

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WAYNE HASER,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 05-216
	)	(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
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(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. Wayne Haser  
25763 Willowcreek 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

WAYNE HASER,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 05-216
	)	(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 Complainant and for Respondent in this matter (that is, all witnesses other than Mr. Haser 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:

- State Representative, Debbie Haloversen;
- Diane Pieczynski, Village of Monee; and,
- Erwin Bogs, former Planning & Zoning Chairman; Monee.

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 Wayne Haser Interrogatory Responses, attached hereto as Exhibit C, at 1. He did not, however, identify Ms. Haloversen, Ms. Pieczynski, or Mr. Bogs, in response to Interrogatory No. 6 or otherwise. See id. Complainant also thereafter served "Additions to Interrogatory Responses No.'s 6, 7 & 8, additional witnesses, as discussed," 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 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 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, Complainant for the first time identified these persons as witnesses 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 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 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 E, at 6. In response to TNT’s Requests for Production, Complainant produced certain documents attached hereto as Exhibit F. 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 F.

**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 June 5, 2006. In response, Complainant filed his “Additions to Interrogatory Responses No.’s 6, 7 & 8; additional witnesses, as discussed,” a copy of which is attached hereto as Exhibit D. 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 a disclosure of opinion witnesses and testimony pursuant to the Hearing Officer's Orders setting deadlines for such disclosure.

**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/Haser/Pre-Hearing Motion

Wayne Haser  
25763 Willowcreek Lane  
Monee, Illinois 60449  
PCB 2005-216

To: Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 606010  
[halloranb@ipcb.state.il.us](mailto:halloranb@ipcb.state.il.us)

October 2, 2006

---

Please find following, witness list as requested:

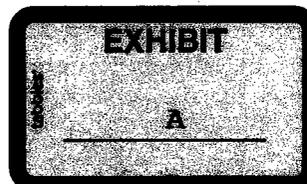
Richard Hannaway, Monee resident  
John & Linda Maracic  
Vince & Jen Neri  
Ken Blouin  
Dutch Schurman, Watch Commander/Will County Sheriff's Department  
State Representative, Lisa Dugan  
State Representative, Debbie Haloversen  
County Board Member, John Anderson  
Diane Pieczynski, Village of Monee  
Marty Burke of LFI  
Shiner & Associates Representative  
Erwin Bogs, former Planning & Zoning Chairman; Monee  
Dr. Thunder, Acoustics Associates

---

Respectfully submitted,  
Wayne Haser  
PCB 2005-216

Tom Safley  
c/o Hodge Dwyer Zeman  
3150 Roland Av  
Springfield, Il 62705-5776  
[tsafley@HDZLAW.COM](mailto:tsafley@HDZLAW.COM)

TNT Logistics  
2850 S. Ridgeland  
Monee, Il 60449



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WAYNE HASER,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 05-216
	)	(Enforcement – Noise)
TNT LOGISTICS NORTH AMERICA	)	
INC.,	)	
	)	
Respondent.	)	

**INTERROGATORIES**

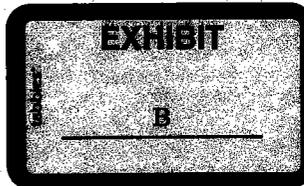
NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC. (“TNT”), by its attorneys, HODGE DWYER ZEMAN, and pursuant to Section 101.620 of the Illinois Pollution Control Board’s (“Board”) procedural rules, 35 Ill. Admin. Code § 101.620, propounds the following Interrogatories on Complainant Wayne Haser, 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

Wayne Haser  
Interrogatory Responses

Page 1

One/a. Yes

- b. As a private residence contiguous to complainant, code no's. 11,110, 1100, 19, 190, and 1900 appear to define my home and estate property, as based upon the information supplied by the complainant.

Two/a. Yes

- b. The following codes (but not limited to the following codes) apply to my property as per 35 Illinois Administrative Code Chapter I, 901, AP.B Subtitle II codes 73, 74, 741, 7414, 7418, 7419, 742, 7422, 7423, 7429, 743, 7432, 749, 7491, 7499, 75, 7515, 7519, 762, 7620, 769, 7690, 790, 7900, 922, 922

Three/ I contend the following define (but not limited to the following) the use of TNT warehouse: 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, 5520, 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. Michelin has disclosed via e-mail that "many other products" are being stored and shipped at this LFI location. Printed copy of email attached.

Four/ a. Yes

b thru F Please refer to *Acoustics Assoc. LTD Sound Study* commissioned by The Village of Monee attached and details located in that study.

Five/ Vince Neri (neighbor), Roger Harms (*Acoustics Assoc* Representative) and myself went to a location on my property that was selected by Mr. Harms based upon his expertise. Mr Harms set up his equipment and instructed Mr. Neri and myself to be completely silent. Upon completion of set – up, all three of us departed back to the inside of my garage (approx 150 to 200 yards west) and went inside of the garage and waited quietly, as directed.

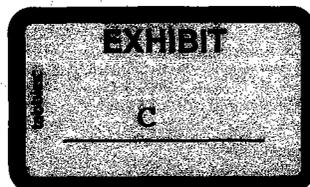
Six/ Rich Hamnaway, The Neri's, The Kassela's, The Medema's, Ken Blouin, all residents of Monee. In addition all Village of Monee Trustees, Mayor O'Donnell, Police Chief Caruso and Former Village Administrator Gruberman. Village Attorney Gryczewski and Monee Police Patrolman Craig and Farias. State Representative Lisa Dugan. County Board member John Anderson. Marty Burke of LFI. Dave Murtaugh, Michelin. Shiner Assoc, Inc representatives not limited to Brian Homans. *Acoustics Assoc LTD* representatives not limited to Thomas Thunder nor Roger Harms. Watch Commander Dutch Schurman, Will County Sheriffs Department. Assistant State's Attorney Dant. T. Foulk. Will County Sheriff's Dept Incident reports no. 2005-000173. Will County Sheriff Case No's 24-05-1642, 24-05-5890, 24-2005-007738, 24-05-8507, 24-2005-008053. Will County Sheriff Deputy's Turngren, Eichorst, Hickey, Paterimos, Turngren and Deputy Coursey. Paul Dolan, TNT representative.

Seven/ Extended family, friends and co-workers

Eight/ All of the above with regard to repetition and duplication of continuous noise violations

Nine/ John & Linda Maracic, Vince & Jen Neri, Ken Blouin and myself.

continued



Ten/Answer: Sound Study, Police Reports and all of the foregoing, but limited to the foregoing. As I am not an attorney and the Ill EPA advised that I could file a complaint without an attorney based upon existing codes and I have reviewed with limited knowledge and insight. All of the above has negatively impacted and disrupted the quality of life and use of my estate property. In addition, my property value has declined and the noise continues 24-7 contrary to early testimony on file in Village of Monee Meeting Transcripts.

---

---

Wayne A. Haser  
25763 Willowcreek Lane  
Monee, Il 60449  
708/534-3518

To: Bradley Hallloran  
Hearing Officer  
IPCB Chicago fax no.312/814-3669

Thomas Safley  
Hodge/Dwyer/Zeman  
Springfield, Il E-mail: [tsafley@hdzlaw.com](mailto:tsafley@hdzlaw.com)

**Additions to INTERROGATORY RESPONSES NO.'s 6, 7 & 8; additional witnesses, as discussed.**

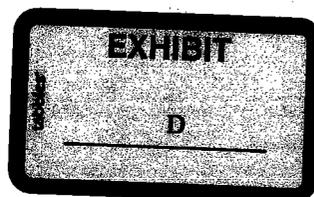
Thomas Thunder  
Acoustic Assoc. Ltd.

Lt. R.M. Schurman  
Will County Sheriff's Dept.

Asst. States Atty. Dant T. Faulk  
Ill. States Atty. Office, Joliet, Ill

Lisa M. Dugan  
Ill. House of Representatives, 79<sup>th</sup> District

The above witnesses can testify to facts, documents, discussions and provide opinions based on evidence and information supplied and developed.



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WAYNE HASER,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 05-216
	)	(Enforcement – Noise)
TNT LOGISTICS NORTH AMERICA	)	
INC.,	)	
	)	
Respondent.	)	

**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 Wayne Haser, 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

A Study of Noise Emissions  
From the Bailly Ridge Corporate Center

May 7, 2005

\*\*\*\*\* DRAFT \*\*\*\*\*

*Prepared for:*

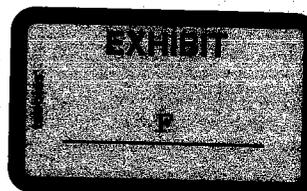
Michael Grubermann – Village Administrator  
Village of Monee  
5130 W Court Street  
Monee, Illinois 60449

*Submitted by:*

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

847-359-1068

[www.AcousticAssociates.com](http://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 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 (Leq) and the 90% exceedence level (L<sub>90</sub>) 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.

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<sub>90</sub> 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<sub>90</sub> level is subtracted from the Leq 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 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.

FIG 2 shows the octave band spectra for both locations after background noise corrections were made. These spectra represent 5-minute Leqs 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, AuD, FAAA, INCE  
Audiologist and Acoustical Engineer

Village of Monee – Bailly Ridge Corporate Center

May 7, 2005

Fig 1 - Sound Levels Recorded Near Bailly Ridge

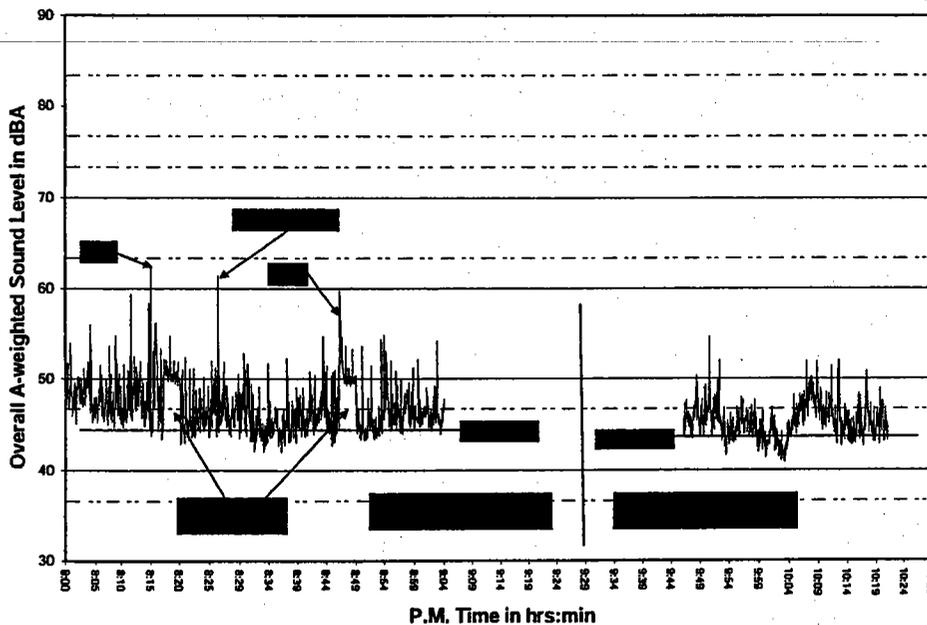
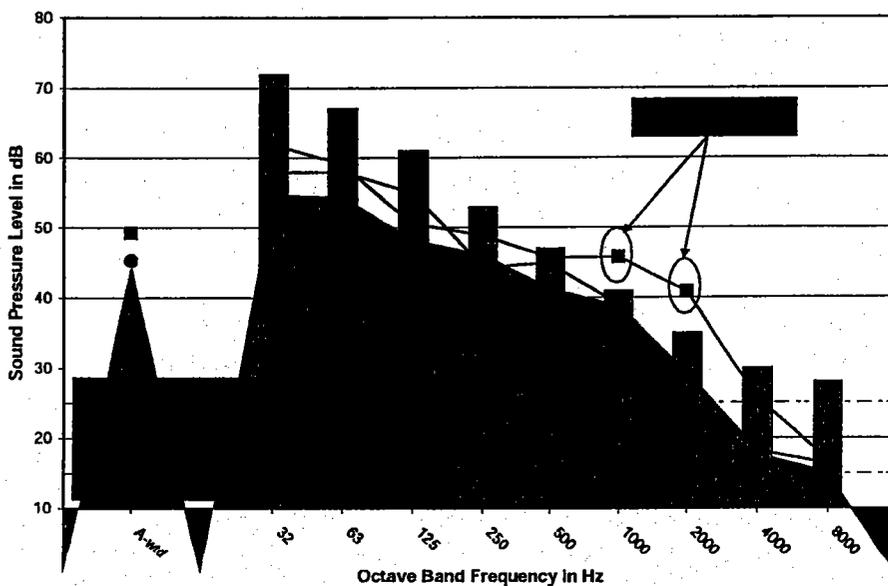


Fig 2 - Frequency Spectra of Bailly Ridge Noise Emissions



**A Study of Noise Emissions  
From the Bailly Ridge Corporate Center**

May 7, 2005

\*\*\*\*\* DRAFT \*\*\*\*\*

*Prepared for:*

**Michael Grubermann – Village Administrator  
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**

Village of Monee – Bailly Ridge Corporate Center

May 7, 2005

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 (Leq) and the 90% exceedence level (L<sub>90</sub>) 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.

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 L-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<sub>90</sub> 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<sub>90</sub> level is subtracted from the Leq 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 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.

FIG 2 shows the octave band spectra for both locations after background noise corrections were made. These spectra represent 5-minute Leqs 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, AuD, FAAA, INCE  
Audiologist and Acoustical Engineer

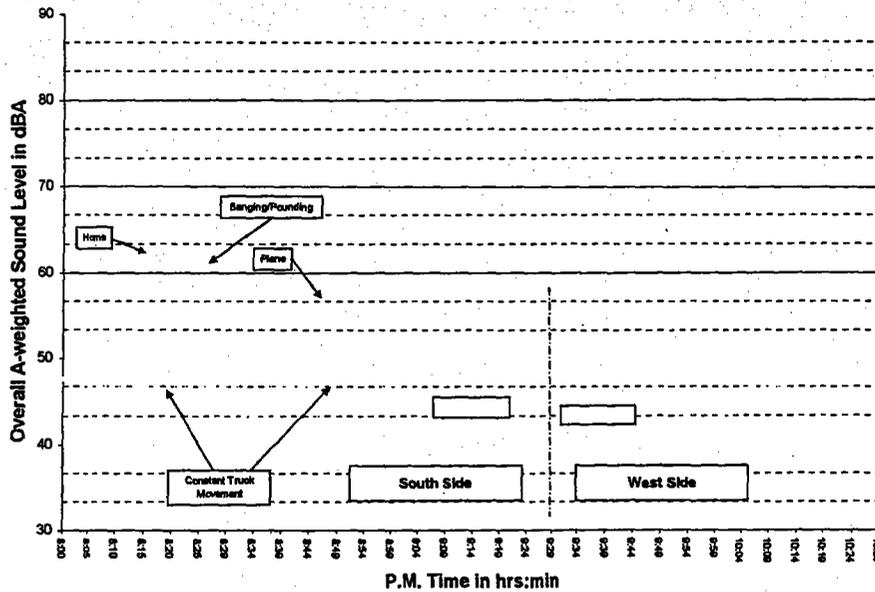
Acoustic Associates, Ltd.

Page 2

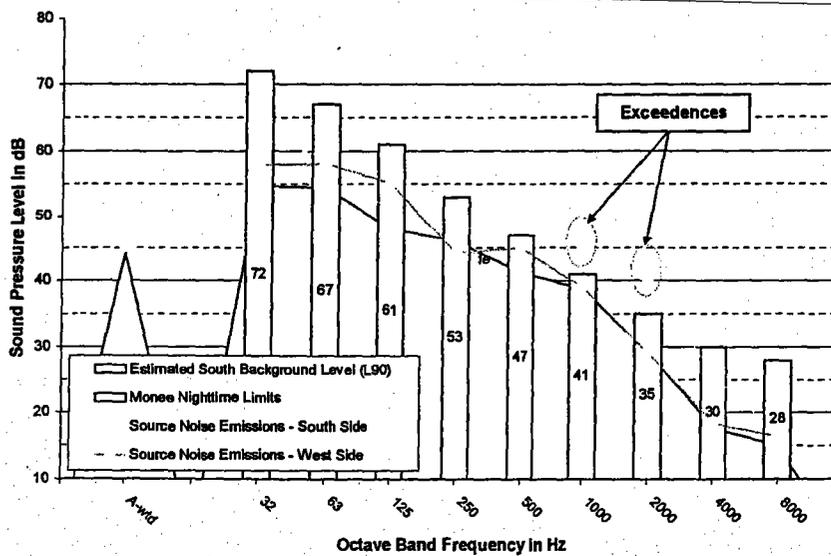
Village of Monee – Bailly Ridge Corporate Center

May 7, 2005

**Fig 1 - Sound Levels Recorded Near Bailly Ridge**



**Fig 2 - Frequency Spectra of Bailly Ridge Noise Emissions**



JAN. 19. 2005 4:34PM

LFI 708 478 7667

Shiner Associates, Inc.

Acoustical Engineers  
One North Franklin St., Chicago, Illinois 60608 Phone 312 849-3340 Fax 312 849-3344

Shiner Assoc V. Assoc Neg Cell # 708-478-6040

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:

Y02  
PG 6

JAN. 19. 2005 4:34PM

LF1 708 478 7667

NO. 659 P. 3

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.

*OPERATING HOURS WERE TO BE 8-5  
M-F  
see U. Page Meeting transcript*

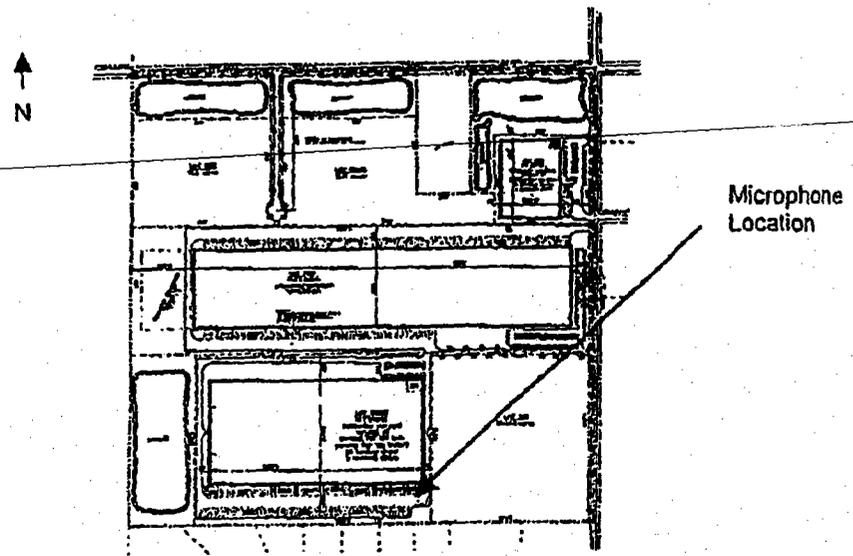


Figure 1. Site Plan

JAN. 19. 2005 4:34PM

LFI 708 478 7667

NO. 659 P. 4

Location Finders International, Inc.

October 17, 2003

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

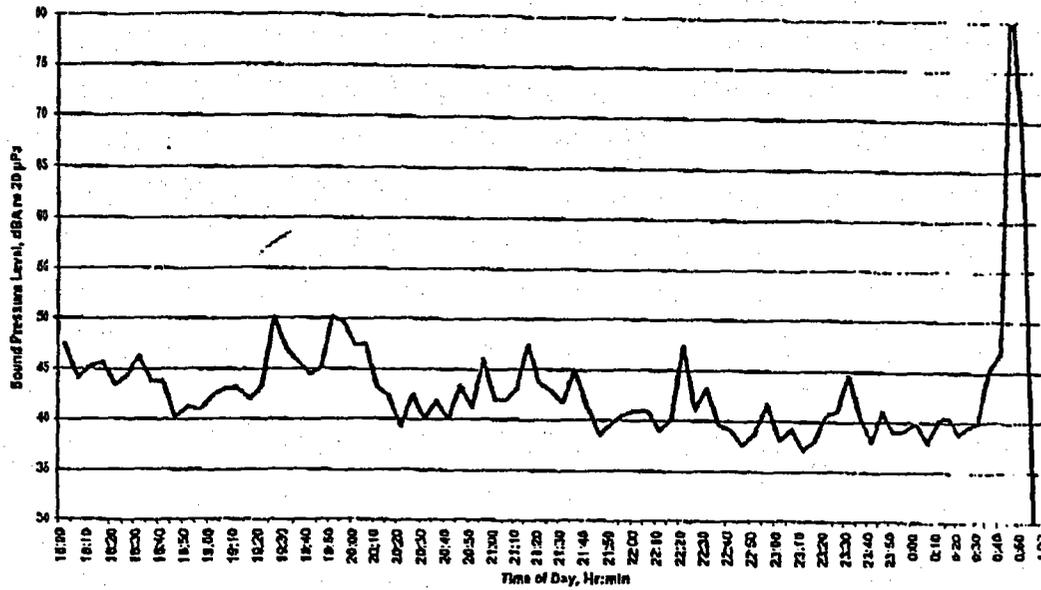
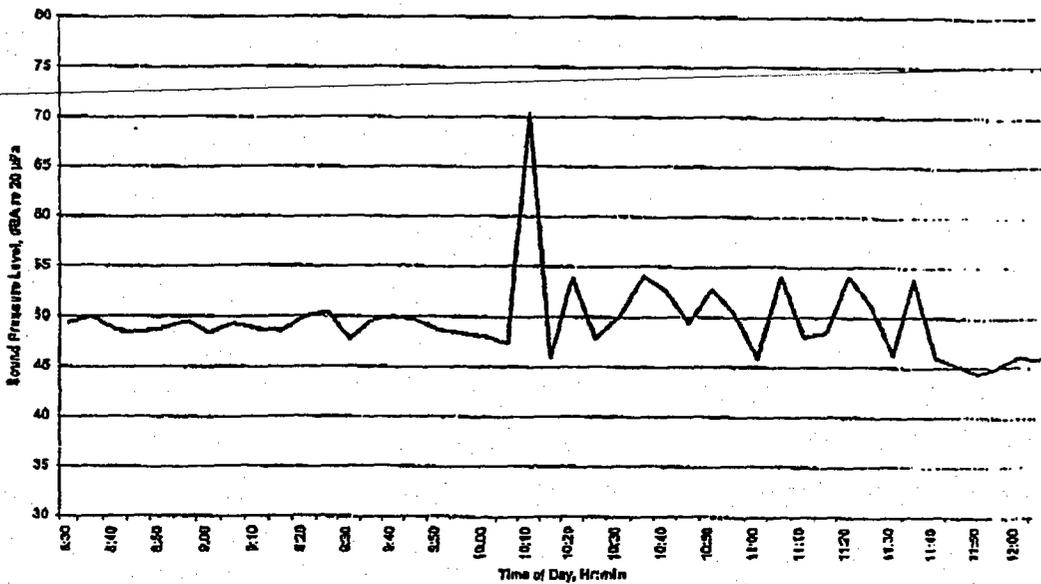


Figure 3. TNT Trucking Site - Monee, IL  
October 9, 2003



JAN. 19. 2005 4:34PM

LFI 708 478 7667

NO. 659 P. 5

Location Finders International, Inc.

October 17, 2003

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

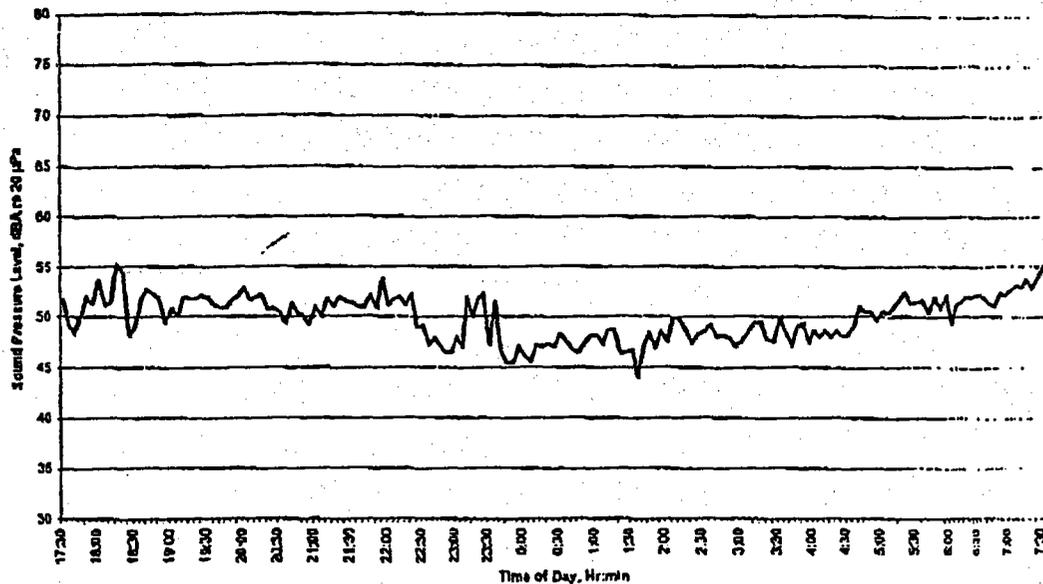


Table 2. Summary of Acoustical Results

Sound Pressure Level, dB re 20  $\mu$ 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	49.6	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:

Location Finders International, Inc.

October 17, 2003

**Table 3. Village of Monee Performance Standards**

Sound Pressure Level, dB re 20 µPa

	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 µPa

	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".

JAN. 19. 2005 4:35PM LFI 708 478 7667

NO. 659 P. 7

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

	34.5	63	125	250	500	1000	2000	4000
<b>West</b>								
<b>S1R1</b>	10.3	12.5	14.5	17.5	20.3	22.2	23.2	24.0
<b>S1R2</b>	7.8	9.6	11.6	13.6	16.4	19.4	21.6	22.8
<b>S2R1</b>	10.2	12.3	14.3	17.3	20.2	22.1	23.1	24.0
<b>S2R2</b>	7.4	8.7	10.7	12.7	15.1	18.1	20.7	22.4
<b>400' West</b>								
<b>S1R1</b>	10.6	12.8	14.8	18.0	20.8	22.5	23.3	24.2
<b>S1R2</b>	7.8	9.6	11.6	13.6	16.4	19.4	21.6	22.8
<b>S2R1</b>	10.2	12.3	14.3	17.3	20.2	22.1	23.1	24.0
<b>S2R2</b>	7.4	8.7	10.7	12.7	15.1	18.1	20.7	22.4
<b>800' West</b>								
<b>S1R1</b>	10.3	12.5	14.5	17.5	20.3	22.2	23.2	24.0
<b>S1R2</b>	7.8	9.6	11.6	13.6	16.4	19.4	21.6	22.8
<b>S2R1</b>	10.2	12.3	14.3	17.3	20.2	22.1	23.1	24.0
<b>S2R2</b>	7.4	8.7	10.7	12.7	15.1	18.1	20.7	22.4
<b>1200' West</b>								
<b>S1R1</b>	8.4	10.4	12.4	14.6	17.6	20.4	22.2	23.2
<b>S1R2</b>	6.4	7.4	9.4	10.8	12.8	15.8	18.8	20.8
<b>S2R1</b>	8.1	10.1	12.1	14.1	17.1	20.1	22.0	23.0
<b>S2R2</b>	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

JAN. 19. 2005 4:35PM LF1 708 478 7667

NO. 659 P. 10

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 PassbySound Pressure Level, dB re 20  $\mu$ 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								
<del>West</del> 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	38.8	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								
<del>West</del> 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

JAN. 19. 2005 4:35PM LFI 708 478 7667

NO. 659 P. 11

Location Finders International, Inc.

October 17, 2003

	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	56.3	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>EM</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' <i>W</i>								
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

JAN. 19. 2005 4:35PM

LFI 708 478 7667

NO. 659 P. 12

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

*IN RE: THE SALES*

Subj: Re: Your comments about TNT Logistics Drivers  
Date: 02/08/2005 5:12:48 P.M. Pacific Standard Time  
From: Dave.Murtaugh@us.michelin.com  
To: originalwale4@aol.com

Dear Mr. Haser,

Thank you for contacting Michelin. We are sorry to hear of your complaints, but we no longer own or direct the TNT logistics center you describe in your message below. We will forward your complaint to our contact at TNT Logistics for their consideration and response. However, please note that following TNT's acquisition of these former Michelin facilities, they are now using them to store and ship many other products in addition to our tires.

Finally, we urge you to contact your local municipal authorities who may be able to assist you with compliance with all noise and zoning ordinances for your area.

Thanks again for contacting Michelin.

Dave Murtaugh  
Director of Corporate Image  
Michelin North America  
One Parkway South  
Greenville, SC 29615

Name : Haser  
FirstName : Wayne  
Country : United states  
E-mail : originalwale4@aol.com  
Phone : 708-534-3518  
Fax :

Message :

Your TNT warehouse and in specific (the manager) have no respect and mostly contempt for its neighbors. I have lived in the country (5 acres) for 21 years in peace. Now you run trucks 24-7 and the noise issue is humorous to your extended family. How dare you? Have you no responsibility? No remorse? Corporate needs to investigate how your transportation and logistics leaches have soiled your reputation and ruined our country side horse community. Please advise.

*are you  
traffic specific?  
Do you know  
with the noise?  
Dura know  
are you aware  
that is it  
decided with  
with  
715 +  
CAREY 125  
164*

*IPCB, STATE IL US*

*see Bottom*

*Statute, Regulation*

*clch*

Wednesday, February 09, 2005 America Online: ORIGINALWALE4

*2<sup>nd</sup> Hom clch*

*IPA title 35*

*work  
state  
CIT  
Account 57*

Will County Sheriff's Department Incident Report

Page 1 of 1

Supplements				Incident No. 2005-000173			
Area E	Twp 210	Day/Time Occured		Day/Time Reported 01/04/2005 10:07 AM		Status 09	
UCR 9119	IC U	CA U	CIRC 009	1) Offense OTHER INVESTIAGTIONS/QUASI-CRIMINAL	FE	Location 25763 WILLOW CREEK LANE MONEE	
				2)		Type/Place of Occurance RESIDENCE-PRIVATE	Code 290
				3)		Weapon/Tool/Method UNKNOWN WEAPON	Code 95 Bias 99
				4)		Was there a witness: Can suspect be named: Located: Identified:	

No. 1	Voa/Other V	Type I	Name WAYNE A HASER	Sex M	Race W	D.O.B. 11/12/1950	
Offs Rela 1	Inj N	Emp Y	Use	Address 25763 WILLOW CREEK MONEE		Home Phone (708)534-3518 Work Phone ( ) -	
Age 54	Weight 175	Height 6'01	Hair BLN	SS # 361-42-8411	State IL		
			Eyes BLU	DLN H260 8815 0322			
Gang Aff.	Code	Charges/Misc.					

Narrative:

On 01-04-05 at 10:07 am I was dispatched to the Haser residence at 25763 Willow Creek in the Whispering Creek Subdivision in Monee Twp in reference to an ongoing noise complaint. Upon arrival at 10:10 am the undersigned met with victim Wayne A Haser, who provided the following information in summary.

For the past two months the Michelin warehouse located on Ridgeland Ave directly southeast from his residence that is located in the Village of Monee has been under construction. There has been a constant stream of trucks seven days a week in and out of the construction site. Now that the warehouse is operational, there are trucks being moved and spotted as late as 12:00 midnights, causing a disturbance and difficulty in his sleeping.

Mr. Haser says he has attended Monee Village Board Meetings to complain and makes his concerns known and was advised by Monee that he would have to make his complaint with the Sheriff's Department because he lives in the county. He requested a report me made so he had information to take back to the village showing a complaint was made in an attempt to get them to enforce their noise ordinance that he believes they do have, but they will not provide him to stop the late night trailers being dropped and spotted. The trailers make a lot of noise when dropped from the trailer and a rear or back-up alarm used on the spotting truck to move them.

Mr. Haser states he has not spoke with management from Michelin, but intends to. He also requested a case report number so that he would have that to take with him for that. Mr. Haser was provided with this case report number. No further information at this time. End.

815 729 8453 12400  
T-TN-E

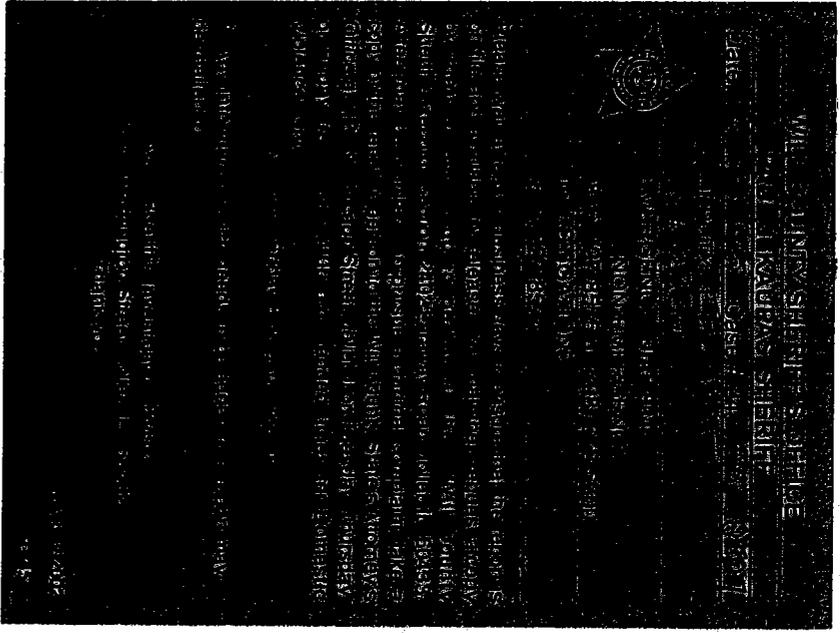


Will County  
Sheriff's Department

RONALD I. COURSEY  
JOLIET (815) 727-6191  
EMERGENCY #911

CASE#  
05-173

Approving Supervisor 0230 - GARRY KRAEMER	Typist 1712
--	----------------

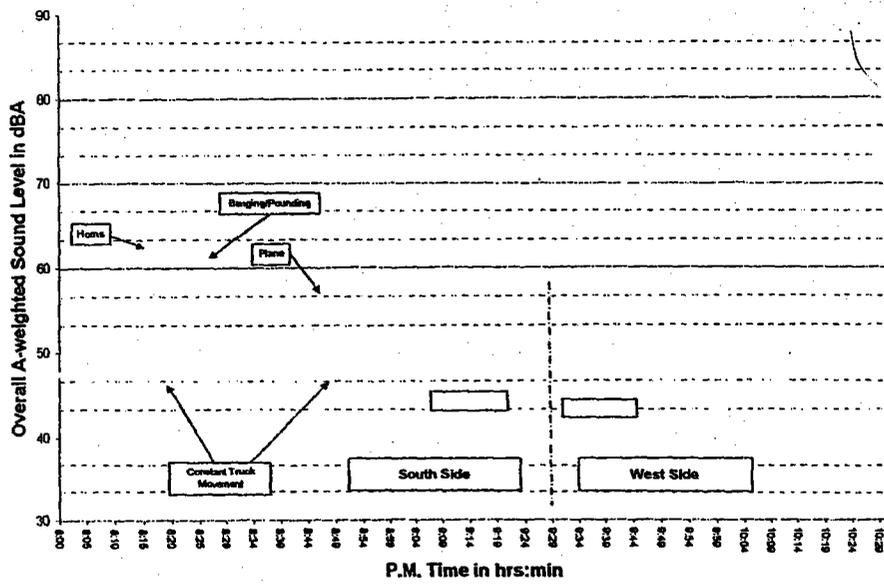




Village of Monee – Bailly Ridge Corporate Center

May 7, 2005

**Fig 1 - Sound Levels Recorded Near Bailly Ridge**



**Fig 2 - Frequency Spectra of Bailly Ridge Noise Emissions**

