

ORIGINAL

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
NOISE RULE UPDATE)
AMENDMENTS TO 35 ILL. ADM.)
CODE 900 AND 903)
)
)

R03-8
(Rulemaking-Noise)

P.C. #1

NOTICE

Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Ste. 11-500
Chicago, Illinois 60601

Robert T. Lawley
Dept. Of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Comments of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By: Kyle Rominger
Kyle Rominger
Assistant Counsel

DATE: December 11, 2002
Agency File #:

Illinois Environmental
Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

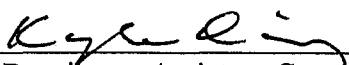
NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, and submits the following comments to the Illinois Pollution Control Board's ("Board's") proposed amendments to 35 Ill. Adm. Code 900 and 903 ("Parts 900 and 903"):

The Illinois EPA appreciates the opportunity to submit comments to the Board regarding the proposed amendments to Parts 900 and 903. In addition to the amendments proposed by the Board, the Illinois EPA requests that the Board also amend Part 900 as shown in Attachment A. Please note that Attachment A contains only the changes to 35 Ill. Adm. Code 900.103 and 900.104 requested by the Illinois EPA, and does not reflect the amendments proposed by the Board.

The reason for the requested amendments is that the Illinois EPA no longer operates a noise program. The Illinois EPA's sole noise technician retired in 2001 and will not be replaced due to a lack of funding. Therefore, the Illinois EPA requests that its affirmative obligations and discretionary authority under the Board's noise regulations be repealed.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



 Kyle Rominger, Assistant Counsel

ATTACHMENT A

Section 900.103 Measurement Procedures

- a) Procedures Applicable to all of 35 Ill. Adm. Code: Subtitle H, Chapter I

~~Procedures The Agency may adopt procedures which set forth criteria for the measurement of sound. Such procedures shall be in substantial conformity with standards and recommended practices established by the American National Standards Institute, Inc. (ANSI) or the Society of Automotive Engineers, Inc. (SAE), and the latest revisions thereof, including ANSI S1.1-1960, ANSI §1.8-1969, ANSI §1.2-1962, and SAE J-184. Such procedures shall be revised from time to time to reflect current engineering judgment and advances in noise measurement techniques. Such procedures, and revisions, thereof, shall not become effective until filed with the Administrative Code Division of the Office of the Secretary of State as required by the Illinois Administrative Procedure Act Ill. Rev. Stat. 1985, ch. 127, par. 1001 et. seq.~~

- b) Procedures Applicable only to 35 Ill. Adm. Code 901

All measurement and all measurement procedures to determine whether emissions of sound comply with 35 Ill. Adm. Code 901 shall be in substantial conformity with ANSI §1.6-1967, ANSI §1.4-1971 -- Type I Precision, ANSI §1.11-1966, and ANSI §1.13-1971 Field Method, and shall with the exception of measurements to determine whether emissions of sound comply with 35 Ill. Adm. Code 901.109, be based on Leq averaging, as defined in 35 Ill. Adm. Code 900-101, using a reference time of one hour. All such measurements and measurements procedures shall correct or provide for the correction of such emissions for the presence of ambient noise as defined in ANSI §1.13-1971.

- c) Procedures Applicable only to 35 Ill. Adm. Code 902

- 1) ~~Measurement procedures to determine whether emissions of sound comply with 35 Ill. Adm. Code 902.120 through 902.123 shall be in substantial conformity with ANSI §1.4-1971 -- Type I Precision or Type II General Purpose, and ANSI §1.13-1971 Field Method, provided that procedures for measurement under 35 Ill. Adm. Code 902.123 shall be in substantial conformity with those established by the U.S. Department of Transportation pursuant to Section 18 of the Federal Noise Control Act of 1972 42 U.S.C. §4901 et seq.~~
- 2) ~~The Agency may provide for measurement at distances other than the 50 feet specified in 35 Ill. Adm. Code 902.120 through 902.123 provided that correction factors are applied so that the sound levels so determined are substantially equivalent to those measured at 50 feet and the measurement distance does not exceed 100 feet. The correction factors used shall be consistent with California Highway Patrol Sound Measurement Procedures~~

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Comments on behalf of the Illinois Environmental Protection Agency upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy M. Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph St., Ste 11-500
Chicago, Illinois 60601

Robert T. Lawley
Dept. Of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

and mailing it from Springfield, Illinois on 12-11-02

Meredith Kelley

SUBSCRIBED AND SWORN TO BEFORE ME

this 11th day of December
Brenda Boehner
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER