
100 W. RANDOLPH STREET, SUITE 11-500
CHICAGO, ILLINOIS 60601

 ORIGINAL

FORMAL COMPLAINT

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
FEB 28 2014
STATE OF ILLINOIS
Pollution Control Board

CITY OF NASHVILLE, ILLINOIS,)
A Municipal Corporation,)
_____)
_____)

(Insert your name(s) on lines)
above),)

Complainant(s),)

v.)

PCB 14-113
(For Board use)

SISCO CORPORATION, d/b/a SISCO)
BOX CORPORATION, an Illinois)
Corporation,)
_____)

(Insert name(s) of alleged polluter(s))
on lines above),)

Respondent(s).)

Note: If you do not use this formal complaint form and instead draft and type your own, it must contain all of the information requested by this form. All items must be completed. If there is insufficient space to complete any item, you may attach additional sheets, specifying the number of the item you are completing. Once completed, you must file the original and nine copies of the formal complaint, notice to respondent, and certificate of service with the Clerk of the Board at the above address.

1. Your name, street address, county, state: CITY OF NASHVILLE, ILLINOIS
190 N. East Court Street
Nashville, IL 62263
Phone: (618) 327-3058

2. Place where you can be contacted during normal business hours (if different from above): William C. DeMoss, City Attorney
HOHLT, HOUSE, DeMOSS & EPPLIN
146 E. St. Louis Street
P. O. Box 249
Nashville, IL 62263
Phone: (618) 327-8241

3. Name and address of respondent (alleged polluter): SISCO CORPORATION, d/b/a SISCO BOX
CORPORATION
Attention: Joel Whitener
1520 S. Mill Street
Nashville, IL 62263
Phone: (618) 464-0118
(if known)

4. Describe the type of business or activity that you allege is causing or allowing pollution (e.g., manufacturing company, home repair shop) and give the address of the pollution source if different than the address above:
See attached Executive Summary prepared by Consultant, JP Acoustics,
dated January 24, 2014. An exhaustive report with graphs,
photographs, tables, charts, and recommendation for noise
attenuation will be provided upon request of the PCB.

5. List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated:

Originally filed as Part 1 of Chapter 8: Noise Pollution, effective August 10, 1973; amended at 2 Ill. Reg. 27, p. 223, effective June 26, 1978; amended at 5 Ill. Reg. 6371, effective June 1, 1981; amended at 5 Ill. Reg. 8533, effective August 10, 1981; amended at 6 Ill. Reg. 10960, effective September 1, 1982; codified at 7 Ill. Reg. 13579; amended in R83-7 at 11 Ill. Reg. 3121, effective January 28, 1987.

6. Describe the type of pollution that you allege (e.g., air, odor, noise, water, sewer backups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution:

Cyclone System noise in the City of Nashville, Illinois.

7. Describe the duration and frequency of the alleged pollution. Be as specific as you reasonably can about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing (include seasons of the year, dates, and times of day if known):

5:30 a.m. - 4:30 p.m. on a daily basis.

The first complaint to the City of Nashville was on August 15, 2013.

8. Describe any bad effects that you believe the alleged pollution has or has had on human health, on plant or animal life, on the environment, on the enjoyment of life or property, or on any lawful business or activity:

Inconvenience of the noise (nuisance).

9. Describe the relief that you seek from the Board (e.g., an order that the respondent stop polluting, take pollution abatement measures, perform a cleanup, reimburse cleanup costs, change its operation, or pay a civil penalty (note that the Board cannot order the respondent to pay your attorney fees or any out-of-pocket expenses that you incur by pursuing an enforcement action)):

Take pollution abatement measures.

10. Identify any identical or substantially similar case you know of that is already pending before the Board or in another forum against this respondent for the same alleged pollution (note that you need not include any complaints made to the Illinois Environmental Protection Agency or any unit of local government):

Complainant has not researched whether substantially similar cases are pending before the IPCB.

11. State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney and, if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. Also, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, an individual who is not an attorney is allowed to represent (a) himself or herself as an individual or (b) his or her unincorporated sole proprietorship, though the individual may prefer having attorney representation.):

Municipality - by City Attorney who is licensed to practice law
in the State of Illinois - ARDC #0618-6696.

CITY OF NASHVILLE, ILLINOIS

12. BY: Raymond Kolweier
(Complainant's signature) Raymond Kolweier, Mayor

CERTIFICATION (optional but encouraged)

I, Raymond Kolweier, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

CITY OF NASHVILLE, ILLINOIS

BY: Raymond Kolweier
(Complainant's signature) Raymond Kolweier, Mayor

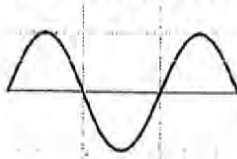
Subscribed to and sworn before me this 25th day of February, 2014.

Ruth Ann Richards
Notary Public



My commission expires: 11-01-14

JPAcoustics



January 24, 2014

Mayor Raymond Kolweier
City Hall
190 North East Court Street
Nashville, Illinois 62263

**Re: Sisco Corporation, Nashville, Illinois
Cyclone System Noise Control Study
Report-1**

Dear Raymond,

This letter and the attachments will serve as Report-1 for the Sisco cyclone noise control study. Report-1 contains the following:

1. An Executive Summary explaining the purpose of Report-1.
2. A description of the State of Illinois Noise Pollution Control Regulations.
3. A list of the noise sources that are part of the cyclone system.
4. Sound measurement procedures.
5. The sound paths from the noise sources to the residential property-lines.
6. Measured sound data at the residential property-lines surrounding the Sisco cyclone.
7. Recommendations for noise controls to meet the State of Illinois Regulations.
8. Attachments 1 through 7.

Executive Summary

JPAcoustics was hired by the City of Nashville to determine the extent of noise at residential property-lines in response to citizen complaints of noise emanating from the Sisco Company cyclone system. The Sisco facility in Nashville, Illinois is a cardboard box manufacturer. The cyclone system is used to extract and bale cardboard scraps for recycling. JPAcoustics had access to the Sisco facility and residential properties to measure the cyclone sound levels. Report-1 contains the pre-noise abatement sound measurements and recommendations for noise controls. Report-2 will be provided at a later date after noise controls have been implemented.

By agreement with the city of Nashville, measured sound levels at the residential property-lines were compared to the State of Illinois Noise Pollution Control Regulations, Title 35, Subtitle H, Part 900, administered by the Illinois Pollution Control Board.

Sound measurements taken at residential property-lines during the use of the cyclone system indicated sound pressure levels in excess of the Illinois Regulations. Based on the sound measurements at the residential property-lines and near-field sound measurements of the cyclone equipment, JPAcoustics developed recommendations for noise control of the cyclone equipment, as indicated in this, Report-1.

State of Illinois Noise Pollution Control Regulations

The State of Illinois Noise Control Regulations are based on land use characteristics. Class "C" land is generally considered as industrial, Class "B" land as commercial, and Class "A" land as residential. Sound limits are specified in 9 octave bands between 31.5 and 8000 Hz, and by 1/3 octave bands for sources that emit pure-tones of noise. The limits vary depending on the class of land at the noise source, and the class of land at the receiver. The sound limits are more stringent for Nighttime Hours (10PM-7AM) than for Daytime Hours (7AM-10PM)

By definition in the Illinois Noise Pollution Control Regulations, the Sisco facility would be a Class "C" land, and the surrounding homes would be a Class "A" land. Accordingly, the sound limits that apply to the residences around the Sisco facility would be the C-to-A category, Section 901.102, and the prominent discreet tone regulation, Section 901.106. The open property without any residences would be "Unclassified" until such time that a residence is constructed on that property. **Attachment-1** contains the relevant pages with highlighting from the Illinois Regulation determined to apply to the Sisco facility. Since the Sisco facility starts operations at 5:30AM and occasionally throughout the night hours, the more stringent Nighttime Limits apply from 5:30AM-7AM, and anytime the operation extends past 10PM. The less stringent Daytime Limits apply from 7AM-10PM as noted previously.

Sound Measurement Procedures

Sound measurements were taken in 30 second data samples using 1/3 octave band readings, which were then downloaded for analysis, and by direct octave band measurements reading from the sound level meter display. Downloaded data consisted of using the "fast" meter response with readings exceeded 10% of the 30 second interval. This is consistent with using direct visual readings on the meter. The meter is a Norsonics 132 with accuracy of ± 1 dB. The meter was field calibrated and battery level checked before and after all sound measurements.

Sisco Cyclone System Noise Sources/Noise Paths

By taking near-field, mid-distance, and residential property-line sound pressure level measurements, the following noise sources were identified: cyclone fans F-1, F-2, F-3, and the cardboard shredder. **Attachment-2** shows the noise sources and the sound paths away from the fans and shredder. The fan noise is directly transmitted from the fans through the East opening between buildings, and through the duct/cyclone system "radiated" sound to the residential property-lines. The larger sheet metal building North of the fans also reflects a portion of the fan and shredder sound to the adjacent properties. The shredder noise is transmitted through the air intake for the shredder to the fan area.

Property-line Sound Pressure Level Measurements

Property-line sound pressure level measurements were taken at four locations surrounding the Sisco facility. By comparing background (ambient) sound pressure level measurements with the cyclone system "off", and with the cyclone system "on", and by frequency correlation, it was determined that the cyclone system is the noise source, and exceeds the nighttime and daytime limits, and prominent discreet tone sections of the Illinois Noise Pollution Control Regulation. **Attachment-3** is a graphical representation of the Illinois limits, the nighttime and daytime sound measurements of the cyclone system, and ambient sound pressure levels at the residential property-lines.

Noise Control Recommendations

The "amount" of noise reduction required to meet the Illinois Noise Pollution Control Regulation is determined by the excess sound identified as "over" shown in **Attachment-3**. The noise control "methods" are determined by the paths of noise shown in **Attachment-2**. To reduce the fan and shredder noise three separate noise controls have been developed. They are as follows in order of significance with the most important noise control listed first.

1. Duct silencers and duct wrap for fans F-1, F-2, and F-3.

In order to reduce the overall duct/cyclone "radiated" fan noise and pure tone fan noise from the fans, a two-part solution is recommended. First, duct silencers are recommended to be installed in supply-side ductwork near the fans. The current arrangement of the ductwork and the amount of noise reduction required at the 125-160 Hz frequencies results in two, five-foot long duct silencers (total of 6 duct silencers) installed near each fan as shown in **Attachment-4**. In order to accommodate the duct silencers, the ductwork closest to the fans will have to be revised. Initial silencer selections and minimum silencer dynamic insertion loss are included in **Attachment-4**. Estimated material cost is \$16000.00.

For the remaining duct-radiated noise, the short supply side ductwork upstream of the silencers, and the suction side ductwork should be wrapped with a 1" thick, soft duct wrap fiberglass, 2-pound per square foot lagging, and an aluminum weather-proof jacket. **Attachment-5** shows the location and recommended lagging for the duct wrap. Estimated material cost is \$7000.00.

2. Barrier modification and extension.

Sisco has initiated a sheet metal barrier constructed across the opening for the direct fan noise. Currently the barrier has no sound absorption quality, and access doors have not yet been installed. The current barrier does not contain the "reflected" sound from the upper portion of the metal building on the North side of the fans.

To make the barrier acoustically effective, it needs to be extended vertically as shown in **Attachment-6**, and the voids between the wood studs need to be packed with 4" thick Owens Corning 703 rigid fiberglass board, covered with a 1/2" open wire mesh. Openings around the ductwork should also be packed with fiberglass and cut to fit the ductwork


curvature. The top of sloped weather cap at the top of the barrier should be the same height as the North building roof. Estimated fiberglass material cost is \$2000.00.

3. Relocate the air intake for the shredder.

The air intake for the shredder should be removed and blocked closed. A floor sweep as originally designed for the shredder intake, or a remote located air intake can be substituted as noted in **Attachment-6**.

Attachment-7 contains outdoor site photos. Please review this Report and let me know if you need any additional information or clarifications.

Sincerely,



John Paulauskis
Acoustical Consultant

john.paulauskis@gmail.com

618-709-2522

John Paulauskis

307 West Zupan

Maryville, Illinois 62062

NOTICE TO RESPONDENT

NOTE: THIS STATEMENT MUST BE INCLUDED IN THE SERVICE OF THE FORMAL COMPLAINT ON THE RESPONDENT

INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT

Please take notice that today I filed with the Clerk of the Illinois Pollution Control Board (Board) a formal complaint, a copy of which is served on you along with this notice. You may be required to attend a hearing on a date set by the Board.

Information about the formal complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.*) and the Board's procedural rules (35 Ill. Adm. Code 101 and 103). These can be accessed at the Board's Web site (www.ipcb.state.il.us). The following is a summary of some of the most important points in the Act and the Board's procedural rules. It is provided for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation:

Board Accepting Formal Complaint for Hearing; Motions

The Board will not accept this formal complaint for hearing if the Board finds that it is either "duplicative" or "frivolous" within the meaning of Section 31(d) of the Act (415 ILCS 5/31(d)) and Section 101.202 of the Board's procedural rules (35 Ill. Adm. Code 101.202). "Duplicative" means that an identical or substantially similar case is already pending before the Board or in court. *See* 35 Ill. Adm. Code 103.212(a) and item 10 of the formal complaint.

"Frivolous" means that the formal complaint seeks relief that the Board does not have the authority to grant, or fails to state a cause of action upon which the Board can grant relief. For example, the Board has the authority to order a respondent to stop polluting and pay a civil penalty, to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs. The Board does not have the authority, however, to award attorney fees to a citizen complainant. *See* 35 Ill. Adm. Code 103.212(a) and items 5 and 9 of the formal complaint.

If you believe that this formal complaint is duplicative or frivolous, you may file a motion with the Board, within 30 days after the date you were served with the complaint, requesting that the Board not accept the complaint for hearing. The motion must state the facts supporting your belief that the complaint is duplicative or frivolous. Memoranda, affidavits, and any other relevant documents may accompany the motion. If you need more time than 30 days to file a motion alleging that the complaint is duplicative or frivolous, you must file a motion for an extension of time within 30 days after service of the complaint. A motion for an extension of time must state why you need more time and the amount of additional time you need. Timely

filing a motion alleging that the complaint is duplicative or frivolous will stay the 60-day period for filing an answer to the complaint. *See* 35 Ill. Adm. Code 103.204, 103.212(b).

All motions filed with the Board's Clerk must include an original, nine copies, and proof of service on the other parties. Service may be made in person, by U.S. mail, or by messenger service. Mail service is presumed complete four days after mailing. *See* 35 Ill. Adm. Code 101.300(c), 101.302, 101.304.

If you do not respond to the Board within 30 days after the date on which the complaint was served on you, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing. The Board will then assign a hearing officer who will contact you to schedule times for telephone status conferences and for hearing. *See* 35 Ill. Adm. Code 103.212(a).

Answer to Complaint

You have the right to file an answer to this formal complaint within 60 days after you receive the complaint. If you timely file a motion alleging that the complaint is duplicative or frivolous, or a motion to strike, dismiss, or challenge the sufficiency of the complaint, then you may file an answer within 60 days after the Board rules on your motion. *See* 35 Ill. Adm. Code 101.506, 103.204(d), (e), 103.212(b).

The Board's procedural rules require the complainant to tell you as respondent that:

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. 35 Ill. Adm. Code 103.204(f).

Necessity of an Attorney

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. In addition, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, even if an individual is not an attorney, he or she is allowed to represent (1) himself or herself as an individual or (2) his or her unincorporated sole proprietorship. *See* 35 Ill. Adm. Code 101.400(a). Such an individual may nevertheless wish to have an attorney prepare an answer and any motions or briefs, and present a defense at hearing.

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on (month, day, year)
February 25, 2014, I served the attached formal complaint and notice on the
respondent by: *(check appropriate line)*

- certified mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)
- registered mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)
- messenger service (attach copy of receipt if available, otherwise you must file receipt later with Clerk)
- personal service (attach affidavit if available, otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name SISCO CORPORATION, d/b/a SISCO BOX CORPORATION

Street 1520 S. Mill Street

City, state, zip code Nashville, IL 62263

(list each respondent's name and address if multiple respondents)

CITY OF NASHVILLE, ILLINOIS

BY: *Raymond Kolweier*

Complainant's signature Raymond Kolweier, Mayor

Street 190 N, East Court Street

City, state, zip code Nashville, IL 62263

Subscribed to and sworn before me this 25th day of February, 2014.

Ruth Ann Richards
Notary Public



My commission expires: 11-01-14

LAW OFFICES OF
HOHLT, HOUSE, DEMOSS & EPPLIN

146 EAST ST. LOUIS STREET – P.O. BOX 249

NASHVILLE, ILLINOIS 62263

FAX (618) 327-4079

TELEPHONE (618) 327-8241

H.H. HOUSE
1903-1944
BYRON O. HOUSE
1926-1956
WILBERT J. HOHLT
1945-2001
JAMES B. HOUSE
1955-2001
WILLIAM C. DEMOSS
AARON M. EPPLIN

RECEIVED
CLERK'S OFFICE

February 25, 2014

FEB 28 2014

STATE OF ILLINOIS
Pollution Control Board



ORIGINAL

PCB14-113

Clerk of the Board
State of Illinois
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Dear Clerk:

Pursuant to the instructions for filing a Formal Complaint with the Illinois Pollution Control Board, we enclose herewith the original and nine (9) copies of the Formal Complaint. Also attached to the Complaint is an executed Certificate of Service showing personal service on the Respondent.

Yours very truly,

HOHLT, HOUSE, DeMOSS & EPPLIN

BY

WCD:rar

Enclosures

Copy: City of Nashville, Illinois