

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

**Anna Andrushko, Complainant vs Thoms Egan, Respondent**

**COMPLAINANT'S RESPONSE TO  
RESPONDENT'S MOTION TO STRIKE COMPLAINANT'S ANSWERS TO  
RESPONDENT'S REQUEST TO ADMIT AND REQUIRE PETITIONER TO ANSWER**

Now comes Complaint, Anna Andrushko, self-represented, requests the Board to deny the Respondent's Motion to Strike Complainant's Answers to Respondent's Request to Admit and Require petitioner to Answer.

The Complainant, Anna Andrushko, hereby opposes the Respondent's Renewed/Repeated Motion to Strike.

Respondent Motion for Summary Judgement filed December 16, 2024. Respondent argued (1) lack of material fact and (2) Violation of Section 901.102(a) and (b) and Complainant did not meet burden of proof for violation of the noise regulations.

Petitioner's Response to Respondent's Summary Judgment filed January 15, 2025 provided detailed facts outlining the entire case with meticulous details for testimony.

**Personal Knowledge:** Based on my sensory experiences and observations, a Nuisance Noise Report was submitted to the Board and Respondent regarding specific instances, based on videos and photos detailed dates, location, time, and noise measurement findings.

**Not Speculation Testimony:** is based on Complainant's direct observations, not guesses or assumptions.

**Not Hearsay:** Complainant will testify to what was actually and personally heard, not what someone else informed the Complainant.

**Recordings:** Audio and Videos, Police Reports, Noise Measurements, Nuisance Noise Report, etc., has been provided to the Board and Respondent. Nuisance Report included date, time, location of the recording, device used to make the recording, and recordings of dog barking. Recordings have not been altered or tampered with; I will admit under oath.

This Board previously denied the Respondents Summary Judgement on February 20, 2025, finding implicitly that the Petitioner's Response is a genuine issue of material fact for Complainant's claim.

The Board found that Complainant had sufficiently alleged a violation of Section 24 of the Act (415 ILCS 5/24 (2022) and Section 900.102 of the Board's regulations (35 Ill. Adm. Code 900.102). The Board also found that Complainant had properly requested relief in the form of a noise abatement order.

The Respondent's present motion, Motion to Strike Complainant's Answers to Respondent's Request to Admit and Require Petitioner to Answer. It appears to reassert the same arguments previously considered and rejected by this Board.

As detailed in the Petitioner's Response to Respondent's Summary Judgment filed January 15, 2025, the response contains information directly relevant to the issue of excessive and unreasonable dog barking, is material to establishing the nuisance caused by the Respondent's pet dog.

To the extent the Respondent raises any new arguments, those arguments are similarly without merit.

Respondent includes procedure code that are not part of the Complainant's case, referencing Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code.

Complainant adhered to general noise measurement guidelines.

Respondent's Motion to Strike Complainant's Answers to Respondent's Request to Admit and Require Petitioner to Answer filed on May 07, 2025 request to all be stricken for Complainant's fails to answer the question and Respondent moves to strike the stated response as irrelevant, immaterial, and lacks proper foundation for question #1-5.

Complainant also argues that the Respondent's motion fails to meet the requirement of "specifics". Complainant cannot adequately respond to broad claims without what specifically is improper.

The Board accepted the claim and Complainant's Response to Respondent's Summary Judgment filed January 15, 2025 provided detailed facts outlining the entire case with meticulous details for testimony. The Board found that there is a genuine issue of material fact for Complainant's claim and directs the hearing officer to proceed to hearing.

Complainant "presumably" contains information to be relevant to the noise pollution claim. The burden is on the respondent to specifically demonstrate why a particular allegation(s) are not relevant or material to be the issue.

The allegations in the Complainants case are material because they describe the noise pollution, it's impacts, and potentially the respondent's actions and/or omissions related to it. The respondent has not pointed to which allegations are supposedly immaterial and why.

Regarding the “lack of foundation” claim is based on Complainant’s observations, measurements, articles by experts, Nuisance Noise Report, Audios and Video, police reports, duration, impact, etc., and other information Complainant believes supports Complainant’s claims of noise pollutions, specifically dog barking. The Respondent needs to specify which allegations they believe lack a proper foundation and what that alleged deficiency is.

In summary, the Respondent’s Motion to Strike is overly broad and fails to identify with particularity the specific portions of the Complainant that are to be irrelevant, immaterial, or lacking in property foundation. The lack of specifics in the Respondent’s Motion prejudices the Complainant’s ability to formulate a meaningful response. The burden is on the Respondent to specifically demonstrate the deficiencies in the pleading. The Complainant respectfully request that the Board deny the Respondent’s Motin to Strike.

Respondent requests answers to be stricken and states she has not hired an expert.

Complainant argues that under the rules of the Illinois Pollution Control Board, there is no legal requirement that can be found that a complainant must hire an expert. The Complainant has sufficient claim; it states a valid cause of action and provided enough information to allow the Respondent to prepare a defense. The noise complaint can be based on Complainant’s personal observations, experiences, and any objective measure taken. It is not necessary for an “expert” to perceive and describe excessive noise levels or impacts on Complainant.

The Motion to strike would be on where the allegations in the complaint are legally insufficient, irrelevant, not if Complainant hired an expert as a witness or engineer to measure noise levels. The Respondent’s motion to strike based on lack of a hired expert is without legal basis and should be denied.

If the court finds necessary, the Complainant is willing to offer to amend the answers.

The Petitioner respectfully requests that this Board deny the Respondent's Renewed/Repeated Motion to Strike with prejudice, as it constitutes a redundant and potentially dilatory attempt to prevent the Board from considering relevant evidence.

The Board previously reviewed the context of the case and the fact that a previous motion to strike was already denied, emphasizing that the Board has already deemed the case worthy of trial.

In conclusion, the repetitive Motions are harassing causing unnecessary burden and delay. The Respondent is abusing the process and using procedural motions improperly. The Respondent's repeated motions are clearly frivolous and intended solely to cause delay and increase Complainant's burden.

Complainant requests The Board to deny the Respondent's Renewed/Repeated Motion to Strike with prejudice.

Respectfully submitted,

*Anna Andrushko*

Anna Andrushko

Exhibits:      Nuisance Noise Report  
                     Answers to admit

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**Submitted 08/20/2024, Resubmitted 12/04/24, 01/14/25, 05/26/25**

**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  $\pm 1.5$  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.

		Decibels		Description of Nuisance
Date (yr/mo/day)	Duration	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 <b>Note: Ever think that dog is barking at you?</b>
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 <b>Note: Egan: Maybe if you didn't (inaudible....) he wouldn't bark at you</b>
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; <b>triggering 2nd dog to bark</b>
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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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.

		Decibels		
Date (yr/mo/day)	Duration	Min	Max	Description of Nuisance
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, <b>snorting</b> , fixated on claimant and property
2023 05 26	11 min 20 sec			Dog barking from fence while doing work, <b>snorting</b> , 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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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	
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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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.

		Decibels		
Date (yr/mo/day)	Duration	Min	Max	Description of Nuisance
2024 10 14	57 secs			Dog Barking at me in front of yard; <b>triggering anohter dog to bark</b>
2024 10 18	36 secs			Dog Following me at fence
2024 10 20	1 min 49 sec			Dog Barking at fence at me; <b>triggering another dog to bark</b>
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 whisles 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 <b>Note:</b> 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				<b>Police viewed, video has been deleted, and missing.</b>
2024 12 04	8 min 19 sec			Dog barking inside of my house, scared cat, dog taunting allowed by Egan, walks away twice; <b>at back door</b>
2025 02 02	1 min 49 sec		80.3	Dog barking, Egan in yard allowing dog to bark w/o correction
2025 03 06	2 min 37 sec			Dog barking and Egan watching without property addressing barking dog, scaring cats
2025 03 01	1 min 49 sec		66.4	Dog barking inside of house, cats scared, while Egan watches dog barking
2025 03 02	2 min 40 sec	55.5	66.7	Dog barking inside of house
2025 03 06	2 min 36 sec			



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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.							
		Decibels					
Date (yr/mo/day)	Duration	Min	Max	Description of Nuisance			
2025 03 09	43 secs			Dog barking, Egan watching without properly addressing barking dog, scaring cats			
Note:	Persistent whining could indicate <b>various needs or discomforts</b> , 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.						

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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

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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)

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**Anna Andrushko, Complainant vs Thomas Egan, Respondent**

**COMPLAINANT ANSWERS - RESPONDENT'S REQUESTS TO ADMIT TO COMPLAINANT**

1. You have not taken numeric measurements of noise emissions at your property in adherence to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

*Updated Answer: False.*

*The Board found that Complainant had sufficiently alleged a violation of Section 24 of the Act (415 ILCS 5/24 (2022) and Section 900.102 of the Board's regulations (35 Ill. Adm. Code 900.102). The Board also found that Complainant had properly requested relief in the form of a noise abatement order.*

*Respondent includes procedure code that are not part of the Complainant's case, referencing Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code.*

Answer: False

Investigation continues.

On April 11, 2024 Hearing Officer requested noise consultant, report, and witnesses which, once announced, has significantly deterred the respondent to limit the noise activity and duration.

This is not a commercial noise, but a residential, or more specifically, a neighbor noise issue, acoustical violence, selectively targeting the complainant.

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  $\pm 1.5$  dB." Real-time monitoring provides precise data on the sound levels in the area.

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 are 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.

**2. You have not hired any representative or expert to perform numeric measurements of noise emissions at your property in adherence to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.**

***Updated Answer: Complainant argues that under the rules of the Illinois Pollution Control Board, there is no legal requirement that can be found that a complainant must hire an expert. The Complainant has sufficient claim; it states a valid cause of action and provided enough information to allow the Respondent to prepare a defense. The noise complaint can be based on Complainant's personal observations, experiences, and any objective measure taken. It is not necessary for an "expert" to perceive and describe excessive noise levels or impacts on Complainant.***

***The Board found that Complainant had sufficiently alleged a violation of Section 24 of the Act (415 ILCS 5/24 (2022) and Section 900.102 of the Board's regulations (35 Ill. Adm. Code 900.102). The Board also found that Complainant had property requested relief in the form of a noise abatement order.***

***Respondent includes procedure code that are not part of the Complainant's case, referencing Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code.***

Answer: Complainant objects on the grounds that it is vague, open to more than one interpretation, and argumentative.

Investigation continues. I have not hired an expert. On April 11, 2024 Hearing Officer requested noise consultant, report, and witnesses which, once announced, has significantly deterred the respondent to limit the noise activity and duration.

This is not a commercial noise, but a residential, or more specifically, a neighbor noise issue, acoustical violence, selectively targeting the complainant.

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According to Title II: AIR POLLUTION (415 ILCS 5/33) (from Ch. 111 1/2, par. 1033) Sec. 33. Board orders, standards are not required to be met, only that I prove the following:

(415 ILCS 5/3.115) (was 415 ILCS 5/3.02)

Sec. 3.115. Air pollution. "Air pollution" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. Noise disturbance means: any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property. If the facts that the respondent was engaged in any of these prohibited activities, then the respondent has committed a public nuisance.

(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;
- (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.

**3. Neither you, nor any of your representatives, have produced numeric testing of noise emissions at your property which conform to the procedure outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environment Protection.**

**Update Answer: *The Board found that Complainant had sufficiently alleged a violation of Section 24 of the Act (415 ILCS 5/24 (2022) and Section 900.102 of the Board's regulations (35 Ill. Adm. Code 900.102). The Board also found that Complainant had property requested relief in the form of a noise abatement order.***

***Respondent includes procedure code that are not part of the Complainant's case, referencing Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code.***

Complainant objects on the grounds that it is vague, open to more than one interpretation, and argumentative.

Investigation continues. On April 11, 2024 Hearing Officer requested noise consultant, report, and witnesses which, once announced, has significantly deterred the respondent to limit the noise activity and duration.

This is not a commercial noise, but a residential, or more specifically, a neighbor noise issue, acoustical violence, selectively targeting the complainant.

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 are 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.

According to Title II: AIR POLLUTION (415 ILCS 5/33) (from Ch. 111 1/2, par. 1033) Sec. 33. Board orders, standards are not required to be met, only that I prove the following:

(415 ILCS 5/3.115) (was 415 ILCS 5/3.02)

Sec. 3.115. Air pollution. "Air pollution" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. Noise disturbance means: any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property. If the facts that the respondent was engaged in any of these prohibited activities, then the respondent has committed a public nuisance.

(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;
- (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.

4. Neither you, nor any of your representatives, have produced any report of numeric testing of noise emissions at your property which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection, and which evidences a violation of the Pollution Control Board's noise regulations at Section 910.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)).

*Updated Response:*

***Respondent Motion for Summary Judgement filed December 16, 2024. Respondent argued (1) lack of material fact and (2) Violation of Section 901.102(a) and (b) and Complainant did not meet burden of proof for violation of the noise regulations.***

***This Board previously denied the Respondents Summary Judgement on February 20, 2025, finding implicitly that the Petitioner's Response is a genuine issue of material fact for Complainant's claim.***

***Respondent includes procedure code that are not part of the Complainant's case, referencing Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code.***

Answer: Complainant objects on the grounds that it is vague, open to more than one interpretation, and argumentative.

Investigation continues. On April 11, 2024 Hearing Officer requested noise consultant, report, and witnesses which, once announced, has significantly deterred the respondent to limit the noise activity and duration.

This is not a commercial noise, but a residential, or more specifically, a neighbor noise issue, acoustical violence, selectively targeting the complainant.

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According to Title II: AIR POLLUTION (415 ILCS 5/33) (from Ch. 111 1/2, par. 1033) Sec. 33. Board orders, standards are not required to be met, only that I prove the following:

(415 ILCS 5/3.115) (was 415 ILCS 5/3.02)

Sec. 3.115. Air pollution. "Air pollution" is the presence in the atmosphere of one or more



contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. Noise disturbance means: any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property. If the facts that the respondent was engaged in any of these prohibited activities, then the respondent has committed a public nuisance.

(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;
- (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.

**5. You are not in possession of any evidence of a noise violation by the Respondent's since June 18, 2020, based on measurements required by Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.**

***Undated Answer:***

***Respondent includes procedure code that are not part of the Complainant's case, referencing Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code.***

***This Board previously denied the Respondents Summary Judgement on February 20, 2025, finding implicitly that the Petitioner's Response is a genuine issue of material fact for Complainant's claim.***

***This Board previously denied the Respondents Summary Judgement on February 20, 2025, finding implicitly that the Petitioner's Response is a genuine issue of material fact for Complainant's claim.***

Answer: Complainant objects on the grounds that it is vague, open to more than one interpretation, and argumentative. Investigation continues.

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.

Evergreen Park Municipal Code: Sec. 12-188 Loudspeakers; sound trucks (4) ... Noise emanating from private property shall not cause distress to persons on neighboring property.

Evergreen Park Municipal Codes: Sec 6-1A-11: Disturbing the Peace (A) No person shall keep any animal shut up or tied in a yard, house, shed, barn, or other place, which by barking, meowing or by other noises shall "constantly disturb the peace and quiet of any family, individual or neighborhood."

Evergreen Park Municipal Code: Chapter 14 Nuisances: Sec. 14-1. General provision.

In all cases in this Code where no provision is made defining what are nuisances and how the same may be removed, abated, or prevented, in addition to what may be declared such in this Code, those offenses which are known to the common law of the land and such other offenses as may be set out in other sections of this Code and state law as nuisances may, in case the same exist within the village limits, be treated as such, and proceeded against as it is provided in this Code, or any other law.

Evergreen Park Municipal Code: Sec. 9-2. General duties of health officer.

It shall be the duty of the health officer: (a) To enforce and observe all rules, regulations and orders of the state department of public health and all state laws pertaining to the preservation of the health of the people within the village. (b) To execute and enforce all sections of this Code and all ordinances of the village relating to nuisances, public health and sanitation.

Public Nuisance: No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. Noise disturbance means: any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property. If the facts that the respondent was engaged in any of these prohibited activities, then the respondent has committed a public nuisance.

According to Title II: AIR POLLUTION (415 ILCS 5/33) (from Ch. 111 1/2, par. 1033) Sec. 33. Board orders, standards are not required to be met, only that I prove the following:

(415 ILCS 5/3.115) (was 415 ILCS 5/3.02)

Sec. 3.115. Air pollution. "Air pollution" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

(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;
- (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.