

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VINCENT AND JENNIFER NERI,)	
)	
Complainants,)	
)	
v.)	PCB No. 05-213
)	(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

THIS FILING SUBMITTED ON RECYCLED PAPER

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. Vincent Neri
Ms. Jennifer Neri
6530 Lakeview Lane
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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VINCENT AND JENNIFER NERI,)	
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Complainants,)	
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v.)	PCB No. 05-213
)	(Enforcement – Noise)
TNT LOGISTICS NORTH AMERICA)	
INC.,)	
)	
Respondent.)	

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 Complainants and for Respondent in this matter (that is, all witnesses other than Mr. and Mrs. Neri 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 Complainants identified for the first time on their Witness List filed October 2, 2006, specifically:

- Debbie Halverson, State Senator;
- Lisa Dugan, State Representative; and,
- Erwin Bogs, former Village of Monee Planning & Zoning Chairman.

See Complainants’ Witness List attached hereto as Exhibit A.

On January 24, 2006, TNT served its Interrogatories on Complainants. 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 Complainants to amend their 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, Complainants answered TNT's Interrogatories, including Interrogatory No. 6. See Vincent and Jennifer Neri – Answers to Interrogatories, attached hereto as Exhibit C, at 1. Complainants did not, however, identify Ms. Halverson, Ms. Dugan, or Mr. Bogs, in response to Interrogatory No. 6 or otherwise. See id. ~~Complainants also thereafter served their Opinion Witness List, a copy of which is~~ attached hereto as Exhibit D, but again did not identify these persons. See Exhibit D.

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 Complainants seeking the identity

of Complainants' witnesses, and further specifically noted Complainants' duty to supplement their responses to TNT's Interrogatories. Complainants answered TNT's Rule 213 Interrogatory, but did not identify these three persons as witnesses. Then, after the Hearing Officer on September 28th ordered the parties to file their final Witness Lists in preparation for hearing, Complainants for the first time identified these persons as witnesses on their 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 these three witnesses 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 Complainants from presenting testimony from any other witness that Complainants 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 Complainants from offering into evidence any document or other evidence, or utilizing any demonstrative exhibit at hearing, which Complainants did not produce in response to TNT's Requests for Production. TNT served its Requests for Production on Complainants 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 E, at 6. In response to TNT's Requests for Production, Complainants produced certain documents attached hereto as Exhibit F. TNT moves the Hearing Officer to issue an Order in Limine prohibiting Complainants 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 Complainants produced in response to TNT's Requests for Production, attached hereto as Exhibit F.

D. Undisclosed Opinion Testimony

Fourth, TNT moves the Hearing Officer to issue an Order in Limine prohibiting Complainants from presenting any opinion testimony at hearing which Complainants 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, Complainants responded to TNT's Interrogatory No. 6. In addition, the Hearing Officer directed Complainants to identify "Complainants' opinion witnesses and their opinions," by April 15, 2006. See Hearing Officer Orders dated January 30, 2006. In response, Complainants filed their Opinion Witness List, a copy of which is attached hereto as Exhibit D. TNT moves the Hearing Officer to issue an Order prohibiting Complainants from offering any opinion testimony that Complainants did not specifically disclose in response to TNT's Interrogatories and/or in their Opinion Witness List.

IV. RESERVATION OF RIGHTS

Finally, TNT is not aware of any other specific evidence or testimony which Complainants intend 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 Complainants 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 Complainants 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/Neri/Pre-Hearing Motion

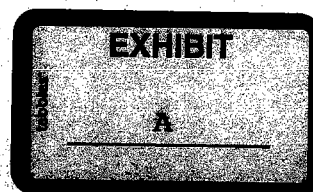
*Mr. Vincent Neri
Ms. Jennifer Neri
6530 Lakeview Lane
Monee, Illinois 60449
PCB 2005-213*

*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

John & Linda Maracic
6512 Lakeway Drive
Monee, Illinois 60449

Ken Blouin
6446 Lakeway Drive
Monee, Illinois 60449

Wayne Haser
25763 S. Willow Creek Lane
Monee, Illinois 60449

Allan & Sandy Schermerhorn
2826 189th Place
Lansing, Illinois 60438

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VINCENT AND JENNIFER NERI,

Complainants,

v.

TNT LOGISTICS NORTH AMERICA
INC.,

Respondent.

PCB No. 05-213
(Enforcement – Noise)

INTERROGATORIES

NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC.

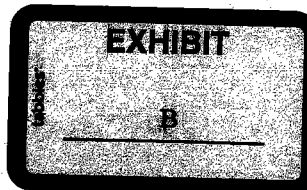
("TNT"), by its attorneys, HODGE DWYER ZEMAN, and pursuant to Section 101.620 of the Illinois Pollution Control Board's ("Board") procedural rules, 35 Ill. Admin. Code § 101.620, propounds the following Interrogatories on Complainants Vincent and Jennifer Neri, to be answered within 28 days after these Interrogatories are served on Complainants:

INSTRUCTIONS

(a) These Interrogatories are directed to both Vincent Neri and Jennifer Neri.

You may answer these Interrogatories jointly, by both signing and returning a joint response to these Interrogatories. Or, if you prefer, you may answer these Interrogatories separately, by signing and returning separate responses to these Interrogatories.

(b) 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).



(c) 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."

(d) 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).

(e) 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).

(f) 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).

(g) 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.

(h) If any document identified in an answer to an Interrogatory was, but is no longer, in your possession or subject to your custody or control, or was known to you, but is no longer in existence, please state what disposition was made of it or what became of it.

(i) If any document or statement is withheld from production hereunder on the basis of a claim of privilege or otherwise, please identify each such document and the grounds upon which its production is being withheld.

(j) If you are unable or refuse to answer any Interrogatory completely for any reason, including, but not limited to, because of a claim of privilege, please so state, answer the Interrogatory to the extent possible, stating whatever knowledge or information you have concerning the portion of the Interrogatory which you do answer, and set forth the reason for your inability or refusal to answer more fully.

INTERROGATORY NO. 5: As to each noise measurement you identify in response to Interrogatory No. 4 above that was taken within the boundaries of Your Property, please identify:

- a. the identity of each person present within the boundaries of Your Property during the time period that the noise measurement was being taken;
- b. whether each such person resides at Your Property;
- c. what each such person was doing during the time period that the noise measurement was being taken;
- d. as to each such person, whether the noise being measured allegedly interfered with each such person's activities during the time period that the noise measurement was being taken; and,
- e. if so, how the noise being measured allegedly interfered with each such person's activities during the time period that the noise measurement was being taken.

ANSWER:

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:

Vincent & Jennifer Neri-Answers to Interrogatories
6530 Lakeview Lane
Monee, Illinois 60449
1-708-534-6257

#1 A-Yes

B- 11,19,110,1100,190,1900 appears to define my residential home and property based upon information supplied.

#2A-Yes

B The following codes but not limited to the following apply to my property. 35 Illinois Administration Code Chapter 1; 901, AP.B Subtitle II codes 742, 743, 7429, 79, 790, 7900

#3 I contend the following define (but not limited to the following) the use of TNT Logistics North America, Inc.

Based upon 35 Illinois Administrative Code Chapter 1, Part 901, AP, B Subtitle II codes 42, 422 4221, 4222, 4229, 51, 511, 5111, 5112, 5113, 518, 5181, 5182, 5183, 5184, 5189, 55, 551, 6520.63, 637.6376, 6379, 639, 6399.

Further, landowner, developer, building management and unknown subleases and storage agreements do and/or potentially allow for the subsequent storage and transportation of many other unknown and/ or undisclosed commodities, adding to the foregoing codes and concerns we have.

#4A-Yes

B thru F Please refer to ACCOUSTICS ASSOC, LTD 9Sound Study) commissioned by the VILLAGE OF MONEE (copy att.)

#5-A Rodger Harms, John Maracic, Vincent A. Neri

BMy-self- Vincent A. Neri

C- I was quietly sitting in my garage while the sound study was being conducted on the back west end of my deck.

D-The noise has been an interference with my family life every morning, afternoon and night due to the extreme noise produced by TNT.

E.Noise emitted by TNT affects my family & I, by not allowing us the enjoyment of our home, (neither the front or the back of the home), sleeping with the windows open or closed and also, we have a small child that cannot sleep with the noise. I have a very stressful job and when I come home after work or when I need to work from home during the day I cannot relax which is effecting my health & happiness. My wife is expecting our 2nd child she has been suffering from lack of sleep. When we have guests over my home we are not able to enjoy our home because of the noise issue.

#6 Vince & Carol Neri 6735 W. Bruns Rd./ Monee, Illinois 60449

Dustin LeCocq 25437 Dutchess Lane/Crete, Illinois 60417

Guilio Difiore 724 Glendale Rd./ Roselle, Illinois

Brian Hoffstedt 25812 Harner Ct./ Monee, Illinois

Ralph & Carolyn Rebacz 705 Stewart Ave./ North Aurora, Illinois 60542

Accoustic Associates, LTD

Specialists in Hearing and Accoustics

Thomas Thunder, AUD, FAAA, INCE

Audiologist And Accoustical Engineer

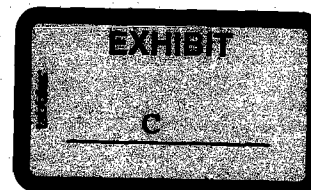
305 E. Northwest Hwy Palatine, Illinois 60067

Shriner & Associates, Inc.

Accoustical Engineers

Brian L. Homans

One North Franklin St., Chicago, Illinois 60506



Vincent & Jennifer Neri
6530 Lakeview Lane
Monee, Illinois 60449
1-708-534-6257

Page 2 of 2

#7 Robert F. Kassela Jr. & Kellie R. Kassela 6610 Lakeview Lane/ Monee, Illinois 60449
Kenneth E. Medema, Jr. 6603 Lakeview Lane/ Monee, Illinois 60449
Vincent A. Jennifer Neri 6530 Lakeview Lane/ Monee, Illinois 60449
Wayne Haser 25763 Willowcreek Lane/ Monee, Illinois 60449
Ken Blouin 6446 Lakeway Drive/ Monee, Illinois 60449
Timothy O'Donnell (Mayor of Village of Monee) 25816 Pinehurst Dr./ Monee, Illinois
Russell Caruso (Police Chief of Village of Monee) address unknown
Dan Gryczewski (Trustee of Village of Monee) 5043 W. Augusta Blvd/ Monee, Illinois 60449
Kelly Jensen (Trustee of Village of Monee) 5401 W. Mill St./Monee, Illinois 60449
Henry May (Trustee of Village of Monee) 25727 S. McCorkle Ave./Monee, Illinois 60449
Dave Stockton (Trustee of Village of Monee) 25702 S. Violet Lane/Monee, Illinois 60449
Amy Mayer (Trustee of Village of Monee) 5310 W. Court St./ Monee, Illinois 60449
Diane Pieczynski (Trustee of Village of Monee) 5011 W. Herbert Ct./Monee, Illinois 60449
Berry Sieron (Former Trustee of Village of Monee) 4930 W. Margaret S/ Monee, Illinois 60449
Micheal Grubermann (Former Village Administrator of Village of Monee) address unknown and moved out of state.
Larry Gryszewski (Village Attorney of Village of Monee) office at 1100 Ravinia Pl./Orland Park, Illinois 60562
Terry Craig (Patrolman of Village of Monee) address unknown
Peter Farias (Patrolman of Village of Monee) address unknown
Marty Burke (Developer) Location Finders International, INC.
9440 Enterprise Dr./Mokena, Illinois 60448

#8-A (01-11-2005)

B. Vincent A. & Jennifer Neri (6530 Lakeview Lane) yard

C. (01-11-2005) Myself & Jennifer Neri with Tim O'Donnell (Mayor of Monee) and Micheal Gruberman (Former Village Administrator and Jennifer Neri (11:00 am)
Also, many patrolman of Village of Monee which has records of times & dates.

D. Tim O'Donnell & Micheal Grubermann (Mayor of Village of Monee & Former-Village Administrator of Village of Monee) came over to Jennifer Neri's house which she called John Maracic to come and talk with Tim & Mike about the problem of noise coming over the berm - all the mayor had to say was -put a box fan in all of the bedrooms to quiet the noise coming from TNT Logistics North America, Inc.)

E. Most of conversations were oral, but patrolman made reports which are at the Village of Monee.

F. Village of Monee from patrolman and Village of Monee Trustees.

#9 Vincent & Jennifer Neri 6530 Lakeview Lane/Monee, Illinois 60449

Ken Biouin 6448 Lakeway Drive/ Monee, Illinois 60449

Wayne Haser 25763 Willowcreek Lane/ Monee, Illinois

John & Linda Maracic 6512 Lakeway Dr./Monee, Illinois 60449

#10 A sound study police reports at Village of Monee and people in this report to IEPA and not limited to the above.

The following is a list of complainants' opinion witnesses for PCB # 2005 - 213. All names below can testify to the noise levels observed at the residence of Vincent & Jennifer Neri at 6530 Lakeview Lane Monee, Illinois 60449. Where no address is listed, the witness can be contacted at the Village of Monee town hall at 5130 Court Street Monee, Illinois 60449 708-534-8301.

Vince & Carol Neri 6735 W. Bruns Road Monee, Illinois 60449

Ralph & Carolyn Rebacz 705 Stewart Avenue North Aurora, Illinois 60542

Allan & Sandra Schermerhorn 2826 189th Place Lansing, Illinois 60438

Mark Schermerhorn & Christen Parker 2826 189th Place Lansing, Illinois 60438

Dustin LeCocq 25937 Duchess Lane Crete, Illinois 60417

Acoustic Associates, Ltd.
Specialists in Hearing & Acoustics
Thomas Thunder, AuD, FAAA, INCE
Audiologist & Acoustical Engineer
305 E. Northwest Hwy Palatine, Illinois 60067

Shiner & Associates, Inc.
Acoustical Engineers
Brian L. Homans
One N. Franklin Street Chicago, Illinois 60606

Marty Burke (Developer) Location Finders International, Inc. 9440 Enterprise Drive
Mokena, Illinois 60448

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

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

Kenneth E. Medema, Jr. 6603 Lakeview Lane Monee, Illinois 60449

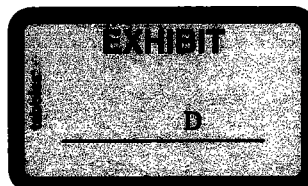
Wayne Haser 25763 Willowcreek Lane Monee, Illinois 60449

Ken Blouin 6446 Lakeway Drive Monee, Illinois 60449

John & Linda Maracic 6512 Lakeway Drive Monee, Illinois 60449

Adam & Sonia Bielak 6437 Lakeway Drive Monee, Illinois 60449

Scott & Agnes Radtke 6509 Lakeway Drive Monee, Illinois 60449



Timothy O'Donnell (Village of Monee Mayor) 25816 Pinehurst Drive Monee, Illinois 60449

Russell Caruso (Village of Monee Police Chief) address unknown

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

Kelly Jensen (Village of Monee Trustee) 5401 W. Mill Street Monee, Illinois 60449

Henry May (Village of Monee Trustee) 25727 S. McCorkle Avenue Monee, Illinois 60449

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

Amy Mayer (Village of Monee Trustee) 5310 W. Court Street Monee, Illinois 60449

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

Barry Sieron (Former Village of Monee Trustee) 4930 W. Margaret Street Monee, Illinois 60449

Michael Grubermann (Former Village of Monee Town Administrator) address unknown

Larry Gryczewski (Village of Monee Attorney) 1100 Ravinia Place Orland Park, Illinois 60462 (Office)

Terry Craig (Village of Monee Police Officer) address unknown

Peter Farias (Village of Monee Police Officer) address unknown

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VINCENT AND JENNIFER NERI,)	
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Complainants,)	
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v.)	PCB No. 05-213
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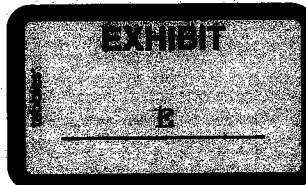
REQUESTS FOR PRODUCTION

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 Complainants Vincent and Jennifer Neri, to be answered within 28 days after these Requests for Production are served on Complainants:

INSTRUCTIONS

(a) These Requests for Production are directed to both Vincent Neri and Jennifer Neri. You may answer these Requests for Production jointly, by returning a joint response to these Requests for Production. Or, if you prefer, you may answer these Requests for Production separately, by returning separate responses to these Requests for Production.

(b) 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.



9. Please produce any and all reports or other documents relating to this matter generated by any independent or controlled expert whom you intend to call to testify at any hearing in this matter.

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.



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.

**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 11 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 SI 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

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NO. 659 P. 2

Stiller Associates, Inc.

Acoustical Engineers
One North Franklin St., Chicago, Illinois 60608 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.

October 17, 2003

- 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.

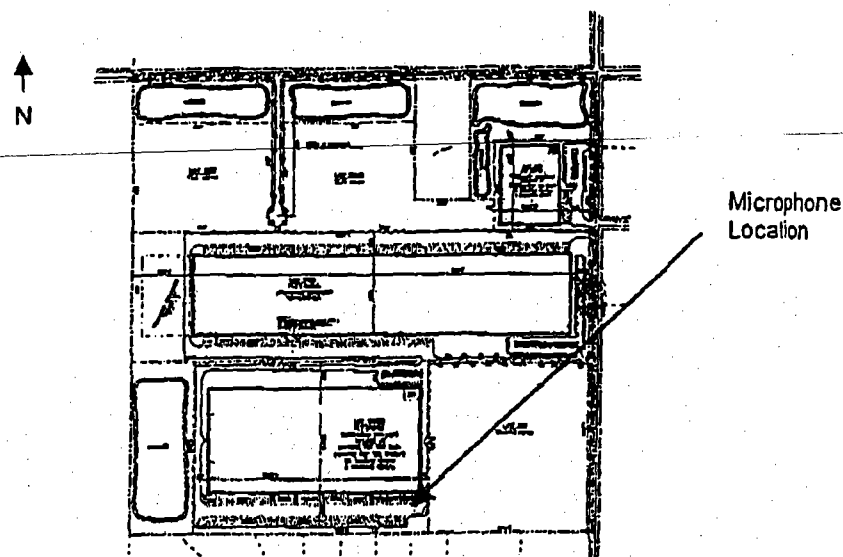


Figure 1. Site Plan

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Location Finders International, Inc.

October 17, 2003

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

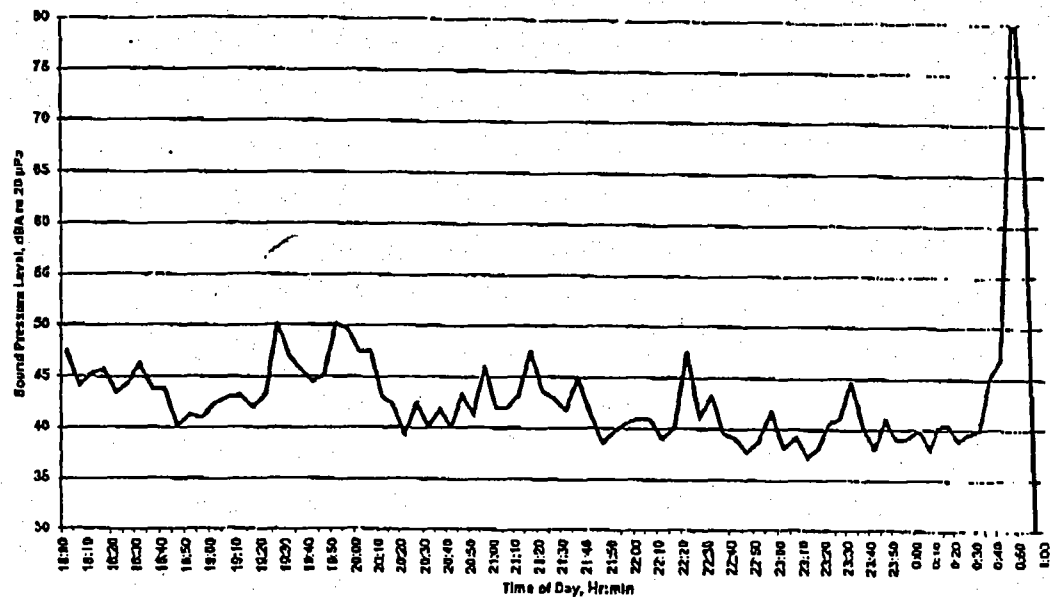
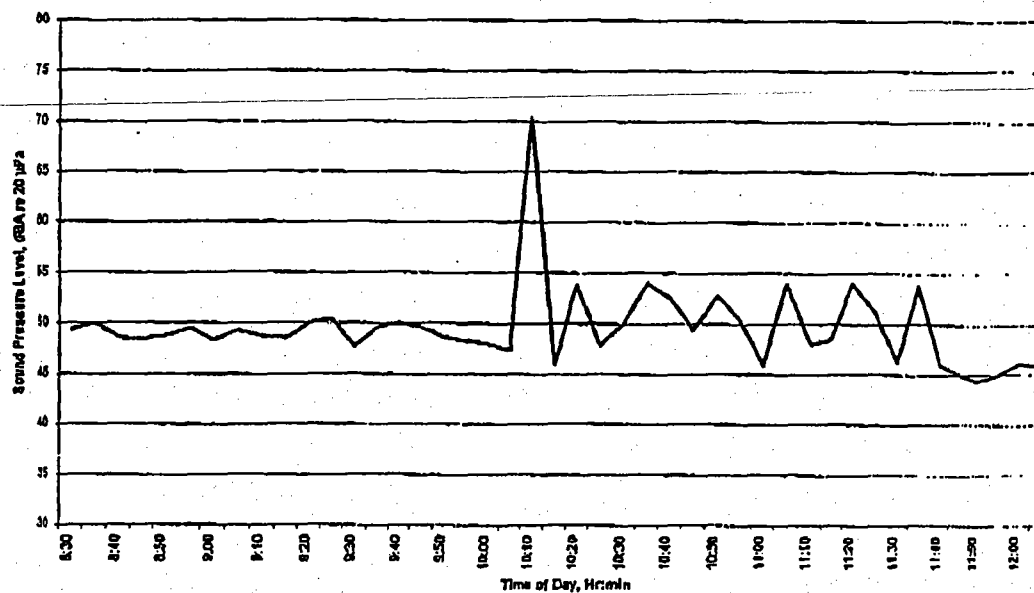


Figure 3. TNT Trucking Site - Monee, IL
October 9, 2003



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Location Finders International, Inc.

October 17, 2003

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

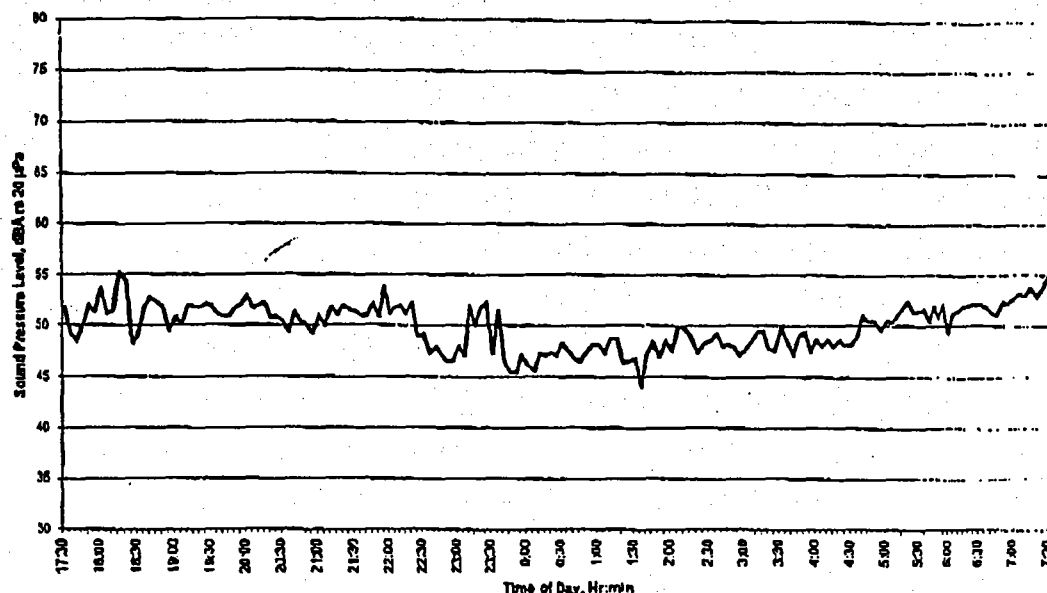


Table 2. Summary of Acoustical Results

Sound Pressure Level, dB re 20 µPa

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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October 17, 2003

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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Location Finders International, Inc.

October 17, 2003

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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Location Finders International, Inc.

October 17, 2003

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.

Bruce Harman

Brian L. Homans

BLH/lb/20

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Location Finders International, Inc.

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

Location Finders International, Inc.

October 17, 2003

**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 µPa

	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	38.2	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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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	28.4	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

hp LaserJet 3015

nee Village
 708 534 0694
 Jan-19-2005 4:41PM



Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
114	1/19/2005	4:39:16PM	Receive		1:52	12	OK

JAN. 19. 2005 4. 34PM

LF: 708 478 7667

NO. 659 P. 1

LFI

LOCATION FINDERS INTERNATIONAL, INC.

Facsimile Transmittal Cover Page

9440 ENTERPRISE DRIVE
 MOKENA, IL 60448
 (708) 478-7666
 FAX (708) 478-7667

Date: _____ Time: _____ Pages: _____ (Including Cover)

To: MIKE GRUBERMAN

Firm: _____

Fax No: 534-0694

CC: _____

Name

Number

CC: _____

Name

Number

From: H. BURKE

Location Finders International, Inc.

Re: Sams Story

Comments: Here it is. I figured I would
 just fax it over -
 sorry for the delay.

If you do not receive all pages, please contact the person listed above at (708) 478-7666

or Request for Production, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n) (a copy of which is enclosed).

ANSWER:

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Vincent A. Neri
Vincent Neri

Subscribed and sworn to before me
this 28th day of February, 2006.

Carol L. Neri
Notary Public



Jennifer A. Neri
Jennifer Neri

Subscribed and sworn to before me
this 28th day of February, 2006.

Carol L. Neri
Notary Public



Respectfully submitted,

TNT LOGISTICS NORTH AMERICA INC.,
Respondent,

By: Edward W. Dwyer
One of Its Attorneys

Dated: January 24, 2006

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/Neri/Interrogatories

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.
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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 believe 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 exceeded 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.

Fig 1 - Sound Levels Recorded Near Bailly Ridge

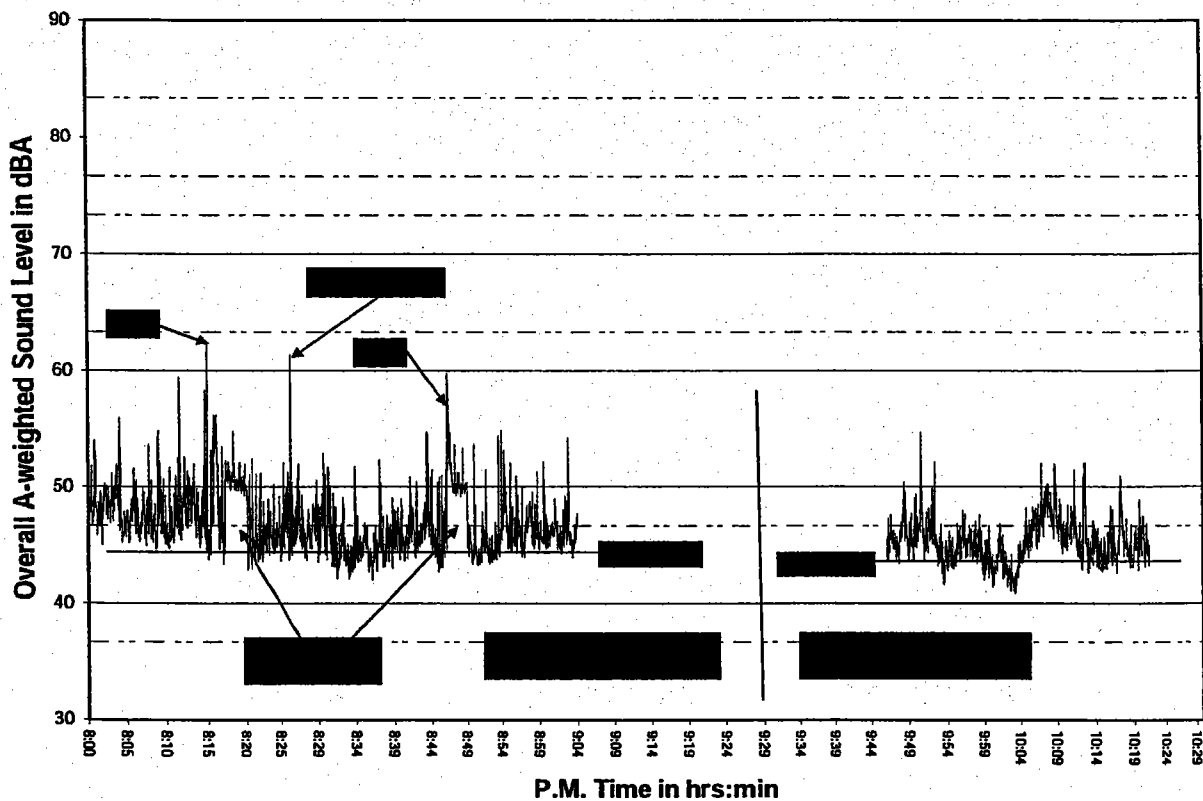
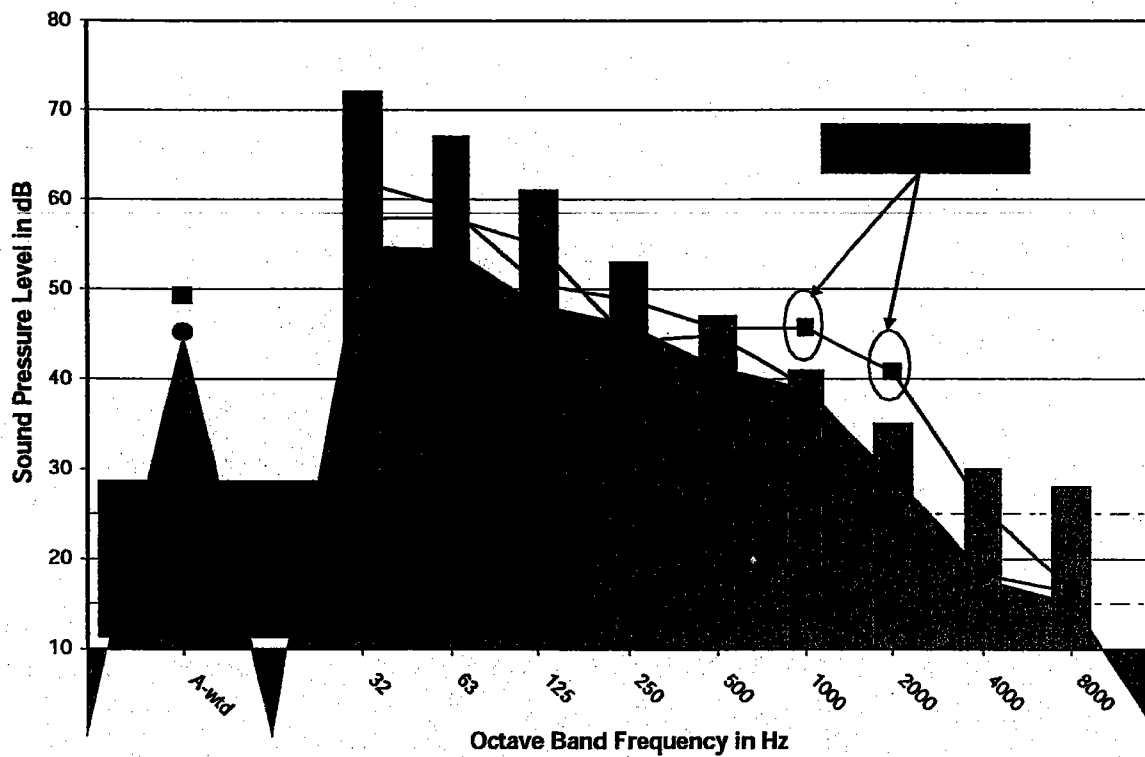


Fig 2 - Frequency Spectra of Bailly Ridge Noise Emissions



A Study of Noise Emissions From the Bailly Ridge Corporate Center

May 7, 2005

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

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Village of Monee – Bailly Ridge Corporate Center

May 7, 2005

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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 (Leq) and the 90% exceedence level (L₉₀) at all octave band frequencies. The Leq 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.

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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 Leq 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.

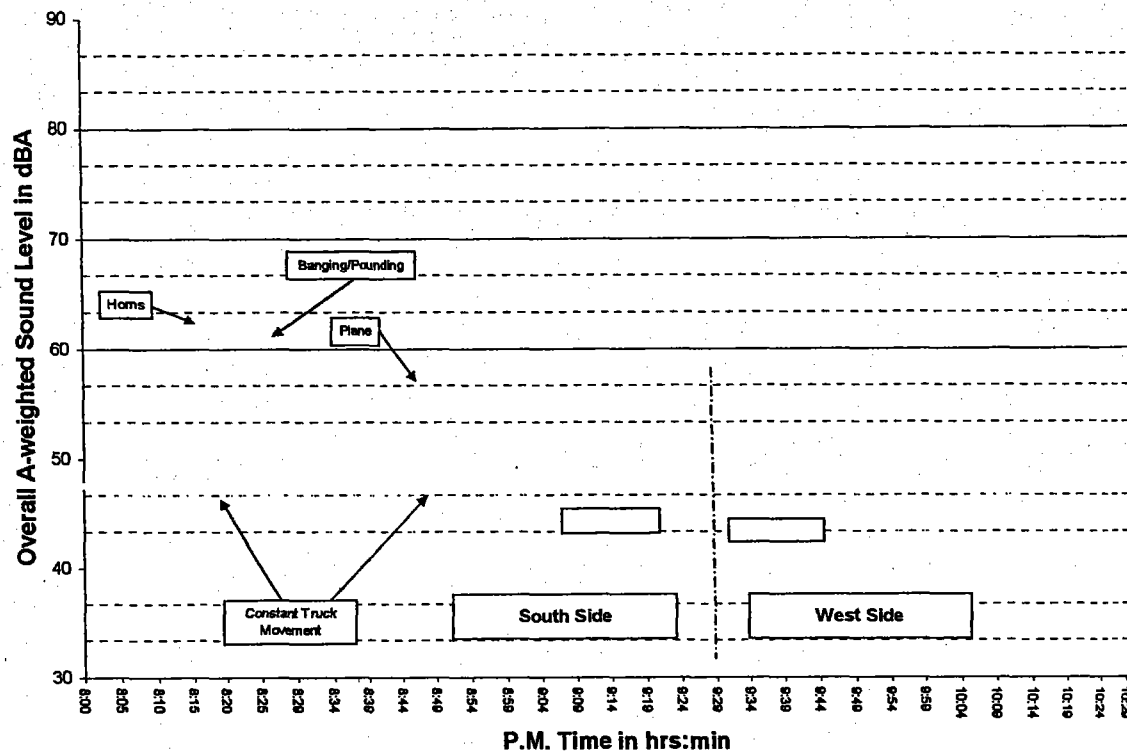
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