

**THE ILLINOIS POLLUTION CONTROL BOARD
PCB 23-133**

January 14, 2025

Anna Andrushko, Complainant vs Thomas Egan, Respondent

PETITIONER RESPONSE TO RESPONDENT'S SUMMARY JUDGEMENT

I, Anna Andrushko, Complainant, request The Board to deny summary judgement based on facts presented below.

Ms. Andrushko, the Complainant, met the standards per the requirement of the Provisions in Section 901.102.

Ms. Andrushko, the Complainant, met the 25 feet measurements requirement. According to the American Planning Association (APA), Sound Emitted to Class A Land. A person must not cause or allow the emission of sound during daytime hours from any property-line noise source located on any Class A Sound pressure levels must be measured at least 25 feet from the property-line noise source.

Ms. Andrushko, the Complainant, met the requirements using A-weighted sound level monitor. According to Acoustical Society of America, (ASA), it is recommended that a Time-average A-weighted sound level is adopted in this standard as a basic quantity for all community sound except high-energy impulsive sound.

Ms. Andrushko, the Complainant, determined that the Category of noise "source" is Class A land to "receiving" Class A land.

Ms. Andrushko, the Complainant, has overwhelming provided videos, police reports, expert articles, Noise Nuisance Reports showing clear violations documenting noise and ambient noise.

Ms. Andrushko, Complainant, has been actively working with a noise expert, **Arline L. Bronzaft, Ph.D., and recently named NEEAC for EPA, who published "How City Noise is Slowly Killing You"**, where she published data linking environmental noise with cognitive impairment, disturbed sleep, tinnitus, and cardiovascular disease. "Even if you don't have health problems yet, you'll have diminished quality of life [from noise pollution]," says Arline L. Bronzaft, Ph.D., an environmental psychologist who's studied the topic for more than three decades.

Bronzaft has served as an advisor to five New York City mayors as the chairperson of the Noise Committee of GrowNYC.org. As an environmental psychologist, Bronzaft's classic research on the effects of subway noise on children's learning in the 1970's led to her lifelong commitment to combine her scientific expertise and passion for urban and social issues by demonstrating the adverse effects of noise on mental and physical health. In 2007, Bronzaft helped the Department of Environmental Protection of

New York City to update **THE ILLINOIS POLLUTION CONTROL BOARD** PCB 23-133 in the city. This noise code has become a model for other cities. She has also assisted in the implementation of a noise education curriculum in the NYC public school system.

Bronzaft is also a co-founding member of **THE ILLINOIS POLLUTION CONTROL BOARD** PCB 23-133 **January 14, 2025** which has addressed the impacts of noise on health, environment, learning, productivity and quality of life in America, particularly its impact on kids in schools, for four decades. This public health focus has demonstrated an evidence-based approach to noise as a health and social problem, combined with educational outreach and organized action, which can lead to meaningful change. Bronzaft is the author of ["Listen to the Raindrops"](#), a book to teach children about the dangers of noise.

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Additional expert resources from Arline L. Bronzaft, Ph.D.,

- [Women Whose Noise Complaints Have Been Dismissed Are Asked to Advocate for A Quieter Environment](#) by Arline Bronzaft. February 6, 2020.
- PODCAST: [Why Noise matters with Dr. Arline Bronzaft](#)
In this episode of Erik and Lyn Lindbergh's podcast, Dr. Bronzaft discusses her research based approach to how noise affects our quality of life. August 18, 2019
- PODCAST: [Making Your Yard A Quiet Oasis For Birds With Arline Bronzaft](#) Dr. Arline Bronzaft, an environmental psychologist from Quiet Communities who specializes in the effects of sound on animals like birds and people. She tells us about ways to make your yard a quiet oasis for birds and other critters. June 20, 2024
- PODCAST: [Speaking of Psychology: How noise pollution harms our health, with Arline Bronzaft, PhD](#) The world is full of unwelcome noise—and researchers have found that noisy environments can take a real toll on people's mental and physical health. Arline Bronzaft, PhD, talks about how noise affects health and well-being, how it can harm kids' learning, why it's not just a problem in big cities, and the most unusual noise complaints she's heard in her 5 decades of advocacy combating noise pollution. June 2024
- Intrusive community noises yield more complaints Arline L. Bronzaft, Ph.D., Elizabeth Deignan, M.A., Yael Bat-Chava, Ph.D. and Nancy B. Nadler, M.E.D., M.A. | Hearing Rehabilitation Quarterly – Volume 25, Number 1 (2000)

Mr. Egan violates federal law. Mr. Egan violates state laws. No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life. Mr. Egan is disrespectful of any reasonable person finding that stereo, car horn, or dog barking noise is insignificant or not important to others.

There is overwhelming information that links noise to adverse health.

The Board does not make a decision only on Provisions 901. The Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges or deposits involved including, but not limited to:

(i) the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people; (ii) the social and economic value of the pollution source; (iii) the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved; (iv) the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and (v) any subsequent compliance.

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Ms. Andrushko, the Complainant, has suffered inconvenience, health issues, annoyance, discomfort, disruptions to their peace and quiet, invasions of privacy, and the inability to fully use and enjoy their property from the pervasive and intrusive dog barking; previously stereo and blaring car horns while passing by Ms. Andrushko's residence. **PCB 23-133**
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Ms. Andrushko, the Complainant, respectfully asks the Board to deny Mr. Egan's summary judgement.

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SECTION I: LOCAL MUNICIPALITY ORDINANCES - FAILED

PETITIONER RESPONSE TO RESPONDENT'S SUMMARY JUDGEMENT
MUNICIPAL LAW
VILLAGE OF EVERGREEN PARK MUNICIPALITIES

Evergreen Park Municipal Code Sec 4-5 Miscellaneous offenses (d) bark, whine or howl excessively is rarely used.

In the absence of a functioning Evergreen Park Building Department, Public Health Department, and animal warden; none of which the inspectors are ICC (International Code Council) Certified nor have they ever been certified to do inspections, as the job description requires such certification after 1 year of employment.

In the absence of Evergreen Park Police Officers training on any related animal issues, they are unqualified to respond to any animal calls, based on the training materials provided.

In the absence of Evergreen Park Animal Control Warden, Anne Williamson, according to Cook County Animal Control, they found no records that Evergreen Park Administration has failed to obtain any training on any related animal issues and therefor, unqualified to respond to animal calls.

Mr. Egan's connection with Evergreen Park Administration through Rita Alexander, neighbor located on this street where both Ms. Andrushko and Mr. Egan reside, also lives the sister-in-law to the Village of Evergreen Park Trustee, Mark Marzullo. Mark Marzullo and Geoffrey Layhe, Director of Health, Building, and Inspections, have been working together for 40 years and are friends from the past and secondary school. Geoffrey Layhe has no ICC Certification. Mr. Egan has contacts within the Village of Evergreen Park Police.

Ms. Andrushko, the Complainant, has been selectively targeted by the Village of Evergreen Park and Administration. Mr. Egan has connections withing the administration. The administration, therefore has refused to provide services, police and inspection, to protect myself and my property, from damages, including public health, that included Ms. Andrushko's cats. Ms. Andrushko, repeatedly has been targeted by the Evergreen Park neighbors and village administration and received false citations that have all been dismissed. None of Ms. Andrushko's complaints against Mr. Egan, the Respondent, for noise abatement have resulted in any warning nor citations for ordinance violations. Therefore, it is importance that the Board bring relief, if the Board finds wrongdoing.

Mr. Egan, the Respondent, is being protected by the Evergreen Park Village. Ten years of noise complaints to 911 have resulted in no response by law enforcement or animal control. Complaints by Ms. Andrushko, the Complainant, to rectify the situation through written warnings, none have held Mr.

Egan accountable for any injury or illness that could be caused by noise and safety; includes loud music and speakers, the honking of car horns, and recent addition of the dog barking motivated by Mr. Egan.

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According to Noise Off, Dealing with the Authority

A common problem is that noise complaints are not handled properly by many police departments. Police officers may not have sufficient training to properly use a decibel meter if the noise ordinance requires it to determine enforcement. Officers do not always follow the correct procedure in handling noise complaints. Officers are often in a good deal of protection from public complaints, there is little consequence for officers not properly handling your noise complaint.

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Police officers act in the best interests of the police department. If noise pollution enforcement is not mandated by police officials, even with a noise ordinance, they may elect to ignore your noise problem.

If the public calls police repeatedly, they can ignore you or respond only to the extent that they assume you will not bother them further.

When the public calls the police with a noise complaint, it can either be categorized as a crime in progress report or a quality-of-life complaint. Most noise complaints are categorized as a quality-of-life complaint. Whenever possible, get a reference number that is a record of the complaint.

Sometimes noise complaints are closed out without any investigation. Callers who habitually complain about noise are sometimes dismissed outright, because the system keeps a log of the caller's prior complaint history.

The patrol supervisor is responsible for coordinating the officers on patrol. The patrol supervisor has discretion of which complaints are handled and how they are prioritized. Factors affecting that decision include the number of serious calls that needs to be handled and available officers on duty. In addition to noise complaints, officers routinely handle traffic stops for possible DUI, domestic violence, traffic accidents, theft and shootings.

Throughout the world, chronic barking has become so extreme that people in enormous numbers are seeing their property values plummet, and discovering that they can no longer work, rest, sleep, relax, or recuperate in their own homes, day or night, because the barking of someone else's untrained dog makes that impossible.

Our current system of animal control has failed the human race, it has failed the canine species, and it has failed to protect the physical and acoustic environments.

To solve the problem, one must target the law to the party or parties that are causing the problem, and the fact is that the dog barking problem was created by the laws and policies put in place by local government.

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The Noise of Bark Since exposure to noise has been established by the world's leading experts as a systemic health hazard that goes well beyond direct damage to the ears, and the loud, sharp, piercing voice of a dog is a particularly dangerous form of noise.

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Secondly, because we know that for some dogs, barking at people is part of an incremental, developmental process that causes the animals to grow vicious over time, we also know that by allowing those dogs to bark at passers-by without being corrected, the powers that be are dooming passing pedestrians—perhaps small children—to dog bites that can be avoided if the animals are bark trained or otherwise quieted early on.

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A: FOUR GOALS OF QUIET HOMES MOVEMENT

The Four Goals of the Quiet Homes Movement:

1. The facilitation of a perceptual shift in the way that society views noise, in order to ensure a widespread awareness of noise as a dangerous pathogen.
2. The recognition of every person's right to a home that is free from intrusive sound force-fed in from the outside.
3. The acknowledgement of every person's responsibility to keep their noise to themselves.
4. The adoption of laws and/or enforcement policies to ensure that intrusive noise is eliminated from our homes.

SECTION II: STATE LAW

ENVIRONMENTAL SAFETY

(415 ILCS 5/) Environmental Protection Act.

STATE LAW

ENVIRONMENTAL SAFETY

(415 ILCS 5/) Environmental Protection Act.

<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1585&ChapterID=36>

(415 ILCS 5/Tit. I heading) **TITLE I: GENERAL PROVISIONS (415 ILCS 5/1) (from Ch. 111 1/2, par. 1001)**

Sec. 1. This Act shall be known and may be cited as the "**Environmental Protection Act**". (Source: P.A. 76-2429.)

(415 ILCS 5/2) (from Ch. 111 1/2, par. 1002) **Sec. 2. (a) The General Assembly finds:**

- (i) that environmental damage seriously endangers the public health and welfare, as more specifically described in later sections of this Act;
- (ii) that because environmental damage does not respect political boundaries, it is necessary to establish a unified state-wide program for environmental protection and to cooperate fully with other States and with the United States in protecting the environment;

(iii) that air, water, and other environmental problems are closely interrelated and must be dealt with as a unified whole in order to safeguard the environment;

(iv) that it is the obligation of the State Government to manage its own activities so as to minimize environmental damage; to encourage and induce private citizens to adopt and implement environmental-protection programs consistent with this Act; to promote the development of technology for environmental protection and conservation of natural resources; and in appropriate cases to afford financial assistance in preventing environmental damage;

(v) that in order to alleviate the burden on enforcement agencies, to assure that interests are given a full hearing, and to increase public participation in the task of protecting the environment, private as well as governmental remedies must be provided;

(vi) that despite the existing laws and regulations concerning environmental damage there exist continuing destruction and damage to the environment and harm to the public health, safety and welfare of the people of this State, and that among the most significant sources of this destruction, damage, and harm are the improper and unsafe transportation, treatment, storage, disposal, and dumping of hazardous wastes;

(vii) that it is necessary to supplement and strengthen existing criminal sanctions regarding environmental damage, by enacting specific penalties for injury to public health and welfare and the environment.

(b) It is the purpose of this Act, as more specifically described in later sections, to establish a unified, state-wide program supplemented by private remedies, to restore, protect and enhance the quality of the environment, and to assure that adverse effects upon the environment are fully considered and borne by those who cause them.

(c) **The terms and provisions of this Act shall be liberally construed** so as to effectuate the purposes of this Act as set forth in subsection (b) of this Section, but to the extent that this Act prescribes criminal penalties, it shall be construed in accordance with the Criminal Code of 2012. (Source: P.A. 97-1150, eff. 1-25-13.)

(415 ILCS 5/3.130) (was 415 ILCS 5/3.04) Sec. 3.130. Board. "Board" is the Pollution Control Board established by this Act. (Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/Tit. VI heading) TITLE VI: NOISE

415 ILCS 5/5) (from Ch. 111 1/2, par. 1005) Sec. 5. Pollution Control Board.

(a) There is hereby created an independent board to be known as the Pollution Control Board.

(d) The Board shall have authority to conduct proceedings upon complaints charging violations of this Act, any rule or regulation adopted under this Act,

(415 ILCS 5/25) (from Ch. 111 1/2, par. 1025) Sec. 25. The Board, pursuant to the procedures prescribed in Title VII of this Act, may adopt regulations prescribing limitations on noise emissions beyond the boundaries of the property of any person and prescribing requirements and standards for equipment and procedures for monitoring noise and the collection, reporting and retention of data resulting from such monitoring.

The Board shall, by regulations under this Section, categorize the types and sources of noise emissions that unreasonably interfere with the enjoyment of life, or with any lawful business, or activity, and shall prescribe for each such category the maximum permissible limits on such noise emissions. The Board

shall secure the co-operation of the Department in the establishment of noise emission and the technological and economic feasibility of such noise level limits.

In establishing such limits, the Board, in addition to considering those factors set forth in Section 27 of this Act, shall consider the adverse ecological effects and interference with the enjoyment of natural, scenic, wilderness or other outdoor recreational areas, parks, and forests occasioned by noise emissions from automotive, mechanical, and other sources and may establish lower permissible noise levels applicable to sources in such outdoor recreational uses.

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For purposes of this Section and Section 24, "beyond the boundaries of his property" or "beyond the boundaries of the property of any person" includes personal property as well as real property.
(Source: P.A. 89-445, eff. 2-7-96.)

Ms. Andrushko, the Complainant, brings to the Board, the law considers animals to be property, which means they are subject to property rights. Cats are considered personal property.

In any case, where any Federal department or agency is carrying out or sponsoring any activity resulting in noise which the Administrator determines amounts to a public nuisance or is otherwise objectionable, such department or agency shall consult with the Administrator to determine possible means of abating such noise.

SECTION III: ILLINOIS POLLUTION BOARD

(415 ILCS 5/33) (from Ch. 111 1/2, par. 1033) Sec. 33. Board orders.

(c) In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges or deposits involved including, but not limited to:

(i) the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;

Mr. Egan's dog barking is pervasive.

(ii) the social and economic value of the pollution source;

*According to **Science Adviser**, Noise pollution is pervasive in US protected areas. Species in nature reserves are experiencing increased pressure from human encroachment in many forms. One type of pressure that is rarely discussed but perennial is human-produced noise. Human-produced noise doubled background noise levels in a majority of protected areas and substantially affected critical habitat areas for endangered species.*

Ms. Andrushko's cat are disturbed and frightened by Mr. Egan's barking dog.

(iii) the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;

A noise level considered "normal" in that it is not unusual and does not cause discomfort or damage to hearing while allowing for normal activities to occur.

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Ms. Andrushko, the Complainant, is constantly disturbed, daily, by the barking dog noise located at the property lot line where there is a separation between the property and the Respondent's fence. While Ms. Andrushko is moving about her yard, with her cats, working on her landscaping, the dog is situated at the fence viewing through the wooden fence slats. The source of the noise dog barking is directly behind the fence at the property boundary, with no other separation between the noise source and the neighboring property, other than a fence dividing the property lot lines.

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Mr. Egan, the Respondent, admits, in his interrogatories, "My dog is never out without someone being in the yard with him." Yet, despite him being on the premises with his dog, Mr. Egan does nothing to prevent the dog from being along the fence adjoining the property and allows him to bark Ms. Andrushko, the Complainant, and her cats. Videos shows Mr. Egan not in view. In addition, video December 04, 2024, 8-minute video, shows Mr. Egan watching the dog bark for 8 minutes, not correcting the dog's behavior, then leaving the situation, to return back and watch him continue to bark.

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Mr. Egan, the Respondent, further admits, in his interrogatories and responds "Yes", when asked "Do you provide adequate food, water, shelter, yard space, companionship for the dog? Yet videos show the yard is completely empty with none of the pet supplies provided.

November 11, 2024, Mr. Egan is caught on video speaking to the dog "She (Mr. Andrushko) doesn't want to play with us." Mr. Egan is not rational; my responsibility is not to Mr. Egan's dog. Mr. Egan has a responsibility to be respectful of his neighbors.

Mr. Egan the Respondent, refuses to respond to question if the dog has plenty of chew toys for the dog to play with, raw bones, toys, chew ropes, etc. Mr. Egan further admits his dog is not formally trained, has not taught him boundaries.

(iv) the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and

Mr. Egan was presented with several warnings:

- **May 1, 2020**, Mr. Egan was delivered a cease-and-desist from Shimanovsky & Moscardini, LLP, for stereo noise violations.
- **July 08, 2020**, Mr. Egan was delivered an "Informal" Investigation by the Illinois Pollution Board for "Noise" Pollution.
- I estimate in excess of over 100 complaints the police had summarized at one point, over a 12-year period that led to no police warnings nor citation for any noises; stereo, honking of car horn, and dog barking.
- **January 26, 2024**, Mr. Egan was delivered a Formal Complaint from the Illinois Pollution Board that has resulted in only escalation; video dated 12-04-24, 8 minutes of barking, Mr. Egan was on video watching the dog bark, walking away, then returning, just prior to the police arriving, the dog was called off.

- A dog owner's responsibility includes providing a safe and clean indoor space, companionship for the dog. In addition, supplemental items such as plenty of chew toys for your dog to play with, and training. Raw bones, toys, chew ropes to keep things interesting and not bother the neighbors.

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(v) any subsequent compliance.

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If a complainant proves a violation, the Board may order the respondent to comply with Sections 33(c) and 42(h) of the Act to fashion an appropriate remedy for the violation. See 415 ILCS 5/33(c), 42(h) (2020). Specifically, the Board considers the Section 33(c) factors in determining, first, what to order the respondent to do to correct an on-going violation, if any, and, second, whether to order the respondent to pay a civil penalty. The factors provided in Section 33(c) bear on the reasonableness of the circumstances surrounding the violation, such as the character and degree of any resulting interference with protecting public health, the technical practicability and economic reasonableness of compliance, and whether the respondent has subsequently eliminated the violation.

If, after considering the Section 33(c) factors, the Board decides to impose a civil penalty on the respondent, only then does the Board consider the Act's Section 42(h) factors in determining the appropriate amount of the civil penalty. Section 42(h) sets forth factors that may mitigate or aggravate the civil penalty amount. These factors include the following: the duration and gravity of the violation; whether the respondent showed due diligence in attempting to comply; any economic benefits that the respondent accrued from delaying compliance based upon the "lowest cost alternative for achieving compliance"; the need to deter further violations by the respondent and others similarly situated; and whether the respondent "voluntarily self-disclosed" the violation.

SECTION IV: ILLINOIS POLLUTION BOARD – PENALTIES

(415 ILCS 5/Tit. XII heading) TITLE XII: PENALTIES

(415 ILCS 5/42) (from Ch. 111 1/2, par. 1042) Sec. 42. Civil penalties.

(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), (b)(5), (b)(6), or (b)(7) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including, but not limited to, the following factors:

(1) the duration and gravity of the violation;

(2) the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;

(3) any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

(4) the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

(5) the number, proximity, and nature of violations of provisions of this Act by the respondent;

(6) whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;

(7) whether the respondent has agreed to undertake a supplemental environmental project", which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and

(8) whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

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Section 42(h) requires the Board to ensure that the penalty is "at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship." Id. Such penalty, however, "may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent." Id.

The Board further directs the hearing officer to advise the parties that in summary judgment motions and responses, at hearing, and in briefs, each party should consider: (1) proposing a remedy for a violation, if any (including whether to impose a civil penalty), and 3 supporting its position with facts and arguments that address any or all of the Section 33(c) factors; and (2) proposing a civil penalty, if any (including a specific total dollar amount and the portion of that amount attributable to the respondent's economic benefit, if any, from delayed compliance), and supporting its position with facts and arguments that address any or all of the Section 42(h) factors.

The Board also directs the hearing officer to advise the parties to address these issues in any stipulation and proposed settlement that may be filed with the Board.

Researchers from the Institute for Social Medicine conducted a research study that demonstrated a clear, mild-to-moderate link between exposure to chronic noise and your likelihood of experiencing a heart attack. Remarkably, the research team found evidence to show that, even if noise does not annoy you, it may still be hurting you.

I have also suffered inconvenience, health issues, annoyance, discomfort, disruptions to their peace and quiet, invasions of privacy, and the inability to fully use and enjoy their property.

Ms. Andrushko, the Complainant, has been listening to years of dog barking, because of the close proximity, at the fence line, has become extremely stressful on a daily basis. Ms. Andrushko must remove myself from the fence where the dog is fixated on her or her cats, or yard, or return inside the house entirely, just to keep the dog from barking that can trigger vertigo. The dog's barking scares my cats. Thus, unreasonably interferes with the enjoyment of life or property.

SECTION V: ILLINOIS POLLUTION BOARD – PROVISIONS

Section 900.102 Prohibition of Noise Pollutions

A person must not cause or allow the emission of sound beyond the boundaries of that person's property, as defined in Section 25 of the Environmental Protection Act [415 ILCS 5/25], that causes noise pollution in Illinois or violates any provision of this Chapter.

Title 35: Environmental Protection

Subtitle H: Noise

Chapter I Pollution Control Board

Part 900: General Provisions

Section 900.101 Definitions

"Noise pollution": the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

Section 900.102 Prohibition of Noise Pollution

A person must not cause or allow the emission of sound beyond the boundaries of that person's property, as defined in Section 25 of the Environmental Protection Act [415 ILCS 5/25], that causes noise pollution in Illinois or violates any provision of this Chapter. (Source: Amended at 42 Ill. Reg. 20432, effective N

Because Illinois EPA and U.S. EPA no longer have noise control programs, Noise Pollution Complaints are typically enforced through citizen complaints filed before the Board.

*In **The Citizens' Guide to the Illinois Pollution Control Board (Citizens' Guide)**, it states that the Illinois Pollution Control Board (Board) is an independent agency created in 1970 by the Environmental Protection Act (Act), Illinois' core law for controlling pollution. Under the Act, the Board decides cases and establishes rules to restore and protect the environment. In doing so, the Board provides a public forum where interested citizens can actively participate in our State's environmental decision-making.*

***Any "person" can file a complaint for violations of the Environmental Protection Act and the Board's Regulations.** Board can order respondent to: Cease and desist from causing noise pollution; Take actions to abate the noise; and/or Pay civil penalties.*

Section 42 Civil penalties and ensuring that the penalty accrued by the respondent as a result of the "violation may be an imposition of such penalty would result in an arbitrary or unreasonable financial hardship."

Ms. Andrushko, the Complainant, asks the Board, if any "person" can file a complaint for violations of the Environmental Protection Act and the Board's Regulations, it fails to mention how any "person" can take use the Provisions without hiring an acoustical engineer, and incur a "substantial financial burden". Thus, the cost will deter others from coming forward to bring a complaint to the Board to seek relief.

A: SUMMARY OF FACTORS

In Conclusion, Ms. Andrushko, the Complainant finds that based on the following factors that,

A. Hiring A Professional Acoustical Engineer

Ms. Andrushko, the Complainant, makes the argument, that a “general provision”, shall be liberally construed; interpret a written document or statute in a way that is reasonable and achieves its purpose, rather than strictly and literally.

Ms. Andrushko, the Complainant, makes the argument, that it is also “unreasonable to expect any low to middle income household be subjected to noise without having to incur a financial burden” to hire a commercial acoustical engineer and bring forth a case to the Illinois Pollution Board, by not allowing Part 910 Measurement Procedures forth The Enforcement of 35 ILL ADM Code 900 &901. In addition, it will deter the public from bringing charges in the future.

B. List of Acoustical Engineers refusing to monitor noise – refused service

- Soundscape Engineering – responded no residential due to expense and cost, not affordable
- Shiner Acoustics – responded no residential
- Threshold Acoustics – responded no, have an attorney call
- Critical Sound Engineering – responded no, have an attorney call
- Midamerica Dynamics – responded no

C. Purchasing Equipment

*Centers for Disease Control (CDC) has developed the NIOSH SLM app created to empower “people” to test noise levels in their workplace. This helps workers make informed decisions about their noise exposure which can prevent occupational hearing loss. **Developed by experienced acoustics engineers and hearing loss experts. Tested and validated. Free to download. Provides an accurate measurement of noise levels using any iOS device. Accurate within ± 2 dBA.** iOS devices share common hardware and software architecture that is optimized for audio applications. Therefore, it has been verified that the NIOSH SLM app will perform as expected on any iOS device. On the other hand, the Android device marketplace is fragmented among many manufacturers with different requirements and specifications for microphones, audio/signal processing chips, and software tools. As a result, testing and verification of the accuracy and functionality of an Android-based app in our laboratory is not currently possible.*

In the absence of an iOS device, as an alternative, the Complainant purchased a brand-new “A-weighted” RTA (Real Time Analyzer) Professional Instrument Sound Level Meter instrument. The sound level meter has “high precision with an accuracy of ± 1.5 dB.” (RTA) Real-time monitoring provides precise data on the sound levels in the area.

Ms. Andrushko, the Complainant, asks the Board, since this case (dog barking complaint) is not a typical case presented to the Board, and most cases are Commercial and Industrial industry noises,

she asks the Board if the purchased A-Weighted RTA Sound Level Meter instrument meets the requirements of the general provisions.

*According to **Acoustical Society of America, (ASA)**, it is recommended that a **Time-average A-weighted sound level is adopted in this standard as a basic quantity for all community sound except high-energy impulsive sound.***

Ms. Andrushko, the Complainant, submitted testing, to the best of her ability, using a new A-weighted sound level meter and presented a Nuisance Noise Report with measurements both noise and ambient sounds. Though complaints are typically filed before The Board, for the purpose of Commercial or Industrial Industry noises and used by Municipalities for the study of airports, railroads, and roadway noise, Ms. Andrushko has therefore met the requirement. In addition, there is no specific category of dog barking listed.

Ms. Andrushko, the Complainant, states that any A-Weighted meter clearly show the intensity and occurrences of the intrusive noise that “unreasonably interferes” with her stress, anxiety, ability to cope due to the close proximity of the dog to her property, and the enjoyment of life, and therefore affects sleep.

D. Land-Based Classifications

The Board’s numeric noise standards are applied based on the class of receiving land and class of the land upon which the property-line noise source is located.

Property-line noise source is defined as any equipment or facility, or a combination of equipment and facility, that operates within any land used as specified by 35 Ill. Admin Code 901.101. The equipment or facility or combination of equipment and facility, must be capable of emitting sound beyond the property line of the land on which it is operated.

The Board Noise Regulations classify land according to use for applying the numeric noise standards. Classification system is based on the Land-Based Classification Standards (LBCS) which designate land use functions by numeric codes. (35 Ill. Adm. Code 900.101 and 901.01(a)) The applicable LBCS are found in 35 Ill. Adm.

Ms. Andrushko, the Complainant, points out to The Board, “dog barking” is not listed in any (LBCS) category, and not categorized, therefore, measurement cannot be adequately identified, based on the Numeric Standards, specifically for dog barking.

Ms. Andrushko, the Complainant, asks The Board to allow for **(LBCS) Category 1000 Residence or Accommodations functions or 1100 Private household, then “Land Class A” category**. Thus, the case can be argued that the Nuisance Report for Mr. Egan’s dog barking is considered over the allowed emission for Highly Impulsive Sound and therefore, unreasonably interferes with the enjoyment of life.

E. Time of Day Matters

Mr. Egan dog barking is based on Daytime Hours, more specifically, motive-based barking and taunting when I am present in my yard or my cats. The Board Provisions fails to mention special circumstances, such as this.

Mr. Egan's dog is fixated on my property and my fence to the point that Mr. Egan's grass has been completely worn away from the constant running back and forth from his dog, on his property.

*According to PETA, barking is one of many forms of vocal communication for dogs. People are often pleased that their dog barks, because it alerts them to the approach of people to their home or it tells them there's something that the dog wants or needs. **However, sometimes a dog's barking can be excessive.** Because barking serves a variety of functions, owners must identify its cause and owner's dog's motivation for barking before treating a barking problem*

Each type of barking serves a distinct function for a dog, and if he's repeatedly rewarded for his barking—in other words, if it gets him what he wants—he can learn to use barking to his benefit. For example, dogs who successfully bark for attention often go on to bark for other things, like food, play and walks. For this reason, it's important to train dogs to be quiet on cue so that you can stop his attention-related barking and teach him to do another behavior instead—like sit or down—to get what he wants.

Many owners can identify why their dog is barking just by hearing the specific bark. For instance, a dog's bark sounds different when he wants to play as compared to when he wants to come in from the yard. If an owner wants to reduce a dog's barking, it's crucial to determine why he's barking. The owner's goal should be to decrease, rather than eliminate, the amount of barking.

PETA definition of Compulsive Barking:

Some dogs bark excessively in a repetitive way, like a broken record. These dogs often move repetitively as well. **For example, a dog who's compulsively barking might run back and forth along the fence in his yard or pace in his home.** This example clearly meets the criteria for the situation. Mr. Egan's dog is fixated on my property, my presence and my cat's presence, at the fence to the point that Mr. Egan's grass has been completely worn away from the constant running back and forth from his dog on his property.

F. Property Line Standards:

No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set fourth for the receiving land use.

1. That a person operated or caused to be operated on private property a source of noise
2. That if the **noise occurred in a residential zone** or in a public space, agricultural or industrial zone, the noise exceeded the sound level limits for the day or evening; and
3. That the noise exceeded the standard set for the receiving land use category when measured at or within the property line.

G. According to ASA (Acoustical Society of America)

Time-average A-weighted sound level is adopted in this standard as a basic quantity for all community sound except high-energy impulsive sound.

3.1.8 measurement time period duration of the time period during which the time-average sound pressure or sound exposure is measured. **Unit: seconds.**

3.1.13 ambient sound at a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sound from many sources from many directions, near and far, including the specific sound source(s) of interest.

4 Instruments and calibration

4.1 General The instrumentation system shall be designed to determine one or more of the quantities in accordance with the definitions in 3.1. The instrumentation may comprise: (a) an integrating or **integrating-averaging sound level meter**, (b) a conventional sound level meter, (c) a device that records successive frequency-weighted sound level samples using a selected time weighting or measurement time interval per sample, or (d) a statistical distribution analyzer that sorts sound level samples.

H. Section 901.101 Classification of Land According to Use

Class A land includes all land used as specified by LBCS Codes 1000 through 1340, 2410 through 2455, 5200 through 5230, 5500, 6100 through 6145, 6222, 6510 through 6530, and 6568 through 6600. c) Class B land includes all land used as specified by LBCS Codes 2100 through 2336, 2500

I. Section 901.102 Sound Emitted to Class A Land

a) **Except as elsewhere provided in this Part, a person must not cause or allow the emission of sound during daytime hours from any property-line noise source located on any Class A, B or C land to any receiving Class A land that exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within the receiving Class A land. Sound pressure levels must be measured at least 25 feet from the property-line noise source.**

G. Section 910.105 Measurement Techniques for 35 Ill. Adm. Code 901

To determine a noise source's compliance with 35 Ill. Adm. Code 901, sound pressure level measurements are obtained using the following measurement techniques:

a) Site Selection

1) One or more outdoor microphone positions may be chosen within the boundaries of the receiving land, as long as the positions are at least 25 feet (7.6 meters (m)) from the property-line noise source. The 25-foot setback distance is from the noise source and not the property line unless the noise source is contiguous to the property line. (Mr. Egan's barking dog is at the property line.)

2) Other measurement locations may be used for investigatory purposes, including the following:

A) Determining the extent of noise pollution caused by the source of sound;

B) **Determining the ambient;** and

H. Testing and Nuisance Noise Report – Resubmitted 01/14/25

Ms. Andrushko, the Complainant, met the measurements requirements.

Section 910.105 (1)(m) The 25-foot setback distance is from the noise source and not the property line unless the noise source is continuous to the property line; the barking dog noise was at the property lot line where there is a separation by Ms. Andrushko's fence. While Ms. Andrushko is moving about her

yard, and her cats, working on her property, is the dog situated at the fence viewing through the wooden fence slats.

The source of the noise dog barking is directly behind the fence at the property boundary, with no other separation between the noise source and the neighboring property, other than a fence dividing the property lot lines.

B: TESTING AND RESULTS

Nuisance Noise Report Resubmitted 01/14/25, the following has been determined:

Decibels	Noise Types
61.9680	Average Ambient Outdoor Noise Only (Street & Birds)
63.4600	Average Noise - Jets & Train (Depending on jet and location of jet flyover)
65.3000	Average Jet Noise Only (Depending on jet and location of jet flyover)
63.5000	Average Train Noise Only (fixed)
78.8833	Average Dog Barking Noise (No Jets & Trains) (not included 95.9 at fence)
83.1375	Average Dog Barking Noise (No Jets & Trains) (includes 95.9 at fence)

(*) Note: The loudest meter reading was recorded at 95.9 decibels and the lowest reading at 81.6 decibels.

- The Time Average A-weighted sound level meter readings taken from:
 - 05/04/24 – 07/01/24 (16 recordings)
- The allowable noise for residential is “47”. Mr. Egan dog barking is at 83.1/78.8 decibels.
- Ms. Andrushko, the Complainant, referenced on the Nuisance Noise Report the location of the noise meter and measurements taken with the 25 feet area of living space from back door of the complainant home. Some measurements, causing severe physical and mental harm, were the highest noise levels at 95.9 decibels.
- Mr. Egan’s dog has triggered other dogs to bark, see video dated 10/14/24 and 10/20/24.
- The noise measurements were taken between 04/11/24 thru 07/01/24, at the request of The Board Hearing Officer and a report was submitted at the next hearing.

Barking dogs are becoming an increasing issue for residents looking for quiet. Even dog owners are complaining about other dog owners, to Ms. Andrushko, and the lack of respect to keep the barking noise down by others.

On this 93rd Block of Spaulding Avenue, Evergreen Park, IL:

25 Residential Single Homes

20 Dogs; 8 dog registered at the Village of Evergreen Park

I have recorded Mr. Egan's dog trigger other dogs to bark, though not enough data has been captured.

The records show that almost one dog per household. The Village of Evergreen Park has failed to protect Public Health of its residents by not enforcing barking dog ordinances, and further, not sufficient, instead protects only the dog owners.

According to the American Planning Association (APA):

FUNCTION

The economic use or type of establishment using the land.

Function refers to the economic function or type of establishment using the land. Every land-use can be characterized by the type of establishment it serves. Land-use terms, such as agricultural, commercial, industrial, relate to establishments. The type of economic function served by the land-use gets classified in this dimension; it is independent of actual activity on the land.

Establishments can have a variety of activities on their premises, yet serve a single function. For example, two parcels are said to be in the same functional category if they serve the same establishment, even if one is an office building and the other is a factory.

STRUCTURE

Type of structure or building type on the land.

*Structure refers to the type of structure or building on the land. Land-use terms embody a structural or building characteristic, which indicates the utility of the space (in a building) or land (when there is no building). Land-use terms, **such as single-family house**, office building, warehouse, hospital building, or highway, also describe structural characteristic. Although many activities and functions are closely associated with certain structures, it is not always so. Many buildings are often adapted for uses other than its original use. For instance, a single-family residential structure may be used as an office.*

Activity Code	Activity Description	01-Apr-2001
1000	Residential activities	Includes activities that occur in all types of residential uses, structures, ownership characteristics, or the character of the development.
1100	Household activities	Includes those activities normally associated with single-family, multifamily, town homes, manufactured homes, etc.

Section 901.APPENDIX B Land-Based Classification Standards and Corresponding 35 Ill. Adm. Code 901 Land Classes

LBCS		Description	35 IAC 901 Land Class
Main Category	Function Code		
1000	Residence or accommodation functions	Private household	A
1100	Private household		

The relationship is "noise source" Class A land to "receiving noise" Class A land.

Sound emitted during daytime.

Classification of Land on which Property-Line Noise Source is Located	Allowable A-weighted Sound Levels in Decibels of Highly Impulsive Sound Emitted to Receiving Class A or B Land		
	Class B Land	Class A Land	
		Daytime	Nighttime
Class A Land	47	47	37
Class B Land	54	47	37
Class C Land	58	53	43

(Source: Amended at 42 Ill. Reg. 20453, effective November 1, 2018)

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A Land from
--------------------------------------	--

	Class C Land	Class B Land	Class A Land
31.5	75	72	72
63	74	71	71
125	69	65	65
250	64	57	57
500	58	51	51
1000	52	45	45
2000	47	39	39
4000	43	34	34
8000	40	32	32

VIBRATION: A force which oscillates about some specified reference point. Vibration is commonly expressed in terms of frequency such as cycles per second (cps), Hertz (Hz), cycles per minute (cpm) or (rpm) and strokes per minute (spm). This is the number of oscillations which occurs in that time period. The amplitude is the magnitude or distance of travel of the force.

For every 10 decibels, it is two (2) times louder.

*According to **Acoustical Surfaces Inc**, states that a dog barking at 80 decibels typically falls within a frequency range of around 500 Hz; however, the exact hertz can vary depending on the size and breed of the dog, with the sound generally considered to be in the low-frequency range.*

Key points about dog barks and frequency:

- **Average range:** Most dog barks fall between 500-1000 Hz.
- **Loudness:** A typical dog bark at 80 decibels is considered moderately loud.
- **Dog hearing range:** Dogs can hear sounds much wider than humans, ranging from around 67 Hz to 45,000 Hz.

Ms. Andrushko, the Complainant, points out that my noise report for barking dogs falls within the guidelines from the CDC and EPA; the Noise Nuisance Report is confirming the noise level of dogs. Dog barking is pervasive.

*The **CDC and EPA** have documented that an average size **dog barks at “120 db and 500 Hz.”** Damage to the human ear can occur at 85 db. Therefore, a continually barking dog can cause stress.*

*CDC has documented Everyday Sounds and Noises and established that barking in the ear is **110 decibels and hearing loss possible in less than 2 minutes**. I am only substantiating what is already documented and reported by the CDC for noise levels.*

***EPA Identified Noise Levels Affecting Health and Welfare (EPA Press Release – April 2, 1974 and Updated September 14, 2016):** Level of 45 decibels is associated with indoor residential areas, hospitals and schools, whereas 55 decibels is identified for certain outdoor areas where human activity takes place. The level of 70 decibels is identified for all areas in order to prevent hearing loss.*

Capturing the data of a dog barking, is in itself difficult, when the dog barking is on demand, when the owner is using the dog to taunt, during the time period when the Complainant is using her property for enjoyment purposes.

C: NOISE FACTORS

I. DETERMINING IF NOISE IS UNREASONABLE:

1. VOLUME

- Refers to how far the noise spreads throughout the affected location, both indoors and outdoors.
- High volume noise can travel throughout a building or a neighborhood. Having nowhere to escape from the noise increases its impact on people. The noise does not need to be loud in all surrounding areas to be unreasonable.
- Examples of excessive barking can include: frequent intermittent barking over lengthy periods; sustained barking over more than a minute or two; barking early in the morning or late at night.

2. INTENSITY

- Intensity refers to how loud the noise is.
- More intense noise can be intrusive, can disturb sleep and interfere with hearing, such as listening to music, the television and having a conversation.
- Intensity can also relate to the emergence of an intrusive noise over background sounds.

3. DURATION

- Duration refers to how long the noise continues.
- The duration of noise can be a problem when it continues for long periods (for example, hours at a time) without breaks to provide rest and respite from the noise.
- Short bursts of noise may not be considered unreasonable especially if the noise is not intense and/or is not emitted often.

BabelBark: The Dangers of Dog Barking: Noise from barking dogs can be common source of disturbance, stress and nuisance. So how much is too much? Problems arise when dog barking becomes excessive and unreasonable. Even if you can put up with excessive barking it is not reasonable to expect your neighbors to do likewise.

*BabelBark: The Dangers of Dog Barking: Examples of excessive barking can include: frequent intermittent barking over lengthy periods; sustained **barking over more than a minute or two**; barking early in the morning or late at night.*

I have videotaped Mr. Egan's, Respondent, dog barking from inside his frame house. Mr. Egan does not want to put up with the dog barking, when the dog senses I am out in my yard, same for my cats. Mr. Egan releases his dog outside to not be bothered, so why should neighbors be subjected when the owner does not want to put up with the noise. My cats' sense other animals in the area and scramble around the house to gain access outside to look for cats entering their territory.

Noise is pervasive. High volume noise can travel throughout a building or a neighborhood. Having nowhere to escape from the noise increases its impact on people. The noise does not need to be loud in all surrounding areas to be unreasonable.

4. Character

- Character is an objective description of what the noise sounds like. For example, the character of the noise can be considered:
 - tonal - if it can be described as squealing, whining, humming, droning or throbbing
 - **intermittent - if it suddenly becomes noticeably louder and maintains the louder level for at least one minute**
 - impulsive - if it has a sudden burst of sound that can be described as banging, hammering or thudding
 - a rattle - if it has a rapid succession of short, sharp sounds, usually from something shaking or vibrating.

Ms. Andrushko, the Complainant, has determined, based on definitions provided, that the Character of the noise is considered, compulsive, intermittent, occurs frequently, multiple days, continuing problem, and is unreasonable.

5. TIME, PLACE AND OTHER CIRCUMSTANCES IN WHICH NOISE IS EMITTED

- Time refers to when the noise occurs.

Ms. Andrushko, the Complainant, has been targeted by Mr. Egan using motivated based barking and taunting when Ms. Andrushko is using her yard.

6. HOW OFTEN THE NOISE IS EMITTED

- This factor refers to how often the noise recurs.
- **Noise occurring frequently can be a problem, particularly when it happens for multiple days.**

Ms. Andrushko, the Complainant, uses her yard daily for pleasure, and Mr. Egan's dog barking is intrusive on a daily basis, for years, without taking any steps to alleviate or correct the dog behavior. Mr. Egan, find he has no responsibility because Mr. Egan has never received a warning nor citation by the Village of Evergreen Park, where he has connections and has conspired with the administration and police. Mr. Egan has made the comments to me that "she does not want to play with us" and "she is harassing us".

Mr. Egan violates basic neighbor respect.

AVMA Pet Ownership. Grown NYC, Solving Noise Problems, Consider Quiet for Others.

- *Respect your neighbor's right to quiet, e.g. Keep your radios, stereos and television turned down.*
- *Don't vacuum late at night. Soft coverings should be placed on floors. Keep your pets as quiet as possible.*
- *Don't honk horns except in emergency.*
- *Educate friends and neighbors about hazards of noise*

IN SUMMARY:

- **According to BabelBark: The Dangers of Dog Barking: How It Can Cause Vertigo. There are a number of possible causes of vertigo, and one of them is indeed exposure to loud noises – including the sound of a dog barking. This is because loud noises can damage the delicate hair cells in the inner ear that are responsible for maintaining balance. When these hair cells are damaged, they can no longer send the correct signals to the brain, resulting in a feeling of dizziness or vertigo. In severe cases, loud noises can also cause permanent hearing loss.**
- **However, noise from barking dogs can be common source of disturbance, stress and nuisance. So how much is too much? Problems arise when dog barking becomes excessive and unreasonable. Even if you can put up with excessive barking it is not reasonable to expect your neighbors to do likewise.**

Ms. Andrushko, the Complainant, must remove myself from the fence or yard to keep the dog from barking that can trigger vertigo. The intrusive dog's barking scares my cats. Thus, unreasonably interferes with the enjoyment of life or property.

Ms. Andrushko, the Complainant, has long suffered inconvenience, health issues, annoyance, discomfort, disruptions to their peace and quiet, invasions of privacy, and the inability to fully use and enjoy their property. The intrusive sounds have frightened her cats.

J. DETERMINING JUDGEMENT ON NOISE FACTORS

*When assessing the potential for statutory nuisance the **Environmental Services Officer from the Local Authority will need to base their judgement on a number of factors.***

These include:

1. How loud the noise is and how long it lasts

Mr. Egan controls how long the noise will last. Some days, he will refuse to correct, other days he does, definitely before the police arrive, below the 15-minute threshold. The dog is receptive to Mr. Egan's commands.

2. How intrusive it is

Dog barking is irritating and unpleasant. Dog barking is pervasive.

3. How frequent the intrusion is

Mr. Egan dog barking is daily. Mr. Egan dog senses my whereabouts in the yard, capturing video of dog barking inside Mr. Egan's house.

NoiseOFF states, People who create or allow noise to intrude on a neighbor are indifferent to the rights of others. It is a form of passive aggressive behavior.

Mr. Egan is bothered by the dog's barking and will take the dog outside, where the dog then is used to assault Ms. Andrushko.

4. The area you live in

Ms. Andrushko pulled a FOIAs from the Village of Evergreen Park.

On this 93rd Block of Spaulding Avenue, Evergreen Park, IL:

25 Residential Single Homes

20 Dogs; 8 dog registered at the Village of Evergreen Park

I have recorded Mr. Egan's dog trigger other dogs to bark, though not enough data has been captured.

The records show that almost one dog per household. The Village of Evergreen Park has failed to protect Public Health of it's residents by not enforcing barking dog ordinances, and further, not sufficient, instead protects only the dog owners.

5. Whether it is a one-off or continuing problem

Ms. Andrushko, the Complainant, submitted all videos that clearly show a continuing problem, refusing to take any action to minimize or reduce Ms. Andrushko to the expose to any noise; stereo, honking of car horn, and make sure the dog barking is not annoying the neighbors. Some examples that have not been implemented according to Mr. Egan: no adequate food, water, shelter, space, exercise, companionship for dog, chew toys, daily exercise, training, plantings, etc.

Though Mr. Egan, Respondent, has changed his type of noise, stereo, honking of car horns, and moved to acquiring a dog to bark, Mr. Egan states in response to Interrogatories, "My dog is never out without someone being in the yard with him." Mr. Egan is also shown in videos watching the barking, see video 12/04/24, 8- minutes of dog barking, Mr. Egan walks off without correcting barking dog behavior.

6. The time of day

Ms. Andrushko, the Complainant, is subjected to the dog barking when she is using her property for enjoyment purposes.

7. Whether it is deliberate or not

Mr. Egan's actions are deliberate and intentional. He is using motivated barking and taunting.

According to NoiseOff, Most municipalities view noise complaints as a quality-of-life issue, but for people exposed to noise on a constant basis - it is a form of assault. They feel they are the only one suffering and often feel helpless and trapped in their own homes and apartments.

People who create or allow noise to intrude on a neighbor are indifferent to the rights of others. It is a form of passive aggressive behavior.

8. What steps the alleged perpetrator has taken to avoid or reduce the nuisance

Mr. Egan, the Respondent, has been given a multitude of options to correct and reduce the pervasive dog barking nuisance and has done absolutely nothing over the years. Ms. Andrushko is clearly being target by Mr. Egan.

9. The activity causing the noise nuisance

K. FOUR MAIN CATEGORY OF NOISE TYPES:

When categorizing noise, there are generally four (4) main types: continuous, intermittent, impulsive, and low-frequency. The main differentiating factor between these types is ow the noise changes with time.

1. Continuous

- *Noise that remains stable and constant over a given period.*
- *Vacuum cleaner, factory equipment, sound of an engine, HVAC systems.*

2. Intermittent or Variable Noise

Noise levels tend to increase and decrease rapidly; different operations or variable noise sources can cause the intermittent sound to change over time.

Train passing, washing machine on "wash" cycle, aircraft flying over your house, most manufacturing noises.

- *Researcher at the University of Massachusetts Amherst and Hampshire College have defined a bark as a short, abrupt vocalization that is relatively loud and high-pitched, changes in frequency, and often repats rapidly in succession.*
- **According to Dog Training Excellent: Excessive Dog Barking is Causing You Stress: Dog barking becomes a problem when it is too frequent.** All dogs bark at some point and this is OK, it is one of the ways in which [they communicate](#). It becomes a problem when it's constant. **Intermittent noises (like a dog barking) have more adverse effects than continuous noises** (like a machine sound on the background).

3. Impulsive or Impact Noise

Noise is defined as extremely short bursts of loud noise that last for no more than a second. In a usually calm and peaceful environment, a single, extremely loud noise can also cause sufficient haring damage.

- *Gunfire, balloon popping, explosions.*

4. Low-frequency Noise

Regular part of our routine soundscape, and we are exposed to them constantly. They include the faint background humming of a nearby power grid and a large diesel engine's roar.

- *Low-frequency sound is the toughest type of noise to reduce, so it can easily travel and spread over long distances.*

VI: CONCLUSION

Ms. Andrushko, the Complainant, has suffered inconvenience, health issues, annoyance, discomfort, disruptions to their peace and quiet, invasions of privacy, and the inability to fully use and enjoy their property.

Ms. Andrushko, Complainant, has been actively working with **Arline L. Bronzaft, Ph.D., and recently named NEEAC for EPA, who published "How City Noise is Slowly Killing You"**, where she published data linking environmental noise with cognitive impairment, disturbed sleep, tinnitus, and cardiovascular disease. "Even if you don't have health problems yet, you'll have diminished quality of life [from noise pollution]," says Arline L. Bronzaft, Ph.D., an environmental psychologist who's studied the topic for more than three decades.

Mr. Egan, the Respondent, violates the **EPA levels of 55 decibels outdoors and 45 decibels indoors**, it's a quality-of-life issue, but for people exposed to noise on a constant basis - it is a form of assault, is unreasonable. High volume, high intensity, duration which is short bursts of noise that is intense and if emitted often throughout the day, while Ms. Andrushko, the Complainant is outside, working in her yard, especially near the fence. Ms. Andrushko's cats are in her yard as they walk around and relax about the yard. Mr. Egan's constant reoccurring daily dog barking has been endured for years. The barking is deliberate (dog stops barking on command; motivated based and taunting) when Ms. Andrushko's cats and she are in her yard during day hours. Further, this is a form of harassment, bullying, and assault, forcing me to move.

Ms. Andrushko, the Complainant, respectfully requests The Illinois Pollution Control Board, after suffering for over 10 years,

Enter judgement in favor of Ms. Andrushko, the complainant, and

Grant an Injunction for Noise Abatement Order against the Respondent, Mr. Egan, to stop offensive noise and preventing it from occurring, Noise and Vibrations from stereos, honking of car horns, barking dogs, etc.

Grants the Ms. Andrushko, Complainant, any costs, damages, and equitable relief to which is entitled.

Respectfully Submitted,

By: *Anna Andrushko*

Electronic Filing: Received, Clerk's Office 01/14/2025

Date				Category
2024 05 04	2 min 44 sec	44.6	95.9000	Dog barking from fence while doing work
2024 05 15	42 sec		75.0100	Dog barking at night
2024 05 16	3 min 05 sec	48.4	80.0400	Dog barking from fence. Egan intervenes.
2024 05 21	50 sec	54.4	57.0900	Ambient Outdoor Noise
2024 05 22	44 sec	49.9	57.0500	Ambient Outdoor Noise
2024 05 22	55 sec	63.8	67.0800	Train Noise
2024 05 26	1 min 07 sec	47.6	64.5000	Ambient Outdoor Noise, Airplane flyover, birds
2024 05 31	1 min 20 sec	49.3	62.9000	Ambient Outdoor Noise; Airplane
2024 06 03	1 min 28 sec	50	62.9000	Ambient Outdoor Noise; Ambulance
2024 06 07	1 min 23 sec	43.3	63.5000	Ambient Outdoor Noise, Street, Train
2024 06 12	1 min 19 sec	44.3	63.5000	Ambient Outdoor Noise, Airplane, birds
2024 06 19	1 min 18 sec	44.6	62.1000	Ambient Outdoor Noise
2024 06 24	1 min 21 sec	50.5	67.1000	Ambient Outdoor Noise
2024 06 25	2 min 08 sec	44.5	66.5000	Ambient Outdoor Noise
	2 min 08 sec	48.3	69.5000	Ambient Outdoor Noise; Airplane
2024 07 01	2 min 19 sec	46.1	81.6000	Dog Barking - Measurement At Door
2024 05 26	1 min 07 sec	47.6	64.5000	Ambient Outdoor Noise, Airplane flyover, birds
2024 05 31	1 min 20 sec	49.3	62.9000	Ambient Outdoor Noise; Airplane
2024 06 03	1 min 28 sec	50	62.9000	Ambient Outdoor Noise; Ambulance
2024 06 07	1 min 23 sec	43.3	63.5000	Ambient Outdoor Noise, Street, Train
2024 06 12	1 min 19 sec	44.3	63.5000	Ambient Outdoor Noise, Airplane, birds
			63.4600	Average Noise - Jets & Train (Depending on jet and location of jet flyover)
2024 05 21	50 sec	54.4	57.0900	Ambient Outdoor Noise
2024 05 22	44 sec	49.9	57.0500	Ambient Outdoor Noise
2024 06 19	1 min 18 sec	44.6	62.1000	Ambient Outdoor Noise
2024 06 24	1 min 21 sec	50.5	67.1000	Ambient Outdoor Noise
2024 06 25	2 min 08 sec	44.5	66.5000	Ambient Outdoor Noise
			61.9680	Average Ambient Outdoor Noise Only (Street & Birds)
2024 06 07	1 min 23 sec	43.3	63.5000	Ambient Outdoor Noise, Street, Train
			63.5000	Average Train Noise Only

Electronic Filing: Received, Clerk's Office 01/14/2025

2024 05 04	2 min 44 sec	44.6	95.9000	Dog barking from fence while doing work
2024 05 15	42 sec		75.0100	Dog barking at night (A-weighted 25 ft @ back door)
2024 05 16	3 min 05 sec	48.4	80.0400	Dog barking from fence. Egan intervenes. (A-weighted 25 ft @ back door)
2024 07 01	2 min 19 sec	46.1	81.6000	Dog Barking - Measurement At Door (A-weighted 25 ft @ back door)
			83.1375	Average Dog Barking Noise (No Jets & Trains)
2024 05 04	2 min 44 sec	44.6		Dog barking from fence while doing work
2024 05 15	42 sec		75.0100	Dog barking at night (A-weighted 25 ft @ back door)
2024 05 16	3 min 05 sec	48.4	80.0400	Dog barking from fence. Egan intervenes. (A-weighted 25 ft @ back door)
2024 07 01	2 min 19 sec	46.1	81.6000	Dog Barking - Measurement At Door (A-weighted 25 ft @ back door)
			78.8833	Average Dog Barking Noise (No Jets & Trains)
2024 05 31	1 min 20 sec	49.3	62.9000	Ambient Outdoor Noise; Airplane
2024 06 12	1 min 19 sec	44.3	63.5000	Ambient Outdoor Noise, Airplane, birds
	2 min 08 sec	48.3	69.5000	Ambient Outdoor Noise; Airplane
			65.3000	Average Jet Noise Only (Depending on jet and location of jet flyover)
			Decibels	Noise Types
			61.9680	Average Ambient Outdoor Noise Only (Street & Birds)
			63.4600	Average Noise - Jets & Train (Depending on jet and location of jet flyover)
			65.3000	Average Jet Noise Only (Depending on jet and location of jet flyover)
			63.5000	Average Train Noise Only (fixed)
			78.8833	Average Dog Barking Noise (No Jets & Trains) (not included 95.9 at fence)
			83.1375	Average Dog Barking Noise (No Jets & Trains) (includes 95.9 at fence)

Submitted 08/20/2024, Resubmitted 12/04/24, 01/14/25
 Anna Andrushko, Complainant vs Thomas Egan, Respondent

NUISANCE NOISE REPORT

The manufacture's specification of a "brand new purchase" of a A-weighted Professional Instrument Sound Level Meter.

The sound level meter has "high precision with an accuracy of ±1.5 dB." Real-time monitoring provides precise data on the sound levels in the area.

Locaton of the noise meter and mesurements taken with the 25 feet area of living space from back door of the complainant home, at times where the complainant is using her property for enjoyment and property maintenance.

Date (yr/mo/day)	Duration	Decibels		Description of Nuisance
		Min	Max	
2021 02 27	36 sec			Dog barking/growling and following me along the fence line
2021 02 27	52 sec			Dog barking and warning Thomas Egan and refusing to call off Note: Ever think that dog is barking at you?
2021 03 07	47 sec			Dog barking at complainant when I am visible
2021 03 08	34 sec			Dog barking at complainant when I am visible
2021 03 08	21 sec			Dog continues to bark when I am visible
2021 03 08	41 sec			Dog barks when I am visible; dog looks over the fence towards my property
2021 03 09	1 min 02 sec			Dog barks when I am visible; derogatory comment by Egan Note: Egan: Maybe if you didn't (inaudible....) he wouldn't bark at you
2021 03 15	37 sec			Dog barks when I am visible; following along fence line
2021 03 19	1 min 07 sec			Dog barks when I am visible; following along fence line
2021 03 21	2 min 30 sec			Dog barks when I am visible; derogatory comment by Egan; Intimidation
2021 05 01	1 min 13 sec			Dog barks when I am visible; triggering 2nd dog to bark
2022 12 02	1 min 28 sec			Dog barks and fixated on complainant
2023 02 19	1 min 18 sec			Dog barks, attempts to jump fence, fixated on property
2023 03 19	4 min 31 sec			Dog barks, whining, fixated on property and pets
2023 03 19	25 sec			Egan calling off dog
2023 03 28	55 sec			Dog fixated on my property and pets
2023 04 07	1 min 58 sec			Dog barking, fixated on me, pets, property
2023 04 07	37 sec			Dog barking, fixated on me and property
2023 04 12	03 min 28 sec			Dog barking, fixated on me and property
2023 04 19	34 sec			Dog barking from fence and deck
2023 04 27	1 min 28 sec			Dog barking from fence while doing work, fixated on me and property

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Date (yr/mo/day)	Duration	Decibels		Description of Nuisance
		Min	Max	
2023 04 27	32 SEC			Dog barking from fence while doing work, fixated on me and property
2023 05 11	1 min 50 sec			Dog barking from fence while doing work, snorting , fixated on claimant and property
2023 05 26	11 min 20 sec			Dog barking from fence while doing work, snorting , fixated on claimant and property
2023 06 17	2 min 46 sec			Dog barking from fence while doing work, fixated on claimant and property
2023 06 28	43 sec			Dog barking from fence
2023 10 18	1 min 05 sec			Dog barking from fence while doing work, fixated on
2023 10 18	1 min 43 sec			Dog barking from fence while doing work, fixated on
2024 03 02	1 min 06 sec			Dog barking from fence while doing work, and cats, fixated on me and property
2024 04 10	1 min 46 sec			Dog barking from fence and at alley at me and cats
				<i>Note: Attorney Fewkes makes argument at hearing on April 11, 2024, to hearing officer that Complainant (Anna Andrushko) took the cats "behind respndent's house" causing the dog to bark.</i>
				Dog Barks in face when at fence line (not captured on video - out of range)
6:45 PM				Complainant fertilizes back lawn
6:46 PM				Complainant fertilizes front lawn
6:42 PM				Dog exits house and enters yard onto back deck
6:57 PM				Dog barks in face of complainant (motion camera did not pick up complainant at fence) causing medical distress.
6:59 PM				Egan emerges from alley fence and watching complainant (Egan is video taping complainant in alley when dog barking only at alley)
7:05 PM				Removing cats from barking dog harm's way
2024 04 11	COURT HEARING			Instructed to submit noise report

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Date (yr/mo/day)	Duration	Decibels		Description of Nuisance
		Min	Max	
2024 05 04	2 min 44 sec	44.6	95.9	Dog barking from fence while doing work
2024 05 15	42 sec		75.01	Dog barking at night (A-weighted 25 ft @ back door)
2024 05 16	3 min 05 sec	48.4	80.04	Dog barking from fence. Egan intervenes. (A-weighted 25 ft @ back door)
2024 05 21	50 sec	54.4	57.09	Ambient Outdoor Noise
2024 05 22	44 sec	49.9	57.05	Ambient Outdoor Noise
2024 05 22	55 sec	63.8	67.08	Train Noise
2024 05 26	1 min 07 sec	47.6	64.5	Ambient Outdoor Noise, Airplane flyover, birds
2024 05 31	1 min 20 sec	49.3	62.9	Ambient Outdoor Noise; Airplane
2024 06 03	1 min 28 sec	50	62.9	Ambient Outdoor Noise; Ambulance
2024 06 07	1 min 23 sec	43.3	63.5	Ambient Outdoor Noise, Street, Train
2024 06 12	1 min 19 sec	44.3	63.5	Ambient Outdoor Noise, Airplane, birds
2024 06 19	1 min 18 sec	44.6	62.1	Ambient Outdoor Noise
2024 06 24	1 min 21 sec	50.5	67.1	Ambient Outdoor Noise
2024 06 25	2 min 08 sec	44.5	66.5	Ambient Outdoor Noise
	2 min 08 sec	48.3	69.5	Ambient Outdoor Noise; Airplane
2024 07 01	2 min 19 sec	46.1	81.6	Dog Barking - Measurement At Door (A-weighted 25 ft @ back door)
2024 07 01	42 sec			Dog Barking at me and cats
2024 07 17	52 sec			Dog Barking at fence while doing work
2024 07 17	1 min 28 sec			Dog Barking at fence at me and cats
2024 07 17	1 min			Dog Barking at fence at me and cats
2024 07 18	15 secs			Dog Barking at fence at workers and was called to stop; not able to get camera in time
2024 09 17	46 secs			Dog Barking at fence at me and cats
2024 09 20	54 secs			Dog Barking at fence at me and cats

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Date (yr/mo/day)	Duration	Decibels		Description of Nuisance
		Min	Max	
2024 10 14	57 secs			Dog Barking at me in front of yard; triggering anohter dog to bark
2024 10 18	36 secs			Dog Following me at fence
2024 10 20	1 min 49 sec			Dog Barking at fence at me; triggering another dog to bark
2024 10 23	17 secs			Dog barking heard inside house, came to protect scared cats
2024 10 24	1 min 23 sec			Dog barking at me and cats
2024 10 25	43 secs			Dog barking heard inside my house, came to protect scared cats
2024 10 25	44 secs			Dog barking heard inside my house, came to protect scared cats
2024 10 24	1 min 19 sec			Dog barking
2024 10 30	1 min 20 sec			Dog barking heard inside my house, came to protect scared cats, Egan allows dog taunting
2024 11 11	31 sec			Dog barking, Egan whistles for dog
2024 11 12	1 min 09 sec			Dog barking, Egan calls for dog
2024 11 26	1 min 11 sec			Dog barking, scared cats
2024 11 27	1 min 22 sec			Dog barking, Egan video taping me to intimidate Note: Egan telling dog, she (Anna) doesn't want to play with us. She is harassing us.
2024 11 27	24 sec			Dog is inside Egan house barking through frame house
2024 12 03				Police viewed, video has been deleted, and missing.
2024 12 04	8 min 19 sec			Dog barking inside of my house, scared cat, dog taunting allowed by Egan, walks away twice; at back door

Note: Persistent whining could indicate **various needs or discomforts**, including boredom, anxiety, or a desire for attention.

Note: Snort for attention, because they feel frustrated, because they want to play, or even out of hunger.