

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KEN BLOUIN,)	
)	
Complainant,)	
)	
v.)	PCB No. 05-217
)	(Enforcement – Noise)
TNT LOGISTICS NORTH AMERICA)	
INC.,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn	Bradley P. Halloran, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

(PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board Respondent's **PRE-HEARING MOTION INCLUDING MOTION IN LIMINE**, a copy of which is herewith served upon you.

Respectfully submitted,

TNT LOGISTICS NORTH AMERICA INC.,
Respondent,

By: /s/Thomas G. Safley
One of Its Attorneys

Dated: October 17, 2006

Edward W. Dwyer
Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Thomas G. Safley, the undersigned, hereby certify that I have served the
attached PRE-HEARING MOTION INCLUDING MOTION IN LIMINE upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on October 17, 2006; and upon:

Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Mr. Ken Blouin
6446 Lakeway Drive
Monee, Illinois 60449

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois on October 17, 2006.

/s/Thomas G. Safley
Thomas G. Safley

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)	
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PRE-HEARING MOTION INCLUDING MOTION IN LIMINE

NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC.

(“TNT”), by its attorneys, HODGE DWYER ZEMAN, pursuant to the Hearing Officer’s Order at the telephonic status conference held September 28, 2006, and files its Pre-Hearing Motion including Motion in Limine (“Pre-hearing Motion”) in this matter.

I. MOTION TO SEQUESTER WITNESSES

TNT moves the Hearing Officer to issue an Order that all non-party witnesses for Complainant and for Respondent in this matter (that is, all witnesses other than Mr. Blouin and a corporate representative of TNT) will be sequestered at hearing so as to exclude such witnesses from the hearing prior to such witnesses’ testimony. “Excluding witnesses is an appropriate device to preclude a witness from shaping his testimony to conform to the testimony of those who already have testified.” In re H.S.H., 751 N.E.2d 1236, 1241 (2d Dist. 2001). (Citations omitted.) Illinois Pollution Control Board (“Board”) Hearing Officers regularly sequester non-party witnesses at hearing. See, e.g., People v. Skokie Valley Asphalt Co., Inc., et al., No. PCB 96-98, hearing transcript at 21-22 (Ill.Pol.Control.Bd. Oct. 30, 2003); County of DuPage v. Saleem, No. 96 CD 494, hearing transcript at pp. 8-9 (Ill.Pol.Control.Bd. April 1, 1998).

II. MOTION TO INSTRUCT WITNESSES NOT TO COMMUNICATE WITH EACH OTHER REGARDING TESTIMONY DURING HEARING

TNT also moves the Hearing Officer to issue an Order that no witness may communicate with another witness during the hearing in this matter regarding testimony given, or to be given, during the hearing. Such Order is necessary to effectuate the sequestering of witnesses discussed above; that is, if witnesses are sequestered, but can discuss the testimony of other witnesses, the sequestration order is rendered meaningless. “If a trial court possesses the authority to exclude witnesses to prevent fabrication, it necessarily follows that the court also possesses the authority to instruct witnesses not to discuss their testimony with other witnesses.” In re H.S.H., 751 N.E.2d 1236, 1241 (2d Dist. 2001). (Citations omitted.)

III. MOTION IN LIMINE

TNT further moves the Hearing Officer to issue an Order in Limine prohibiting the introduction of certain testimony and evidence at hearing as set forth below.

A. Testimony of Witnesses First Identified on Final Witness List

First, TNT moves the Hearing Officer to prohibit the testimony of witnesses that Complainant identified for the first time on his Witness List filed October 2, 2006, specifically:

- Erwin Bogs, former Village of Monee Planning & Zoning Chairman.

See Complainant’s Witness List attached hereto as Exhibit A.

On January 24, 2006, TNT served its Interrogatories on Complainant. See TNT’s Notice of Service of Discovery Documents, January 24, 2006, filed with the Board.

TNT’s Interrogatory No. 6 requested as follows:

Pursuant to Illinois Supreme Court Rule 213(f) (a copy of which is enclosed), please identify the name and address of each witness – lay, independent expert, and/or controlled expert – who will testify at any hearing in this matter and all other information required for each witness.

See TNT's Interrogatories, relevant portions of which are attached hereto as Exhibit B, at 11.

TNT's Interrogatories also noted that the Board's Rules require Complainant to amend his Answers to TNT's Interrogatories whenever "the response is in some material respect incomplete." Id. at 2 (citing 35 Ill. Admin. Code § 101.616(h)).

Thereafter, Complainant answered TNT's Interrogatories, including Interrogatory No. 6. See Complainant's Interrogatory Responses, relevant portions of which are attached hereto as Exhibit C, at 11. He did not, however, identify Mr. Bogs, in response to Interrogatory No. 6 or otherwise. See id. Complainant also thereafter served additions to his Interrogatory Answers, and an Opinion Witness List, copies of which are attached hereto as Exhibits D and E, but again did not identify these persons. See Exhibits D and E.

Illinois Supreme Court Rule 213(f) requires that "[u]pon written interrogatory, a party must furnish the identity and addresses of witnesses who will testify at trial and provide" additional specified information. Ill. Sup. Ct. R. 213(f). (Emphasis added.) In addition, both Supreme Court Rule 213(f) and the Board's Rules require a party to supplement its responses to Interrogatories whenever its original responses become incomplete. TNT served a Rule 213 Interrogatory on Complainant seeking the identity of Complainant's witnesses, and further specifically noted Complainant's duty to supplement his responses to TNT's Interrogatories. Complainant answered TNT's Rule

213 Interrogatory, but did not identify Mr. Bogs as a witness. Then, after the Hearing Officer on September 28th ordered the parties to file their final Witness Lists in preparation for hearing, Complainant for the first time identified Mr. Bogs as a witness on his final Witness List. This renders TNT's Rule 213 Interrogatory and the Board's Rule requiring supplementation of responses to interrogatories -- and the discovery process in general -- meaningless. Therefore, TNT moves the Hearing Officer to issue an Order in Limine prohibiting Mr. Bogs from testifying at the hearing in this matter.

B. Testimony of Any Other Undisclosed Witnesses

Second, for the reasons stated above, TNT further moves the Hearing Officer to issue an Order in Limine barring Complainant from presenting testimony from any other witness that Complainant did not identify in response to TNT's Interrogatories.

C. Introduction of Undisclosed Evidence

Third, TNT moves the Hearing Officer to issue an Order in Limine barring Complainant from offering into evidence any document or other evidence, or utilizing any demonstrative exhibit, at hearing which Complainant did not produce in response to TNT's Requests for Production. TNT served its Requests for Production on Complainant on January 24, 2006. See TNT's Notice of Service of Discovery Documents, January 24, 2006, filed with the Board. TNT's Request for Production No. 14 stated: "Please produce all exhibits which you intend to, or may seek to, enter into evidence or use as a demonstrative exhibit at any Hearing in this matter." See TNT's Requests for Production, relevant portions of which are attached hereto as Exhibit F, at 6. In response to TNT's Requests for Production, Complainant produced certain documents attached hereto as Exhibit G. TNT moves the Hearing Officer to issue an Order in Limine

prohibiting Complainant from seeking to introduce into evidence, or to utilize any demonstrative exhibit, at hearing any other documents, or any other evidence of any kind, other than the documents that Complainant produced in response to TNT's Requests for Production, attached hereto as Exhibit G.

D. Undisclosed Opinion Testimony

Fourth, TNT moves the Hearing Officer to issue an Order in Limine prohibiting Complainant from presenting any opinion testimony at hearing which Complainant did not specifically identify in response to TNT's Interrogatories and/or pursuant to the Hearing Officer's deadlines for disclosure of opinion witnesses and testimony. TNT's Interrogatory No. 6 sought disclosure of all witnesses and testimony, including, but not limited to, opinion witnesses and opinion testimony. See discussion above. As noted above, Complainant responded to TNT's Interrogatory No. 6. In addition, the Hearing Officer twice directed Complainant to identify "Complainant's opinion witnesses and their opinions," first by April 15, 2006, and later by June 1, 2006. See Hearing Officer Orders dated January 30, 2006, and May 31, 2006. In response, Complainant filed his Opinion Witness List, a copy of which is attached hereto as Exhibit E. TNT moves the Hearing Officer to issue an Order prohibiting Complainant from offering any opinion testimony that Complainant did not specifically disclose in response to TNT's Interrogatories and/or in his Opinion Witness List.

IV. RESERVATION OF RIGHTS

Finally, TNT is not aware of any other specific evidence or testimony which Complainant intends to introduce at the hearing in this matter as to which TNT wishes to move in limine at this time. TNT reserves its right at hearing to object to any testimony

or evidence offered by Complainant on any grounds, including, but not limited to, that such testimony is irrelevant, is hearsay, is cumulative, is prejudicial, and/or was not previously disclosed by Complainant in response to TNT's Interrogatories and Requests for Production.

V. CONCLUSION

WHEREFORE, Respondent, TNT LOGISTICS NORTH AMERICA INC., respectfully moves the Hearing Officer to issue the Pre-Hearing Orders requested above, and to grant TNT all other relief just and proper in the premises.

Respectfully submitted,

TNT LOGISTICS NORTH AMERICA INC.,
Respondent,

Dated: October 17, 2006

By: /s/Thomas G. Safley
One of Its Attorneys

Edward W. Dwyer
Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

TNTL:002/Fil/Blouin/Pre-Hearing Motion

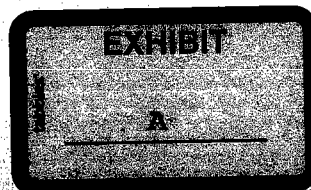
*Mr. Ken Blouin
6446 Lakeway Drive
Monee, Illinois 60449
PCB 2005-217*

*Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601*

*Thomas G. Safely
Hodge Dwyer Zeman
3150 Roland Avenue
Springfield, Illinois 62705*

*TNT Logistics
25850 S. Ridgeland Avenue
Monee, Illinois 60449*

Witness List



Witness List

Tom Thunder
Acoustic Associates (Subpoena)
233 E. Northwest Highway
Palatine, Illinois 60067

Diane Pieczynski
Village of Monee Trustee (Subpoena)
5011 W. Herbert Court
Monee, Illinois 60449

Terry Craig
Village of Monee Police Officer (Subpoena)
5357 W. Main Street
Monee, Illinois 60449

Erwin Bogs
Former Village of Monee (Subpoena)
Planning & Zoning Chairman
6655 W. Maple Court
Monee, Illinois 60449

John Anderson
Will County Board Official (Subpoena)
5013 W. Main Street
Monee, Illinois 60449

Lisa Dugan
State Representative (Subpoena)
135 S. Schuyler Avenue
Kankakee, Illinois 60901

Witness List Continued...

Debbie Halverson

State Senator

(Subpoena)

241 W. Joe Orr Road

Chicago Heights, Illinois 60411

Marty Burke

L.F.I. Inc.

(Subpoena)

9440 Enterprise Drive

Mokena, Illinois 60448

Vincent & Jennifer Neri

6530 Lakeview Lane

Monee, Illinois 60449

Wayne Haser

25763 S. Willow Creek Lane

Monee, Illinois 60449

John & Linda Maracic

6512 Lakeway Drive

Monee, Illinois 60449

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INTERROGATORIES

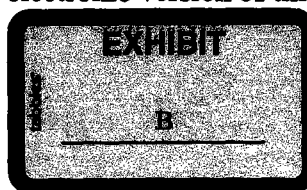
NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC. ("TNT"), by its attorneys, HODGE DWYER ZEMAN, and pursuant to Section 101.620 of the Illinois Pollution Control Board's ("Board") procedural rules, 35 Ill. Admin. Code § 101.620, propounds the following Interrogatories on Complainant Ken Blouin, to be answered within 28 days after these Interrogatories are served on Complainant:

INSTRUCTIONS

(a) The Board's procedural rules require you to serve your "answers and objections, if any" to the following Interrogatories on the undersigned "[w]ithin 28 days after" these Interrogatories are served on you. See 35 Ill. Admin. Code § 101.620(b).

(b) The Board's procedural rules also require that you answer each of the following Interrogatories "separately and fully in writing under oath, unless it is objected to." See 35 Ill. Admin. Code § 101.620(b).

Space has been provided in which you can set forth your answers to the Interrogatories if you so choose. Or, if the amount of space provided is insufficient, or if you prefer, you can set forth your answers on a separate piece of paper. If you would prefer to type your answers into an electronic version of this document, please contact the



undersigned, and we will be happy to provide you an electronic version of this document for such use.

A verification statement (see 735 ILCS 5/1-109), signature line, and space for notarizing also are provided for your use in meeting the requirement of Section 101.620(b) that Interrogatories be answered "under oath."

(c) The Board's procedural rules also require that you sign your answers to these Interrogatories and sign any objections you make to these Interrogatories. See 35 Ill. Admin. Code § 101.620(b).

(d) If you object to any Interrogatory, please note that the Board's procedural rules provide as follows regarding objections:

Grounds for an objection to an interrogatory must be stated with specificity, and be accompanied by a copy of the interrogatory. Any ground that is not stated in a timely objection is waived unless it results in material prejudice or good cause for the delay is shown.

35 Ill. Admin. Code § 101.620(c).

(e) The Board's procedural rules also require that you amend your answers to these Interrogatories in certain circumstances, stating as follows:

A party must amend any prior responses to interrogatories, requests for production, or requests for admission if the party learns that the response is in some material respect incomplete or incorrect, and the additional or corrected information has not otherwise been made known to the other parties during the discovery process or in writing.

35 Ill. Admin. Code § 101.616(h).

(f) With respect to each Interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, please identify all documents to which you referred in preparing your answer thereto.

INTERROGATORY NO. 6: Pursuant to Illinois Supreme Court Rule 213(f) (a copy of which is enclosed), please identify the name and address of each witness – lay, independent expert, and/or controlled expert – who will testify at any hearing in this matter and all other information required for each witness.

ANSWER:

INTERROGATORY NO. 7: Please identify the names and addresses of all other persons (other than yourself and persons heretofore listed) who purport to have knowledge of TNT's alleged violation of 35 Ill. Admin. Code §§ 901.102, 901.103, 901.104, or 901.106 at Your Property, as alleged in paragraph 5 of your Complaint.

ANSWER:

INTERROGATORY NO. 8: Have you (or has anyone acting on your behalf) had any conversations with any person at any time relating to TNT's alleged violation of 35 Ill. Admin. Code §§ 901.102, 901.103, 901.104, or 901.106 at Your Property, or have

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INTERROGATORIES

NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC.

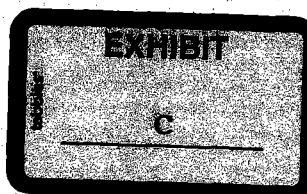
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(b) The Board's procedural rules also require that you answer each of the following Interrogatories "separately and fully in writing under oath, unless it is objected to." See 35 Ill. Admin. Code § 101.620(b).

Space has been provided in which you can set forth your answers to the Interrogatories if you so choose. Or, if the amount of space provided is insufficient, or if you prefer, you can set forth your answers on a separate piece of paper. If you would prefer to type your answers into an electronic version of this document, please contact the



INTERROGATORY NO. 6: Pursuant to Illinois Supreme Court Rule 213(f) (a copy of which is enclosed), please identify the name and address of each witness – lay, independent expert, and/or controlled expert – who will testify at any hearing in this matter and all other information required for each witness.

ANSWER:

see sound study and police
reports
Vince Neri John ~~maracik~~ Jennifer Neri
DIANE Piecyski Debbie Holerson
LISA Dusan John Anderson

INTERROGATORY NO. 7: Please identify the names and addresses of all other persons (other than yourself and persons heretofore listed) who purport to have knowledge of TNT's alleged violation of 35 Ill. Admin. Code §§ 901.102, 901.103, 901.104, or 901.106 at Your Property, as alleged in paragraph 5 of your Complaint.

ANSWER:

see police report and sound study
Thomas Thundo sound study

INTERROGATORY NO. 8: Have you (or has anyone acting on your behalf) had any conversations with any person at any time relating to TNT's alleged violation of 35 Ill. Admin. Code §§ 901.102, 901.103, 901.104, or 901.106 at Your Property, or have

(F)
Blouin pldgs
TNTL: 002

Thomas Safley

From: ken [pengo73@sbcglobal.net]
Sent: Monday, May 22, 2006 5:50 PM
To: tsafley@hdzlaw.com
Subject: PCB2005-217

Ken Blouin
6446 Lakeway Drive
Monee, IL 60449
708 337 5240

Thomas Safley
Hodge, Dwyer and Zeman
3150 Roland Avenue
Springfield, IL 62705

Mr Safley:

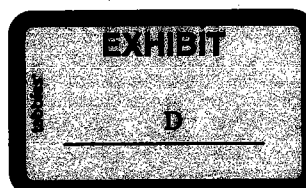
I neglected to add two names to my witness list for PCB2005-217. Please add the following names and information.

Thank you,

Ken Blouin

Acoustic Associates, Inc.
Specialists in Hearing Acoustics
Mr. Thomas Thunder, AuD, FAAA, INCE
Audiologist and Acoustic Engineer
305 E Northwest Highway
Palatine, IL 60067

Shiner & Associates, Inc
Acoustic Engineers
Brian Homans
One North Franklin St.
Chicago, IL 60606



5/23/2006

Thomas Safley

From: ken [pengo73@sbcglobal.net]
Sent: Sunday, April 16, 2006 9:32 PM
To: tsafley@hdzlaw.com
Subject: PCB2005-217

Mr Safley,

The list of names sent March 20th was in response to Hearing Officer's request for opinion witnesses by April 15th, but should also meet the requirements of your interrogatory # 6. All witnesses listed have first or second hand knowledge of noise emanating from property controlled by TNT Logistics. Mr. O'Donnell and Mr. Burke can give witness that they were aware of possible noise issues before construction began on said property. Mr. and Ms. Neri, Mr. Haser, Mr. Maracic, Mr. Craig, Mr. Caruso, Mr. Farais, can give first hand accounts of hearing noise emanating from property controlled by TNT Logistics. All other persons listed can give cooperative testimony, and may or may not be able to testify as to hearing noise themselves. Mr. Grubermann, Mr. O'Donnell, and the listed Village of Monee trustees can give testimony stating that they are aware of a sound study conducted by Acoustic Associates LTD dated May 7th, 2005. All listed village officials can testify to the numerous efforts made before, during, and after construction to control and eliminate excessive sound from property controlled by TNT Logistics. All listed village officials can give testimony to the numerous noise complaints filed since construction began on property controlled by TNT Logistics.

Thank you for your continued efforts to rectify this matter, and your time and patience as I attempt to meet all legal written and verbal requirements of this process.

Ken Blouin

TNTL: 02

Blain
Boutin

Response to Discovery

The following is a list of complainants opinion witnesses for PCB # 05-217. All names below can testify to the noise levels observed at 6446 Lakeway Drive. Where no address is listed, the witness can be contacted at the Village of Monee City Hall
5130 Court Street
Monee, IL 60449
708 534-8301

Marty Burke, Location Finders International, 9440 Enterprise Drive, Mokena, IL 60448

John and Linda Maracic 6512 Lakeview, Monee, IL 60449

Robert F. Kassela, Jr. & Kellie R. Kassela 6610 Lakeview Lane Monee, IL 60449

Vincent & Jennifer Neri 6530 Lakeview Lane Monee, IL 60449

Wayne Haser 25763 Willowcreek Lane Monee, IL 60449

Kenneth E. Madema, Jr. 6603 Lakeview Lane Monee, IL 60449

Timothy P. O'Donnell (Mayor of Village of Monee) 25816 Pinehurst Dr. Monee, IL 60449

Russel Caruso (Police Chief of Village of Monee) address unknown

Dan Gryczewski (Trustee of Village of Monee) 5043 W. Augusta Blvd. Monee, IL 60449

Kelly Jensen (Trustee of Village of Monee) 5401 W. Mill St. Monee, IL 60449

Henry May (Trustee of Village of Monee) 25727 S. McCorkle Ave. Monee, IL 60449

David Stockton (Trustee of Village of Monee) 25702 S. Violet Lane Monee, IL 60449

Amy Mayer (Trustee of Village of Monee) 5310 W. Court St. Monee, IL 60449

Diane Pieczynski (Trustee of Village of Monee) 5011 W. Herbert Ct. Monee, IL 60449

Barry Sleron (Former Trustee of Village of Monee) 4930 W. Margaret St. Monee, IL 60449

Michael Grubermann (Former Village Administrator of Village of Monee) address unknown
moved out of state

Larry Gryczewski (Village Attorney of Village of Monee) Office at 1100 Ravinia Pl.
Orland park. IL 60462

Terry Craig (Patrolman of Village of Monee) address unknown

Peter Farias (Patrolman of Village of Monee) address unknown



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REQUESTS FOR PRODUCTION

NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC.

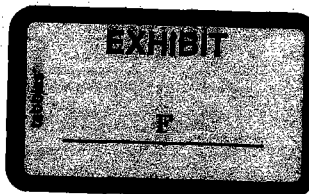
(“TNT”), by its attorneys, HODGE DWYER ZEMAN, and pursuant to Section 101.616 of the Illinois Pollution Control Board’s (“Board”) procedural rules, 35 Ill. Admin. Code § 101.616, propounds the following Requests for Production on Complainant Ken Blouin, to be answered within 28 days after these Requests for Production are served on Complainant:

INSTRUCTIONS

(a) In ruling on issues relating to Requests for Production, the Board may look to Illinois Supreme Court Rule 214 for guidance. See People v. C & S Recycling, Inc., et al, PCB No. 97-9, 2000 Ill. ENV LEXIS 410 (Ill.Pol.Control.Bd. June 22, 2000). For your convenience, a copy of Rule 214 is enclosed.

(b) The Board's procedural rules require that you amend your answers to these Requests for Production in certain circumstances, stating as follows:

A party must amend any prior responses to interrogatories, requests for production, or requests for admission if the party learns that the response is in some material respect incomplete or incorrect, and the additional or



10. Please produce a current résumé and curriculum vitae for each independent or controlled expert whom you intend to call to testify at any hearing in this matter.

11. Please produce all documents which you identify, or which otherwise relate to, your response to TNT's Interrogatory No. 8, including, but not limited to, correspondence, notes of conversations and/or written statements.

12. Please produce all documents exchanged between you and any person you identify in response to TNT's Interrogatory No. 9.

13. Please produce any and all other documents of any kind which relate in any way to your allegation that TNT has violated 35 Ill. Admin. Code §§ 901.102, 901.103, 901.104, or 901.106 at Your Property, as alleged in paragraph 5 of your Complaint.

14. Please produce all exhibits which you intend to, or may seek to, enter into evidence or use as a demonstrative exhibit at any hearing in this matter.

15. Please produce any photographs, motion pictures, videotapes, maps, drawings, or other visual or pictorial representations of any kind of TNT's Property or otherwise relating in any way to the allegations contained in your Complaint.

16. Please produce all documents, other than those produced in response to the Requests for Production set forth above, which you identified in response to TNT's Interrogatories.

17. Please produce all documents or other items of any kind, other than those produced in response to the Requests for Production set forth above, which you consulted



MONEE POLICE DEPARTMENT

MEMO

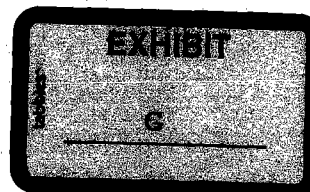
DATE: June 13, 2005
TO: Chief Caruso, 007
FROM: Patrolman Terry Craig, 011
RE: Special Detail on W. Lake Way Dr. on June 09, 2005

0900 hours to 0940 hours

I parked in front of 6512 W. Lake Way Drive with my engine turned off, car radio turned off. I heard a constant loud beeping sound emitting from the north by the fence area located behind the homes off of W. Lake Way Drive, north side. The noise appeared to be emitting from the TNT Logistics Company located just north of W. Lake Way Drive. I drove over to TNT Logistics to the security guards office, located at the southeast corner of the building. I asked the security guard on duty, what that loud constant beeping noise was that I heard. The security guard was cooperative and courteous. He stated that the noise was the sound of the spotter driver's truck alarm as he was backing up. The guard said that every time the spotters do door changes (loading or unloading) the alarm on their trucks sound off. I heard the sound of semi-trucks driving back and forth, up and down the parking lot, south side, of TNT Logistics.

1500 hours to 1540 hours

I parked in front of 6520 W. Lake Way Drive with my engine turned off, car radio turned off. Several times I heard the sound of semi-trucks discharging their air brakes as they were dropping off their trailers. I heard semi-trucks idling on the south side of the TNT Logistics building. One of the truck drivers sounded a very loud bullhorn for about 5 seconds. After approximately 20 minutes of being stationary I heard a commercial jet fly overhead.





MONEE POLICE DEPARTMENT

MEMO

DATE: June 13, 2005
TO: Chief Caruso, 007
FROM: Patrolman Terry Craig, 011
RE: Special Detail at W. Lake Way Dr. on June 06, 2005

1030 hours to 1100 hours

I parked in front of 6446 W. Lake Way Drive with my engine turned off, car radio turned off. I heard the air brakes of semi-trucks, connecting and disconnecting from their trailers in the south trailer yard of TNT Logistics. As the spotter trucks were backing up to the trailers, several times I heard the backup alarm from their trucks echoing down all of W. Lake Way Drive. The sound lasted approximately 5 minutes each time. Several times I heard a loud bang as if two trailers had hit each other.

1410 hours to 1440 hours

I parked in front of 6520 W. Lake Way Dr. with my engine turned off, car radio turned off. I heard trucks idling on the south side of the TNT Logistics building where the dock doors are located. I heard the back up alarm of the spotter trucks several times. This lasted approximately 15 minutes. I drove over to TNT Logistics and spoke to the shipping supervisor who was very cooperative and courteous. I asked him about the excessive noise from the spotter trucks. The shipping supervisor stated that the spotters were doing dock door changes in order to load and unload their trailers for the next shift.

JAN. 19. 2005, 4:34PM

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Associates, Inc.

Acoustical Engineers

One North Franklin St., Chicago, Illinois 60606 Phone 312 849-3340 Fax 312 849-3344

Vince Neri Cell #708-417-6040

Location Finders International, Inc.
9440 Enterprise Dr.
Mokena, IL 60448

October 17, 2003

Attn: Mr. Marty Burke ✓

Re: TNT Trucking Terminal
Monee, Illinois

Dear Mr. Burke:

During the period of October 7-10, 2003, we conducted one-third octave band acoustical measurements of ambient conditions on the site of the proposed terminal in Monee, Illinois. The measurements were conducted near the south boundary of the parcel located at the southwest corner of W. Monee Manhattan Road and S. Ridgeland Avenue (Lot Three). Measurements were not continuous, but were conducted in three sessions due to destruction of cabling by wildlife.

Acoustical Measurements

Table 1 displays the periods during which measurements were conducted. We chose the date of measurements based on weather conditions and availability of instrumentation.

Table 1. Schedule of Measurements, 2003

Start Date	Start Time	Stop Date	Stop Time	Notes
October 7	17:55	October 8	00:40	Cabling severed by wildlife
October 9	08:15	October 9	12:05	Batteries depleted
October 9	17:10	October 10	07:45	Conclusion of study

Weather conditions were quite warm with daytime highs ranging from 81° F on October 7 to 73° F on October 9. Winds were light and from the southwest on October 7. On the morning of October 10, there was no wind and a suspected temperature inversion. No precipitation occurred during the measurements.

The acoustical instrumentation was located near the south property line at a location 85 feet west and 150 feet north of the southeast corner of Lot Three. Homes south of the proposed site along Lakeway Drive were clearly visible. Trucks on I-57 were also visible to the east. This location was chosen to characterize noise from the southern portion of the proposed TNT facility. Figure 1 is a site plan showing the location of measurement microphone.

The following instrumentation was utilized:

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Location Finders International, Inc.

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- Larson-Davis Laboratories, Inc. (LD) 2900 real time analyzer
- LD 2560 1/2 inch condenser microphone
- LD 900B microphone preamplifier
- LD CA-250 microphone calibrator
- Extension cables, windscreen
- Dwyer Wind Meter, Thermometer

Calibration of instrumentation was verified before and after measurements with the microphone calibrator. The analyzer was located in a weathertight box and cabled to the microphone and preamplifier using a 15 foot extension cables. The microphone and preamplifier were attached to the branches of a 12 foot high arbor vitae at a height of 5 feet above ground level and protected with a windscreen. The analyzer was set to one-third octave filtering and linear repeat averaging with an averaging time of 5 minutes. Data were sampled continuously. Every 5 minutes, the linear average of spectra was written to memory, the analyzer was reset and data were accumulated for another 5 minutes.

Wildlife severed the microphone cable at approximately 12:40 a.m. on the morning of October 8, 2003. On the morning of October 9, the analyzer was suspended from the arbor vitae branches with new cabling and operated until approximately noon of the same day. Batteries were replaced and the analyzer was restarted on the evening of October 9 and operated until the morning of October 10, 2003.

The site has been used for the cultivation of shrubs and trees. Daytime nursery activities continued on the property during the measurement period.

Results of Ambient Survey

Figures 2-4 display an A-weighted time history of ambient sound level readings recorded during the survey. Table 2 summarizes octave band sound level results for the nighttime periods. At night, ambient sound levels are lowest, people are most sensitive to noise, and noise ordinances have the most stringent requirements for the generation of noise.

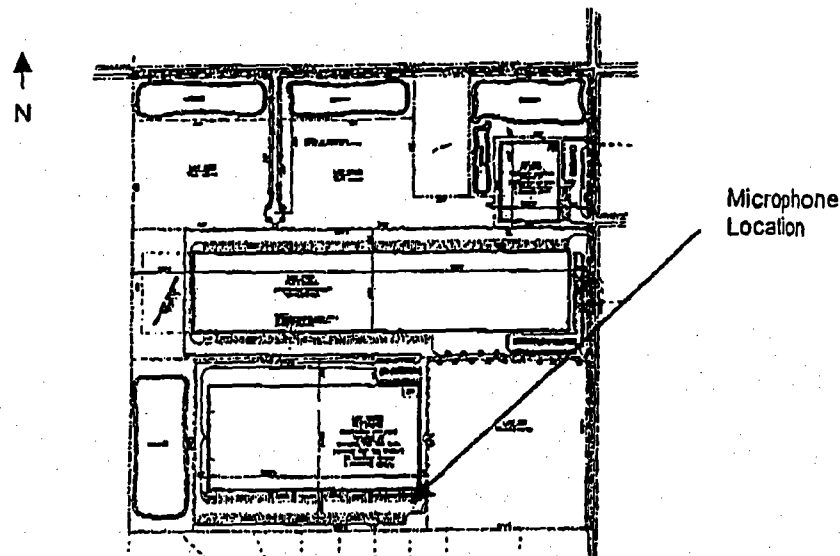


Figure 1. Site Plan

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Figure 2. TNT Trucking Site - Monee, IL,
October 8-9, 2003

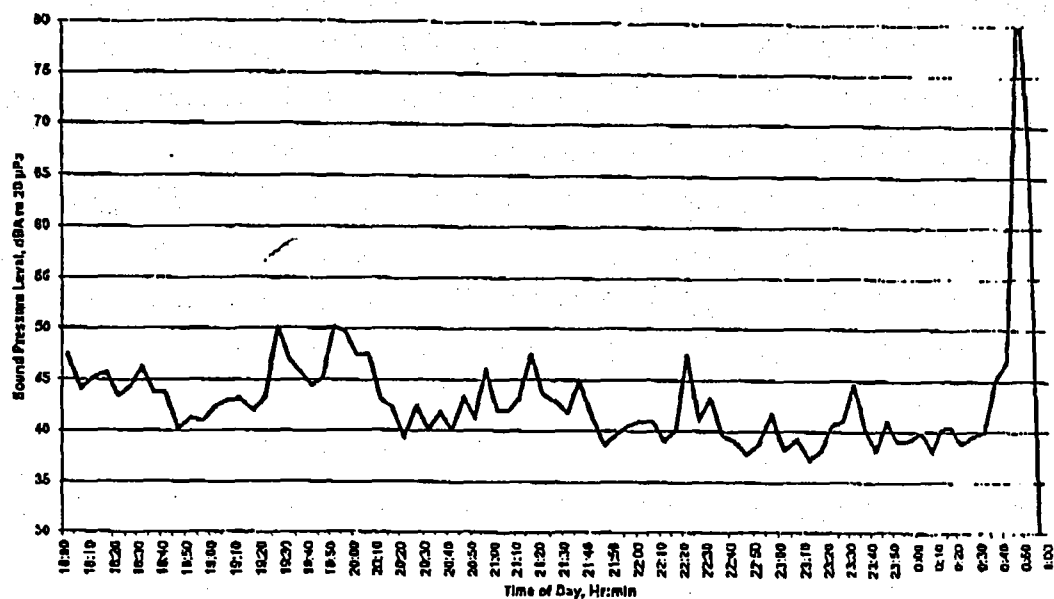
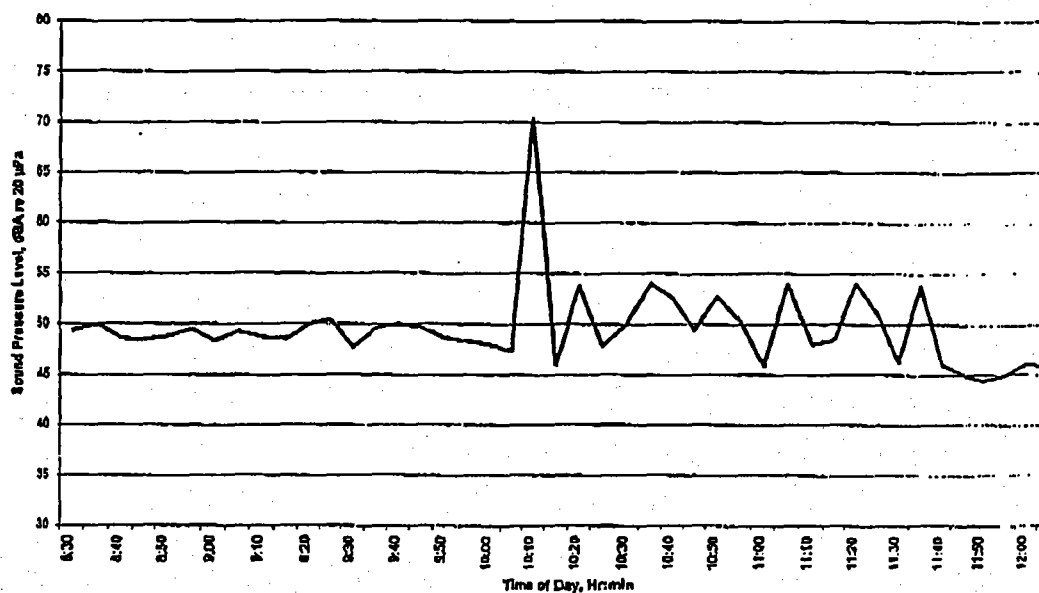


Figure 3. TNT Trucking Site - Monee, IL
October 9, 2003



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Figure 4. TNT Trucking Site - Monee, IL
October 9-10, 2003

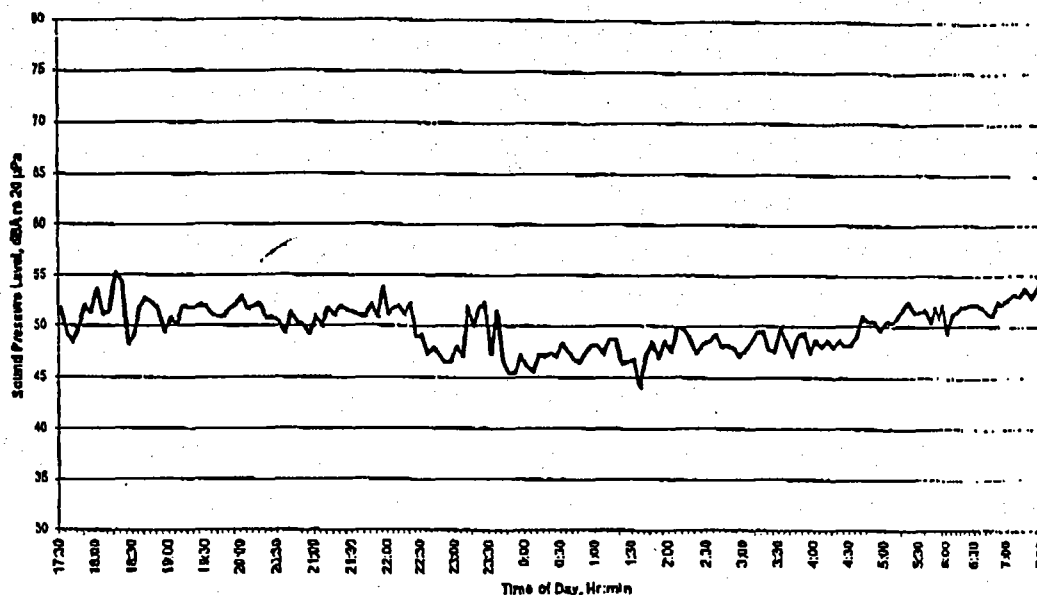


Table 2. Summary of Acoustical Results

Sound Pressure Level, dB re 20 μ Pa

Date	Time	Octave Band Center Frequency, Hz									Awt
		31.5	63	125	250	500	1000	2000	4000	8000	
Oct 7-8	2220-0030	49.0	49.8	48.0	40.5	38.6	36.4	28.5	25.7	21.3	40.8
Oct 9-10	2345-0610	56.2	55.5	48.3	43.6	48.7	45.7	29.7	17.1	13.8	48.9

Table 2 demonstrates that sound levels in the 500 and 1000 Hz bands (where hearing is the most acute) were 9 to 10 dB higher during the nighttime of October 9-10 when winds were calm. As the site is west of I-57 and prevailing winds are from the west, the October 7-8 ambient readings likely indicative of long term conditions at the site.

Noise Ordinances and Regulations

Village of Monee

The Monee noise ordinance provides performance standards for noise crossing residential district boundaries. Table 3 provides the daytime and nighttime octave band sound level limits as measured within a residential district:

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Table 3. Village of Monee Performance Standards

Sound Pressure Level, dB re 20 μ Pa

	Octave Band Center Frequency, Hz								
	31.5	63	125	250	500	1000	2000	4000	8000
Daytime 7 am to 10 pm	76	71	65	57	51	45	39	34	32
Nighttime 10 pm to 7 am	72	67	61	53	47	41	35	30	28

The ordinance states that Fast meter response (125 ms) shall be used. No integration time is specified.

For transient noises, peak readings may not exceed 80 dB.

Monee exempts the following uses and activities:

- Noises not under the direct control of the property user.
- Non-routine construction and maintenance activities.
- Safety signals and warning devices.
- Transient noises at moving sources such as automobiles, trucks airplanes and railroads

State of Illinois

The Illinois Pollution Control Board enforces property line sound level limits for noise crossing between manufacturing/industrial land uses and residential. Table 4 provides the daytime and nighttime octave band sound level limits as measured within residential class land:

Table 4. Illinois IPCB Sound Emission Standards

Sound Pressure Level, dB re 20 μ Pa

	Octave Band Center Frequency, Hz								
	31.5	63	125	250	500	1000	2000	4000	8000
Daytime 7 am to 10 pm	75	74	69	64	58	52	47	43	40
Nighttime 10 pm to 7 am	69	67	62	54	47	41	36	32	32

For impulsive noises, readings may not exceed 46 dBA during the nighttime.

Illinois exempts emergency warning devices and shall not apply to the operation of any vehicle registered for highway use while such vehicle is being operated ...in the course of ingress to or egress from a highway.

Illinois also guards against nuisances by stating, "No person shall cause or allow the emission of sound beyond the boundaries of his property...so as to cause noise pollution in Illinois".

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Barrier and Berm Sound Attenuation

Barriers and berms are capable of attenuating noise up to a maximum of 22-24 dB, depending on site geometry. We modeled the sound attenuation of a berm and barrier (wall) combination located in a 200 foot wide buffer area along the south boundary of Lot Three. The berm slope on the north and south faces is limited to 3.5:1. The height of the berm/wall system was modeled to be 30 feet high from the rear of the truck curb (840 feet ASL).

As we have no topographical information on residential properties located to the south of the proposed terminal, we have assumed that the land is flat from the base of the berm to the south.

We modeled berm and barrier effectiveness at four cases along the southern site boundary: at the western edge, 400 feet from the western boundary, 800 feet from the western boundary and 1200 feet from the western boundary. The fourth case is within 200 feet of the eastern property line.

Our calculations assume an infinitely long barrier, which is not the case at the proposed Monee facility. If the berm/wall ends abruptly at the east and west ends, noise will diffract (bend around) the ends of the barrier thus reducing its effectiveness. Therefore, provisions must be made to extend the barrier system to the north. This barrier return distance should enclose truck activities south of the terminal.

For each case, we modeled two noise source locations and two receiver locations:

- S1 - A 13 foot high noise source in the southern parking area (near southernmost paved area)
- S2 - A 13 foot high noise source near the dock doors (near the northernmost paved area)
- R1 - A 5 foot high receiver south of the property line in the residential back yard
- R2 - A second story receiver in the residences

The location of S1 and S2 assumes a 200 foot buffer area which encompasses the berm/wall system. These noise source and receiver locations were combined (i.e., S1R1) as shown in the tables below.

In Table 5 below, the noise insertion loss is modeled for a 30 foot high berm/wall system. This table shows that the line of sight between noise sources and receivers is intercepted by the berm/wall system in all cases.

Predicted Sound Level Emissions at Proposed TNT Facility

In order to predict sound levels on residential property due to proposed terminal operation, we have used previous sound level measurements from the Kellogg's Logistics Terminal in Minooka Illinois, a 1,000,000 square foot facility abutting residential property.

One-third octave band sound level measurements were conducted on July 15, 2003 of three measured events: General Activity, Spotter Tractor With Backup Alarm and Truck Passby. Measurement equipment was located near the west boundary (access control fence) at an average distance of 200 feet from most activities. Sound level data have been normalized for the effects of distance and the above barrier insertion losses have been applied.

In Table 6 we have highlighted octave band sound levels that exceed the Monee Noise Ordinance. The assumed height of the berm/wall system is also noted

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Conclusion

Based on ambient sound level measurements at the site, nighttime sound levels will have little, if any, masking effects on noise emitted from the proposed TNT Facility.

We have modeled sound level emissions on the residential property using sound level measurements from the Kellogg's Logistics Facility in Minooka, Illinois, a similar trucking terminal. We have applied insertion losses due to an earthen berm topped by a solid fence resulting in a berm/wall system height of 30 feet as measured from the rear curb. These calculations assume a 200 foot wide buffer area, which encompasses the berm/wall system.

The modeled conditions will result in a facility that is in substantial compliance with the Monee noise ordinance.

If you have questions regarding this report, please do not hesitate to contact us.

Very truly yours,

Shiner + Associates, Inc.



Brian L. Homans

BLH/lb/20

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October 17, 2003

Table 5. Insertion Loss for Berm with Thirty Foot High Berm/Barrier

Insertion Loss, dB

	Octave Band Center Frequency, Hz							
	31.5	63	125	250	500	1000	2000	4000
West								
S1R1	10.3	12.5	14.5	17.5	20.3	22.2	23.2	24.0
S1R2	7.8	9.6	11.6	13.6	16.4	19.4	21.6	22.8
S2R1	10.2	12.3	14.3	17.3	20.2	22.1	23.1	24.0
S2R2	7.4	8.7	10.7	12.7	15.1	18.1	20.7	22.4
400' West								
S1R1	10.6	12.8	14.8	18.0	20.8	22.5	23.3	24.2
S1R2	7.8	9.6	11.6	13.6	16.4	19.4	21.6	22.8
S2R1	10.2	12.3	14.3	17.3	20.2	22.1	23.1	24.0
S2R2	7.4	8.7	10.7	12.7	15.1	18.1	20.7	22.4
800' West								
S1R1	10.3	12.5	14.5	17.5	20.3	22.2	23.2	24.0
S1R2	7.8	9.6	11.6	13.6	16.4	19.4	21.6	22.8
S2R1	10.2	12.3	14.3	17.3	20.2	22.1	23.1	24.0
S2R2	7.4	8.7	10.7	12.7	15.1	18.1	20.7	22.4
1200' West								
S1R1	8.4	10.4	12.4	14.6	17.6	20.4	22.2	23.2
S1R2	6.4	7.4	9.4	10.8	12.8	15.8	18.8	20.8
S2R1	8.1	10.1	12.1	14.1	17.1	20.1	22.0	23.0
S2R2	5.2	5.5	6.7	8.5	9.7	12.0	14.2	17.0

Key

- S1 – Facility Moved 100 feet North – A 13 foot high noise source in the southern parking area (near southernmost paved area)
- S2 – Facility Moved 100 feet North – A 13 foot high noise source near the dock doors (near the northernmost paved area)
- R1 – A 5 foot high receiver south of the property line in the residential back yard
- R2 – A second story receiver in the residences

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**Table 6. Predicted Sound Level Emissions Due to Trucking Operations
For Thirty Foot High Berm/Barrier (Top of Berm/Barrier = 841')**

For Minooka Measurements Conducted with General Activity,
Backup Beeper and Truck Passby

Sound Pressure Level, dB re 20 μ Pa

	Octave Band Center Frequency, Hz							
	31.5	63	125	250	500	1000	2000	4000
Criteria								
Monee	72	67	61	53	47	41	35	30
Illinois	69	67	62	54	47	41	36	32
GENERAL ACTIVITY								
West EAST								
S1R1	59.4	58.2	50.2	39.2	35.4	33.5	30.5	28.7
S1R2	59.5	58.7	50.7	40.7	36.9	33.9	29.7	27.5
S2R1	55.1	54.0	46.0	35.0	31.1	29.2	26.2	24.3
S2R2	56.7	56.3	48.3	38.3	35.0	32.0	27.3	24.7
400' West								
S1R1	59.0	57.9	49.9	38.7	34.9	33.2	30.4	28.5
S1R2	59.5	58.7	50.7	40.7	36.9	33.9	29.7	27.5
S2R1	55.1	54.0	46.0	35.0	31.1	29.2	26.2	24.3
S2R2	56.7	56.3	48.3	38.3	35.0	32.0	27.3	24.7
800' West								
S1R1	59.4	58.2	50.2	39.2	35.4	33.5	30.5	28.7
S1R2	59.5	58.7	50.7	40.7	36.9	33.9	29.7	27.5
S2R1	55.1	54.0	46.0	35.0	31.1	29.2	26.2	24.3
S2R2	56.7	56.3	48.3	38.3	35.0	32.0	27.3	24.7
1200' West								
S1R1	61.8	60.8	52.8	42.6	38.6	35.8	32.0	30.0
S1R2	61.3	61.3	53.3	43.9	40.9	37.9	32.9	29.9
S2R1	57.3	56.3	48.3	38.3	34.3	31.3	27.4	25.4
S2R2	58.8	59.6	52.4	42.6	40.4	38.1	33.9	30.1
BACKUP BEEPER								
West EAST								
S1R1	62.4	58.2	47.2	38.2	34.4	33.5	31.5	25.7
S1R2	62.5	58.7	47.7	39.7	35.9	33.9	30.7	24.5
S2R1	58.1	54.0	43.0	34.0	30.1	29.2	27.2	21.3

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	Octave Band Center Frequency, Hz							
	31.5	63	125	250	500	1000	2000	4000
S2R2	59.7	56.3	45.3	37.3	34.0	32.0	28.3	21.7
400' West								
S1R1	62.0	57.9	46.9	37.7	33.9	33.2	31.4	25.5
S1R2	62.5	58.7	47.7	39.7	35.9	33.9	30.7	24.5
S2R1	58.1	54.0	43.0	34.0	30.1	29.2	27.2	21.3
S2R2	59.7	56.3	45.3	37.3	34.0	32.0	28.3	21.7
800' West								
S1R1	62.4	58.2	47.2	38.2	34.4	33.5	31.5	25.7
S1R2	62.5	58.7	47.7	39.7	35.9	33.9	30.7	24.5
S2R1	58.1	54.0	43.0	34.0	30.1	29.2	27.2	21.3
S2R2	59.7	58.3	45.3	37.3	34.0	32.0	28.3	21.7
1200' West								
S1R1	64.8	60.8	49.8	41.6	37.6	35.8	33.0	27.0
S1R2	64.3	61.3	50.3	42.9	39.9	37.9	33.9	26.9
S2R1	60.3	56.3	45.3	37.3	33.3	31.3	28.4	22.4
S2R2	61.8	59.6	49.4	41.6	39.4	38.1	34.9	27.1
TRUCK PASSBY								
West <i>EDS</i>								
S1R1	51.4	53.2	52.2	38.2	35.4	34.5	29.5	23.7
S1R2	51.5	53.7	52.7	39.7	36.9	34.9	28.7	22.5
S2R1	47.1	49.0	48.0	34.0	31.1	30.2	25.2	19.3
S2R2	48.7	51.3	50.3	37.3	35.0	33.0	26.3	19.7
400' West								
S1R1	51.0	52.9	51.9	37.7	34.9	34.2	29.4	23.5
S1R2	51.5	53.7	52.7	39.7	36.9	34.9	28.7	22.5
S2R1	47.1	49.0	48.0	34.0	31.1	30.2	25.2	19.3
S2R2	48.7	51.3	50.3	37.3	35.0	33.0	26.3	19.7
800' West								
S1R1	51.4	53.2	52.2	38.2	35.4	34.5	29.5	23.7
S1R2	51.5	53.7	52.7	39.7	36.9	34.9	28.7	22.5
S2R1	47.1	49.0	48.0	34.0	31.1	30.2	25.2	19.3
S2R2	48.7	51.3	50.3	37.3	35.0	33.0	26.3	19.7
1200' West								
S1R1	53.8	55.8	54.8	41.6	38.6	36.8	31.0	25.0
S1R2	53.3	56.3	55.3	42.9	40.9	38.9	31.9	24.9

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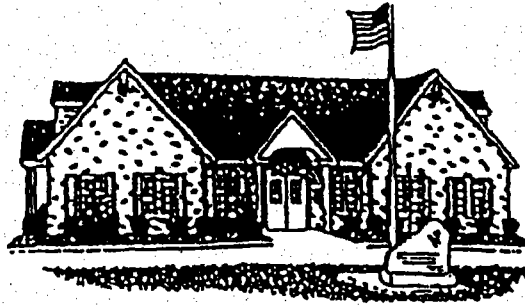
Location Finders International, Inc.

October 17, 2003

	Octave Band Center Frequency, Hz							
	31.5	63	125	250	500	1000	2000	4000
S2R1	49.3	51.3	50.3	37.3	34.3	32.3	26.4	20.4
S2R2	50.8	54.6	54.4	41.6	40.4	39.1	32.9	25.1
Criteria								
Monee Ord. Nite	72	67	61	53	47	41	35	30
IL Regulations Nite C-A	69	67	62	54	47	41	36	32

Key

- S1 – Facility Moved 100 feet North – A 13 foot high noise source in the southern parking area (near southernmost paved area)
- S2 – Facility Moved 100 feet North – A 13 foot high noise source near the dock doors (near the northernmost paved area)
- R1 – A 5 foot high receiver south of the property line in the residential back yard
- R2 – A second story receiver in the residences

**VILLAGE OF MONEE****VILLAGE OF MONEE
CELEBRATING 125 YEARS****PRESIDENT – TIMOTHY O'DONNELL
ADMINISTRATOR – MIKE GRUBERMANN
ASSISTANT – JOANNE BUCHMEIER****VILLAGE OF MONEE
5130 W COURT STREET
MONEE, ILLINOIS 60449****BUILDING DEPARTMENT:
COMMISSIONER – PAT CASHMAN
INSPECTOR – ED BURBANK****MONEE TOWNSHIP
COUNTY OF WILL
(708) 534-8635****FAX TRANSMISSION
FROM - (708) 534-0694****TO:** VINCE NERI**FROM:** Michael Grubermann, Village Administrator**RE:** PER REQUEST – MONEE
NOISE LIMITS.

THIS FAX TRANSMITTAL CONSISTS OF 4 PAGES INCLUDING COVER PAGE. IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE NOTIFY US IMMEDIATELY. IF YOU HAVE RECEIVED THIS FAX IN ERROR, NOTIFY THE SENDER IMMEDIATELY BY PHONE. THIS FAX CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION AND IS INTENDED ONLY FOR THE USE OF THE ADDRESS(S) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR REPRODUCTION OF THIS INFORMATION IS STRICTLY PROHIBITED. THANK YOU FOR YOUR COOPERATION!

891-8787

None. (Ord. 1046, 4-14-1999)

CHAPTER 10 PERFORMANCE STANDARDS

11-10-1: INTENT:

Any use already established in M-1 and M-2 Districts, after the effective date hereof, shall be so operated as to comply with the performance standards governing: noise, vibrations, smoke and particulate matter, toxic matter, noxious and odorous matter, fire and explosive hazards, flammable liquids and gases, glare and heat and radiation hazards. (Ord. 961, 2-12-1997, eff. 2-22-1997)

11-10-2: STANDARDS:

The following performance standards, as well as all applicable Federal, State and Village standards, shall be adhered to by all uses:

A. Noise:

1. **Measuring Devices:** For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer. Octave band analyzers calibrated in the preferred frequencies (American Standards Association S1 6-1950, Preferred Frequencies for Acoustical Measurements) shall be used with the following tables.

2. **Exemptions:** The following uses and activities shall be exempt from the noise level regulations:

- a. Noises not directly under control of the property user.
- b. Noises emanating from construction and maintenance activities between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. Such activities are those which are nonroutine operations accessory to the primary activities and which are temporary in nature, or conducted infrequently.
- c. The noises of safety signals, warning devices, and emergency pressure relief valves.
- d. Transient noises at moving sources such as automobiles, trucks, airplanes and railroads.

3. **Maximum Permitted Sound Levels:** At no point along the boundary of a "residential district" or along an "adjacent lot" shall the sound pressure level of any operation or plant

exceed the decibel limits in the octave bands designated below.

MAXIMUM PERMITTED SOUND LEVEL
(In Decibels)

DAYTIME HOURS - 7:00 A.M. - 10:00 P.M.

Octave Band Preferred Center Frequency (Hertz)	(I) Along Residence District Boundaries	(II) Along Adjacent Lot Boundaries
31.5	76	79
63	71	74
125	65	69
250	57	64
500	51	58
1,000	45	52
2,000	39	47
4,000	34	43
8,000	32	40

NIGHTTIME HOURS - 10:00 P.M. - 7:00 A.M.

Octave Band Preferred Center Frequency (Hertz)	(I) Along Residence District Boundaries	(II) Along Adjacent Lot Boundaries
31.5	72	79
63	67	74
125	61	68
250	53	60
500	47	53
1,000	41	47
2,000	35	41

4,000	30	36
8,000	28	34

Impact noises shall not exceed the following peak intensities:

	<u>Along Residence District Boundaries</u>	<u>Along Adjacent Lot Boundaries</u>
Overall peak	80	86

A Study of Noise Emissions From the Bailly Ridge Corporate Center

May 7, 2005

***** DRAFT *****

Prepared for:

Michael Grubermann – Village Administrator
Village of Monee
5130 W Court Street
Monee, Illinois 60449

Submitted by:

Acoustic Associates, Ltd.
Specialists in Hearing and Acoustics
305 E. Northwest Hwy
Palatine, Illinois 60067

847-359-1068
www.AcousticAssociates.com

Acoustic Associates visited the home of Vince Neri at 6530 Lakeview Lane in Monee, Illinois, to assess the noise emissions from the Bailly Ridge Corporate Center. The noise from this facility originates from a distribution center that operates from 6:00 AM to 11:00 PM. The sources of noise include a number of trucks idling and moving around the lot area, backup alarms, horns, airbrake release, and impact noise from truck hitching operations. Although there is a berm that visually separates the operation from the residential area to the south, the residents believes this noise has a negative impact on the use and enjoyment of their property. The Village of Monee retained us to conduct an objective evaluation of the noise from this site.

Noise Level Sampling

To take noise samples, we used a high precision sound level meter connected to a hard disk drive recorder. After the equipment was calibrated, a digital recording was started and remained on during the entire 2½ hour visit. The equipment was set up at the first location on the grade level deck in the backyard of 6530 Lakeview Lane, a home south of the Bailly Ridge Center. The second location was in the backyard _____.

Lab and Data Analysis

The digital recording was analyzed in our laboratory to generate 1/3-octave band spectra at 1-second intervals. The relevant data blocks were extracted to calculate the equivalent level (L_{eq}) and the 90% exceedence level (L_{90}) at all octave band frequencies. The L_{eq} is the average sound energy over a stated time period and is the accepted environmental noise metric. It is superior to using the "fast meter response" as currently stipulated in the Village performance standard for noise (Chapter 10, Section 11-10-2) because of its objectivity, its repeatability, and its better correlation to human response to noise.

In environmental noise assessment, the background noise must be quantified because noise limits should only pertain to that noise radiated from a facility, not from extraneous locations. In this case, the important source of background noise was from I-57. Unfortunately, because there was no meaningful length of time when noise from the Center was not audible, we estimated this level by conducting a statistical analysis to determine the level exceed 90% of the time, a metric known as the L_{90} level. This analysis is only meaningful when the source noise is characterized by intermittent or impulsive sound (as in this case). To determine the noise radiated from the facility, the L_{90} level is subtracted from the L_{eq} on a logarithmic basis. The result is the "source noise emissions level."

Findings

FIG 1 shows the overall A-weighted Level as a function of time during our visit. As you can see, during the 1-hour sample on the south side, the 1-sec L_{eq} levels ranged from 43-63 dBA. On the west side, the levels ranged from 42-55 dBA. The estimated ambient noise level was 44 dBA on the south side and 43 dBA on the west.

FIG 2 shows the octave band spectra for both locations after background noise corrections were made. These spectra represent 5-minute L_{eq} s from 8:15-8:20 PM for the south and 10:05-10:10 PM for the west. As seen in this figure, the source levels on the south side exceeded the Village of Monee noise limits (shown by the columns) for noise radiated to residential property during nighttime hours (i.e., 10 PM to 7:00 AM) at the 1000- and 2000 Hz bands. The source noise emissions to the west side were found to be within the Village limits.

Submitted by,

Thomas Thunder, AtD, FAAA, INCE
Audiologist and Acoustical Engineer

Acoustic Associates, Ltd.

Page 2

Fig 1 - Sound Levels Recorded Near Bailly Ridge

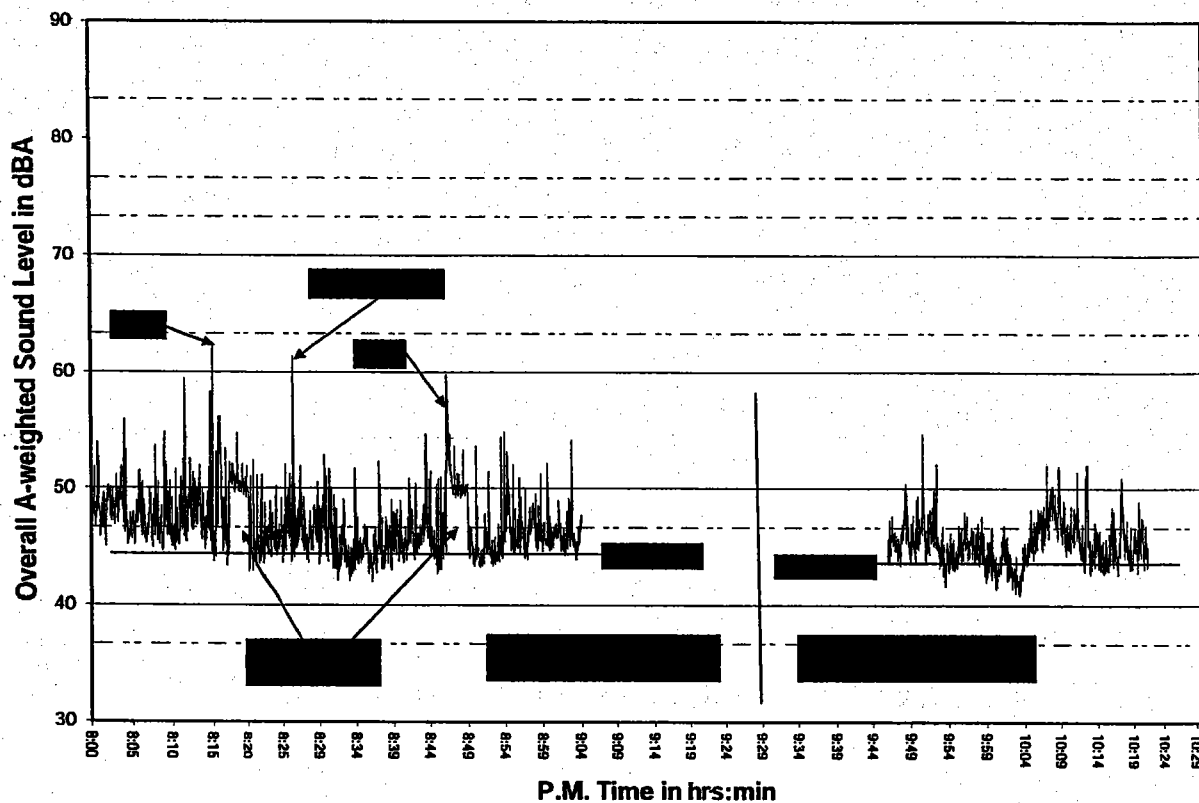
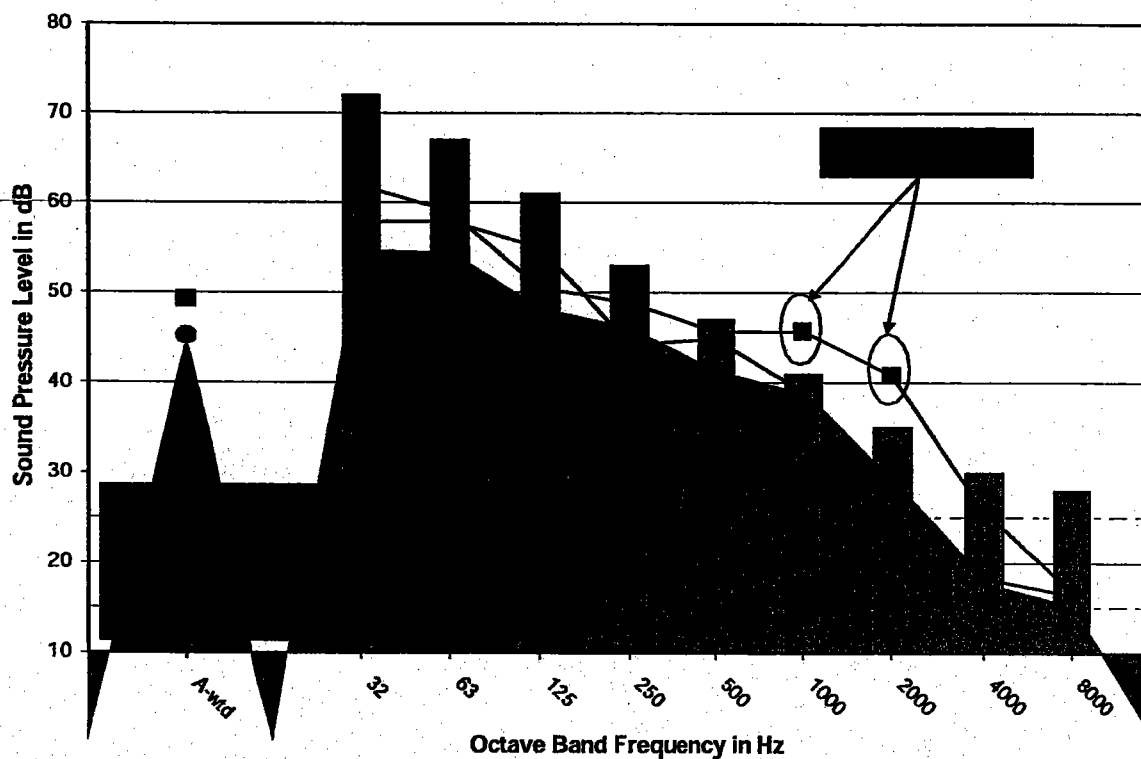


Fig 2 - Frequency Spectra of Bailly Ridge Noise Emissions



A Study of Noise Emissions From the Bailly Ridge Corporate Center

May 7, 2005

******* DRAFT *******

Prepared for:

Michael Grubermann – Village Administrator
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Submitted by:

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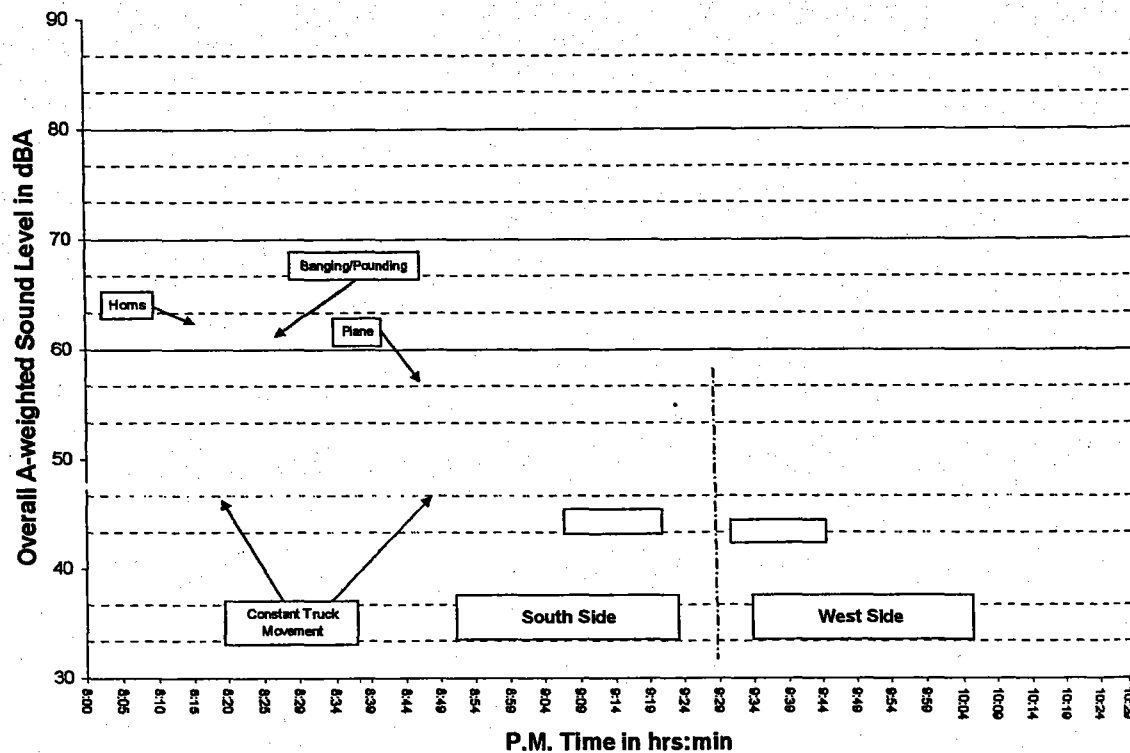
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