

State of Illinois  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

October 16, 2003

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OCT 20 2003

STATE OF ILLINOIS  
Pollution Control Board

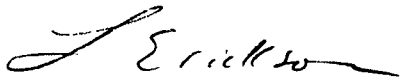
**RESPONSE TO COMPLAINANTS RESPONSE TO FORMAL COMPLAINT**  
#O4-26; L. Erickson vs. L. Van Someren.

This statement is issued on the suggestion of a representative for the State of Illinois. The above named party (Van Someren ) did not issue a response via certified mail on the complainant party within the 30 day response time (and as yet has not been received) as specified in the "Notice to Respondent Rules" and thus delayed the response of this party. If Van Someren did so, I ask that proof be shown of confirmation of mailing via a tracking receipt of his submission to this party within the time specified (i.e. prior to 10/16/03). I therefore request that the board consider this motion at the November 6 hearing as the delay was due to failure on the Respondent's compliance. The actual response was obtained via the ipcb web site to hasten this response.

Additionally, Please review the attached statement from Mr. McCambridge at the State of Illinois stating that an exception from the numeric standards does not exempt the noise.

The party (Van Wyk) who stated she was not disturbed is new to the area and resides much further away than this property from the construction; Hers is a subjective opinion and may have been coerced. If there is any doubt to the noise levels, I can provide valid proof at hearing of actual documentation from inside our neighboring property of excessive and prolonged noise generated from the construction. Also, although the builder failed to get responses from other neighbors, there are many living farther away who have been adversely affected by the noise.

Finally, Even though Van Someren feels this is "normal construction noise", if this occurred daily over the course of several months next to his home, I wonder how cavalier the response would be then.



L. Erickson

Subj: Re: Noise regulations

Date: 7/1/03 12:17:17 PM Central Daylight Time

From: mccambridge@ipcb.state.il.us (Mike McCambridge) (312)-814-6924

To: 1812oo@aol.com

It means that the NUMERIC standards of Part 901 do not apply to construction equipment without regard to time of night or day. That is not to say that the noise is exempted from regulation. Section 900.102 prohibits "noise pollution," and Section 900.101 defines that as "the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity." Thus, an exception from the numeric standards does not exempt the noise.

>>> <1812oo@aol.com> 07/01/03 12:05PM >>>

Found the regulations- Does 901.107 "exceptions- Sections 901.103-901.106 shall not apply to sound emitted for construction" mean there is no recourse or that construction can occur at any hour and to the detriment of the neighborhood?

*no person shall allow  
emission of sound  
beyond the boundaries  
of his property.*

Does section 415 ILCS 5/24 Sec.24 source P.A. 76-2429 (Illinois Compiled Statutes Environmental Safety Act ILCS) still exist? "No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life " apply?

Please help 1812oo@aol.com

#### Headers

Return-Path: <mccambridge@ipcb.state.il.us>

Received: from rly-xk03.mx.aol.com (rly-xk03.mail.aol.com [172.20.83.40]) by air-xk01.mail.aol.com (v94.1) with ESMTP id MAILINXK14-4f373f01c21d36b; Tue, 01 Jul 2003 13:17:17 -0400

Received: from PCB\_SPI (mail.ipcb.state.il.us [163.191.14.2]) by rly-xk03.mx.aol.com (v94.27) with ESMTP id MAILRELAYINXK38-58a3f01c1dc1ac; Tue, 01 Jul 2003 13:16:23 2000

Received: from PCB-MTA by PCB\_SPI

with Novell\_GroupWise; Tue, 01 Jul 2003 12:13:54 -0500

Message-Id: <sf017b02.065@PCB\_SPI>

X-Mailer: Novell GroupWise Internet Agent 6.0.3 Beta

Date: Tue, 01 Jul 2003 12:13:30 -0500

From: "Mike McCambridge" <mccambridge@ipcb.state.il.us>

To: <1812oo@aol.com>

Subject: Re: Noise regulations

Mime-Version: 1.0

Content-Type: text/plain; charset=US-ASCII

Content-Transfer-Encoding: quoted-printable

Content-Disposition: inline

X-AOL-IP: 172.20.83.40