



# ILLINOIS POLLUTION CONTROL BOARD

March 21, 2003

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STATE OF ILLINOIS  
Pollution Control Board

## SPRINGFIELD OFFICE

600 South Second Street  
Suite 402  
Springfield, IL 62704  
217-524-8500  
FAX 217-524-8508

Dr. Paul Schomer  
Acoustical Society of America  
2117 Roper Dr.  
Champaign, IL 61821

R03-9

Dear Dr. Schomer:

On March 12, 2003, we received your letter regarding Proposed New and Updated Rules for Measurement and Numerical Sound Emission Standards Amendments to 35 Ill. Adm. Code 901 and 910, R03-9 (February 20, 2003). The letter indicates that the text of the Board's proposed rules at 35 Ill. Adm. Code 910.106 and 910.107 was taken from ANSI standards.

A review of our records indicates that the proposed Sections 910.106 and 910.107 are based upon the Illinois Department of Energy and Natural Resource's noise study entitled "Proposed Revisions to Property Line Noise Source Measurement Procedures" (ILENR/RE-EA-91/10, printed June 1991, Springfield, IL). The Department's noise study was published in June 1991. The study was specifically intended to describe and develop systematic noise measurement procedures consistent with the Board's noise rules.

In 1991, the Board used the Department's study as the basis for the Board's proposal in Amendments to 35 Ill. Adm. Code Subtitle H Noise-Pertaining to Definitions, Measurement Procedures, and Sound Emission Standards Relating to Certain Noise Sources, R91-25 (Oct. 24, 1991)). The current Board rule is a continuation of the Board's ongoing efforts to update the Board's rules.

We have reviewed the law on copyrighted materials and note that Section 201 of the copyright law states that in the case of work made for hire, the employer owns all of the rights comprised in the copyright. 17 U.S.C. § 201. Section 101 of the copyright law (17 U.S.C. § 101) defines "work made for hire" as a work prepared by an employee within the scope of his employment. Furthermore the materials used in preparing this rulemaking proposal are all material which have been previously included in the public record.

## WEB SITE

[www.ipcb.state.il.us](http://www.ipcb.state.il.us)

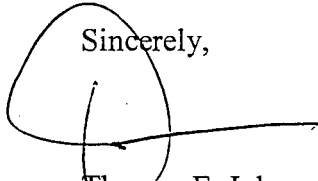


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Based on these facts the Board declines to comply with your request.

Please feel free to contact Kathleen M. Crowley, our senior attorney, if you have additional questions.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop on the left and a horizontal line extending to the right.

Thomas E. Johnson  
Chairman, Pollution Control Board