

3. Name and address of the respondent (alleged polluter)

Name:	Thomas Egan
Street Address:	9311 S Spaulding Avenue
	Evergreen Park, IL 60805
County:	Cook
State:	IL
Phone Number:	() -

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.**

Noise violations by Mr. Egan, homeowner (next door neighbor)

Under the Illinois Environmental Protection Act (Act) (415 ILCS 5), any person can file a complaint with the Illinois Pollution Control Board (Board) against an alleged polluter.

Noise and Vibrations from stereo:

July 03, 2020, my original, Informal Complaint, detailed years of excessive noise and vibrations from stereo inside his house, car, and garage.

Noise from barking dog:

After years of 911 calls for noise and vibrations caused by music, as his choice of weapon, Mr. Egan has changed his tactic of torment towards me, that includes tormenting my cats by escalating his strategy and implementing a barking dog to cause more destruction. Mr. Egan now owns a mid-sized dog, looks like a Lakeland Terrier (England, Fox/otter hunter). The dog is trained to take commands, usually by a whistle or words and returns when called. Mr. Egan refrains from making the dog stop barking. Mr. Egan admits to no wrongdoing even when on video and he is asked to stop.

Mr. Egan is irritated by all forms of animals and wildlife, including cats, that which I enjoy in my yard and have a habitat conducive to attracting all forms of wildlife, mostly to occupy my cats and keep them entertained while I enjoy the wonders of nature.

I have evidence that a squirrel was shot while traveling on the top of the fence, midway in the yard, the squirrel was left dead on my yard.

The dog is being used to torment and harass my cats, in my yard. When Mr. Egan sees the cats outside, he releases the dog outside. The dog runs aggressively along my fence line, snorting, growling, and barking continuously at me while doing yard work or my cats.

When I am NOT in my yard or cats are hidden from view there is no barking and environment is quiet.

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

- Mr. Egan violates the Illinois Environmental Protection Act: 415 ILCS 5/23, 5/24, 5/25.
- Mr. Egan violates Private Nuisance laws that protect a person's right to use and enjoy his or her property. Mr. Egan interferes with that right.
- Municipal Codes: Sec. 1 188, "Noise emanating from private property shall not cause distress to persons on neighboring property."

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

Noise Violation

Location: 9311 S Spaulding Avenue, Evergreen Park, IL 60805 (neighbor)

Daily; loud, piercing, and excessive dog barking. During daylight hours when I am present or my animals are present.

April 23, 2020, Mr. Egan called police and asked for advice about how to deal with a bad neighbor, Anna Andrushko.

May 1, 2020, Mr. Egan was delivered a cease and desist for years of loud music and bullying from Mr. Egan and his children. Stating that Mr. Egan violated 45 ILCS 5/23 "...to prevent noise which creates a public nuisance and 415 ILCS 5/24, No person shall emit beyond the boundaries of his property and any noise that unreasonably interferes with the enjoyment of life..."

Municipal Codes: Sec. 1 188, "Noise emanating from private property shall not cause distress to persons on neighboring property."

The formal demand that you (Mr. Egan) immediately and forever cease and desist with further violations of codes and statues infringing upon Ms. Andrushko's right to quiet and peaceful enjoyment of her property.

The dog barks as early as 6:00 a.m. when the cats are roaming, resting, or moving about my property. The dog will continue to bark and growl as I move about my yard and along my fenceline, following me as I do my yard work. Any movement made by the cats will cause the dog to bark. When I let the cats on the second story balcony, the dog is jumping high into the air, as if to jump over the fence to get to the cats.

Mr. Egan acquired the dog during Covid, early part of 2020 when we shut down and sheltered in place. Mr. Egan is not working and at home, thus the increase in the dog barking, daily during daylight hours. Mr. Egan keeps his dog inside during the night.

Animals can sense when other animals are nearby and get agitated. My cats as well, can sense when there are animals nearby. I am sure that is when Mr. Egan the signal from his dog and will release the

dog out. Mr. Egan refuses to stop the dog from barking, regardless how much the dog is barking until I have to remove myself from the situation. Mr. Egan will NOT intervene to calm, whistle, or call the dog to stop. The dog knows commands.

My cats are abandoned and I care for them on my property. Cats are territorial and the neighborhood is their territory, just as wildlife are territorial. The cats have protection under the Cook County Ordinance and I have a sponsor organization.

On one occasion, one of the abandoned cats, that I help in the community, jumped onto my fence and onto Mr. Egan's garage that is located approximately 2 feet from my fence line. Mr. Egan's dog that was indoors must have sensed the cat nearby that must have alerted Mr. Egan. When he saw the cat on his garage, the dog was immediately released outside. The dog began running around the garage and barking nonstop, causing stress and anxiety for me and my cat that could not find a safe way down. I was rushing to get a ladder set up in the alley to get the cat down. The cat feared the barking dog and panicked by the piercing barking, eventually jumped off from approximately a 8-foot garage roof. I had no time to get the ladder in place. The cat could have had severe injury in a panic to jump to get away from the barking dog.

The dog is also seen on video and camera attempting to jump over a 5-foot fence when my cats are sitting on my second story balcony.

Mr. Egan has blocked off certain areas of his fence on the other side of his yard to keep the dog from the fence line. However, not the case along my property line where I have a fence and plantings to try to minimize the dog from seeing through the cracks of the fence.

I have attempted to call 911, as much as possible, to document that this is on-going problem with Mr. Egan and his dog, hoping the police would intervene. The police refuse to warn Mr. Egan and refuse to write a citation for any reason. There have been attempts to contact him and have a discussion, however, Mr. Egan leave the premises or does not open the door. I have been told by officers that Mr. Egan has been instructed to go to the police station a number of times. There has been no stop to Mr. Egan's behavior.

Mr. Egan, of Irish descent, has conspired with his fellow Irish neighbors, one being Rita Alexander (Fulton), sister to Donna Marzullo, married to (Mark Marzullo, Evergreen Park Trustee), who conspired with other Evergreen Park Village Trustees and Administrations (30 years same administration), (City Clerk Cathy Aparo), (Supervising Village Inspector, and Supervising Animal Control Warden, Geoffrey Layhe), (Sue, Animal Control Warden), (Mayor and Representative Kelly Burke), who have used their powers to take no action, advising police to take no action, thus continuing this harassment to let Mr. Egan torment me and my cats, in an effort to force me to move out of the neighborhood. Mr. Egan had threatened me last year after I told him I'm not moving.

I have taken videos and photos of the constant barking, as often as I can, when my phone is available and I can catch the action.

Mr. Egan continues to grin, laugh, point fingers when the police are consistently taking complaints and doing nothing to stop his actions, thereby continuing his actions. He is obsessed with targeting me and my cats so that I cannot enjoy my property in hopes that I move because of his actions that he has inflicted upon me for 10 years.

I have attempted to get an emergency order of protection against Mr. Egan to protect myself and my cats from harm. My attorney was terminated for failing to do his job. The judge would not allow a substitution of attorney and I withdrew the case after the court was pressuring to dismiss because this is a case about neighbors and not domestic relations.

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.

Mr. Egan violates Private Nuisance laws protect a person's right to use and enjoy his or her property. Mr. Eagan interferes with that right.

Noise is harmful to health, and it diminishes quality of life.

Noise has been defined as an unwanted, uncontrollable and unpredictable sound that disturbs and annoys an individual. With this definition, there has been a tendency to view noise as an annoyance and, secondly, as a sound that is deemed annoying to an individual on a personal level. Thus, it has been said that one person's music is another person's noise. **Viewing noise as personal to the listener and as simply annoying has resulted in ignoring the potential harm of this pollutant.** However, a growing body of research has sufficiently demonstrated that noise is more than annoying—it is a **mental and physical health hazard**. Furthermore, while there may be some people who are less impacted by intrusive sounds and some who are very much disturbed by surrounding sounds, we find that the **larger number of people in the middle range of the normal curve is indeed affected by transportation noises, construction noises, community noises, and neighbor noises.**

Yet, will the outcry from citizens concerned about the deleterious effects of noise on health convince governments to pass policies to address noise pollution? Will public officials recognize that sound data already exist to justify passing and enforcing such policies? I will urge public officials to heed former Surgeon General William H. Stewart's quote noted earlier.

"Must we wait until we prove every link in the chain of causation? I stand firmly with Surgeon General Burney's statement of 10 years ago. In protecting health absolute proof comes late. To wait for it is to invite disaster or to prolong suffering unnecessarily."

The World Health Organization (WHO) declared noise pollution the number-two threat to public health. And, the problem, directly related to anxiety, is getting worse – right as nationwide anxiety levels have spiked. Cancer, heart disease, obesity and myriad other conditions can be exacerbated by stress. In response to loud threats, we evolved to spurt out adrenalin, cortisol, and other stress hormones – chemicals that jacked up our bodies so we could fight or flee. A constant gush of stress hormones actually restructures the brain, contributing to tumor development, heart disease, respiratory disorders, and more.

While both men and women have come to me exasperated with having to deal with their noise problems, I have found that many more women seek out my help and a large number are older women. I tell them they have a right to live without intrusive, harmful noises and that they should not be intimidated by those in charge who have ignored their complaints. Most of the recipients of my letters

and phone calls are male. They frequently label the women who have complained as just being "sensitive" to sound. While there are people who are more sensitive to sounds, and others that are less sensitive, I explain during these calls that the majority of people fall in the middle range and these people are being "reasonable" about the sounds that are bothersome. Let me assure you that noise is an irritant that has been intruding on the lives of many people worldwide, causing them stress, a loss of sleep, physical and mental discomfort, and a diminished quality of life. Going to www.growNYC.org/noise, will introduce you to the relevant research on noise impacts. Knowing that there is literature linking noise to adverse health impacts will be helpful in addressing the noise problem. Secondly, one must become familiar with the bylaws governing noise restrictions, whether it be noise from overhead airplanes and helicopters, neighbors who play their loud music into the early hours, or construction sounds that not only rattle one's windows but also one's "nerves." People are too often left to their own means to find out about their rights re: noise intrusions—intrusions that disrupt their daily activities, their sleep, their desire for some peaceful, restful relaxation, and more recently, with so many people now working out of their homes, their livelihood.

So, when Mr. Egan threatened me last June in an angry tone after I definitively confirmed and made the statement clear that "I am not moving!", Mr. Egan got enraged and angrily responded: "I hope you die!" I hope you die today!"

This is what I have been living with Mr. Egan's attempts to cause harm in the way of stress and anxiety. Ten (10) years of harassment using noise as his weapon to cause harm and/or death, though Mr. Egan owns a gun and has a valid FOID card, regardless, Mr. Egan is not in the right mindset to own that gun based on his behavior towards me and animals, especially my cats. Finding a bullet hole in a squirrel is concerning enough. Mr. Egan should be considered alarming to government officials.

- Any sound or vibration which: 1. may disturb or annoy reasonable persons of normal sensitivities or; 2. causes, or tends to cause, an adverse effect on the public health and welfare or; 3. endangers or injures people or; 4. endangers or injures personal or real property. This can also be defined as noise nuisance.
- Prolonged exposure to dog barking may cause hearing damage, pain, and ear injury. Loudness is measured by decibels.
- My work has suffered, my health has suffered causing stress, anxiety, and loss of sleep. I have medical symptoms directly related to the excessive noise and vibrations from the use of the bass coming from Mr. Egan's house, garage, and car. In addition, the current dog barking situation that has caused my life to be disrupted. I cannot relax in my own home. I do not feel safe in my home.

How many decibels is a dog bark?

The intermittent and piercing nature of a dog's bark can be very disruptive for close neighbors. **A dog's bark can reach 90 decibels.**

- World Health Organization (WHO) states within the home environment, specify that the background sound pressure **should not exceed 50 dbl in outdoor living areas in the day-time.**

- **How many dB is too loud for neighbors?**

For residential environments, any noise exceeding 70 dB is considered disturbing. Residential limits usually start at 60 or 55 dB (the equivalent noise of a regular vacuum cleaner).

- Expose to dangers of dog barking can cause vertigo. Noise produces a change in your stress hormones, which consequently will alter many physiological and psychological functions. For example, a startling noise will not only set your heart pumping faster. It will also make you lose focus and concentration.

Solving Noise Problems

Consider Quiet for Others

- Respect your neighbor's right to quiet, e.g. Keep your radios, stereos and television turned down.
- Don't vacuum late at night. Soft coverings should be placed on floors. Keep your pets as quiet as possible.
- Don't honk horns except in emergency.
- Educate friends and neighbors about hazards of noise.

- **What is considered excessive dog barking?**

Examples of excessive barking can include: frequent intermittent barking over lengthy periods; sustained barking over more than a minute or two; barking early in the morning or late at night.

Can dog barking cause headaches?

Dogs are much like humans in many ways, and one of those ways is that they can suffer from stress-related headaches. Just like people, dogs can become overly stressed when they bark too often or for too long. This can lead to tension headaches caused by the strain of all that barking.

Can constant barking harm a dog?

Does It Hurt A Dog To Bark All Day? [SpiritDog Training]

The short answer is yes – it can cause a sore throat and damage the dog's vocal cords. In addition, the intense stress associated with prolonged barking can lead to a variety of behavioral issues.

Make sure the dog is not annoying the neighbors and basic needs are met:

Basic health and welfare

Make sure there is adequate food, water, shelter, yard space, exercise, and companionship for the dog.

Keep things interesting

Have plenty of chew toys for your dog to play with. Raw bones, toys, chew ropes provide good mental stimulation.

Daily exercise

Dogs need daily exercise. A walk each day is essential for good health and good behaviors. A ten-minute walk twice a day will help as a walk past two or three houses gives a great variety of new smells to look forward to. Larger dogs such as cattle dogs, border collies, and kelpies need more exercise than other dogs. Vigorous runs at an off-leash area help reduce problem barking.

Daily training

Training can be done easily at home. Teaching the dog to come, sit, and stay will help give good boundaries for your pet. You can also contact dog obedience clubs for more formal and intense training.

Barking Dogs & Your Sleep

Barking dogs are a major source of noise pollution day in and day out. In the US alone, the dog population is approximately 78 million—with a high percentage of dogs barking excessively. Barking dogs top-the-list of nuisance-noise because the human ear finds this sound particularly annoying—especially when it's keeping us awake.

Dogs are territorial

Dogs are protectors and don't take kindly to other critters invading their space—such as roaming bands of feral cats, and food-robbing racoons.

If your pet is keeping you and your neighbors up at night, you probably need to bring them indoors. Noise Free America recommends everyone practice the golden rule when it comes to barking dogs.

- 9. Describe the relief that you seek from the Board (e.g., an order requiring 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)).**

Order Respondent to stop polluting, to take any and all necessary measures to stop dog from barking and alleviate the reasons for the barking situation.

Order Respondent to pay a civil penalty; money to compensate for loss of the use and enjoyment of property, adverse health effects and a decrease in property value. I have suffered by Mr. Egan for ten (10) years from stereo bass to now a barking dog.

- 10. Identify any identical or substantially similar case you know of brought 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).**

Unknown

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.)

Self Representation. I am not an attorney.

12.

Anna Andruszko
(Complainant's signature)

CERTIFICATION
(optional but encouraged)

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

Anna Andruszko
(Complainant's signature)

Subscribed to and sworn before me

this 26 day

of June, 2023

Carol Masterson
Notary Public

My commission expires: 8-11-2025



DOCUMENTATION OF SERVICE

Note to the Complainant: This Documentation of Service must accompany the Formal Complaint and the Notice of Filing. Once you have completed the Documentation of Service, the Formal Complaint, and the Notice of Filing, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

This form for the Documentation of Service is designed for use by a non-attorney and must be notarized, *i.e.*, it is an "affidavit" of service. An attorney may modify the form for use as a "certificate" of service, which is not required to be notarized.

Affidavit of Service

I, the undersigned, on oath or affirmation, state that on the date shown below, I served copies of the attached Formal Complaint and Notice of Filing on the respondent at the address listed below by one of the following methods: [*check only one—A, B, C, D, or E*]

A. U.S. Mail or third-party commercial carrier with the recipient's signature recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. Attached is the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature and showing the date of delivery as _____ [month/date], 20___. [*Attach the signed delivery confirmation showing the date of delivery.*]

B. _____ U.S. Mail or third-party commercial carrier with a recipient's signature recorded or to be recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. However, the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature is not available to me at this time. On _____ [month/date], 20__, by the time of __:__ AM/PM, at _____ [*address where you provided the documents to the U.S. Postal Service or the third-party commercial carrier*], copies of the attached Formal Complaint and Notice of Filing were provided to the U.S. Postal Service or the third-party commercial carrier, with the respondent's address appearing on the envelope or package containing these documents, and with proper postage or delivery charge prepaid. [*Within seven days after it becomes available to you, file with the Board's Clerk the delivery confirmation—containing the recipient's signature and showing the date of delivery—and identify the Formal Complaint to which that delivery confirmation corresponds.*]

C. _____ Personal service and I made the personal delivery on _____ [month/date], 20__, by the time of __:__ AM/PM.

D. _____ Personal service and another person made the personal delivery. Attached is the affidavit of service signed by the other person (or the declaration of service signed by the process server) who made the personal delivery, showing the date of delivery as

_____[month/date], 20___. [Attach the other person's signed affidavit or declaration showing the date of delivery.]

E. _____ Personal service and another person made or will make the personal delivery. However, the affidavit of service signed by the other person (or the declaration of service signed by the process server) who made or will make the personal delivery is not available to me at this time. On _____ [month/date], 20__, by the time of __:__ AM/PM, at

[address where you provided the documents to the person making the personal delivery], copies of the attached Formal Complaint and Notice of Filing were provided to _____ [name of the person making the personal delivery], with the respondent's address appearing on the envelope or package containing these documents, and with proper delivery charge prepaid. [Within seven days after it becomes available to you, file with the Board's Clerk the affidavit or declaration of service—containing the signature of the person who made personal delivery and showing the date of delivery—and identify the Formal Complaint to which that affidavit or declaration corresponds.]

RESPONDENT'S ADDRESS:

Name THOMAS EGAN
Street 9311 S SPAULDING AVENUE
City, state, zip code ELSTON PARK IL 60805
(list each respondent's name and address if multiple respondents)

Carol Gudmehke
Complainant's signature
Street 9313 S SPAULDING AVE
City, state, zip code ELSTON PARK IL 60805
Date 6/26/23

Subscribed to and sworn before me

this 24 day
of June, 2023

Carol Masterson
Notary Public



My commission expires: 8-11-2025