

**Marek Kruk, Complainant, v. New Trier High School, Respondent
PCB 20-10 (Citizens Enforcement - Noise)**

**Complainant's Requests to admit to Respondent - Round 2
March 24, 2023**

Now comes, Complainant, Marek Kruk and hereby requests that Respondent respond to the following Requests to Admit Facts on in accordance with applicable Illinois law and all current case management orders of the Hearing Officer in this matter.

WARNING: IF YOU FAIL TO SERVE THE RESPONSE REQUIRED BY RULE 216 WITHIN 28 DAYS AFTER YOU ARE SERVED WITH THIS DOCUMENT, ALL THE FACTS SET FORTH IN THE REQUESTS WILL BE DEEMED TRUE AND ALL DOCUMENTS DESCRIBED IN THE REQUESTS WILL BE DEEMED GENUINE.

REQUESTS TO ADMIT

1. The Kruk property is now subjected and exposed to numerous sources of noise pollution that did not exist on Woodland Ave before the new addition was added to the New Trier High School, Winnetka Campus, in 2017. Prior to that, the Kruk property was shielded from noise generated on the school property by the old music building that was demolished.

Answer:

2. The district was presented with noise expert reports that indicated dust collector exceeded Illinois daytime limits in multiple frequency bands.

Answer:

3. The district started operating the dust collector in the fall of 2017. The HEPA filters were installed in the collector in the spring on 2018.

Answer:

4. The district has acknowledged that the dust collector operated above allowable limits and had full knowledge that the noise reports produced by the experts indicated “that Illinois daytime limits are exceeded in the 250 Hz and upper frequency bands” as reported by Shiner Acoustics report dated 08/15/2018.

Answer:

5. The district has stated: “The School District made remedial efforts after Mr. Kruk’s complaints until noise measurements evidenced compliance with noise emissions levels” see district answer to question #10 of the first set of complainant’s interrogatories.

Answer:

6. To date, neither the district, nor any of their representatives, have produced any report of numeric testing of noise emissions at the Kruk property which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection, and which evidences a compliance of the Pollution Control Board’s noise regulations at Section 901.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)).

Answer:

7. The New Trier High School Assistant Superintendent, Christopher Johnson admitted to the complainant, Marek Kruk in a letter dated 04/03/2019 that the district was evaluating dust collector noise mitigating options that will put them in compliance with the standard. This letter was also sent to New Trier High School Superintendent Paul Sally and Board of Education President, Greg Robitaille.

Answer:

8. The district Director of Physical Plant, David Conway had verbally disclosed to the complainant, in a meeting with Village of Winnetka Community Development Director and Assistant Director present, that the district did in fact receive a sound report that indicated that the dust collector operated above allowable limits. He also noted in the same meeting that the district administration was also aware that the dust collector continued to operate, despite having learned that it exceeded Illinois daytime limits in the 250 Hz and upper frequency bands. David Conway further assured that the dust collector only exceeded Illinois daytime limits by a few decibels and only in several octaves. Kruk renewed his request for a copy of the report.

Answer:

9. The district did not send the requested report to Kruk until 04/03/2019 and continued operating the dust collector despite having made admissions that they possessed the knowledge that it operated above allowable limits. The initial sound test measurements were conducted on 05/31/2018.

Answer:

10. The district operates the dust collector for several hours a day, Monday through Saturday all year round to include summer breaks.

Answer:

11. The Board of Education was involved in the process of approving expenditures for noise mitigation measures to include erecting of the noise barrier wall for the dust collector.

Answer:

12. The district uses the new service dock 24/7 to dispose of trash, and for night shift custodial activity among other activities. The trash is thrown into the dumpsters/compactors and compactors are operated to crush items thrown into them during the night hours between 10PM and 7AM.

Answer:

13. The district has received numerous videos showing loud, night time noise activity and disposing of trash in the service dock as well as loud compactor operation since the new building was erected in 2017. Most recent video showing this night time disturbance at 2AM was sent to the district in September of 2022, after the district posted signage “to keep noise to a minimum” and “No noise after 7PM” in 2021.

Answer:

14. The district runs the kitchen fan/rooftop unit during the night hours between 10PM and 7AM and on the weekends.

Answer:

15. The district hired a mechanical engineer who advised them on noise reducing measures that can be taken to further reduce the noise. The district was advised by this engineer that they can reduce the “noise from the rooftop equipment by removing the 13 sound shields that attach to the equipment and have a custom unistrut frame made that will attach to the roof curb and not make contact with the equipment.”

Answer:

16. The district had taken delivery of heavy HVAC chiller equipment in December of 2022 for the new east side addition being currently built. This equipment was installed in the basement of the building facing Woodland Ave - on the west side of the school campus, south of the service dock (in front of Kruk property). See Picture below.



Answer:

17. The trucks servicing New Trier High School park daily on Woodland Ave with engines idling for extended periods of time. When unable to enter the service dock, the delivery trucks unload while being parked on Woodland Ave. Loud impulsive noise is heard throughout the day when garbage trucks drop the compactors onto the dock floor and delivery trucks drop pallets and other items. The noise is amplified by echo chamber like characteristics of the service dock.

Answer:

Thank you,

Marek Kruk

3/24/2023