

**Marek Kruk, Complainant, v. New Trier High School, Respondent
PCB 20-10 (Citizens Enforcement - Noise)**

**Kruk Response to RESPONDENT'S REQUESTS TO ADMIT TO
COMPLAINANT**

REQUESTS TO ADMIT

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.

ANSWER:

The numeric measurements have been taken numerous times by Shiner Acoustics and showed continued non-compliance.

Multiple reports prepared by Shiner Acoustics showed noise measurements above allowable limits as taken at 124 Woodland Ave.

See Exhibit 1 Shiner - Shiner Acoustics report dated 07/15/2019 which was not disclosed by the district until January 2022 showed measurements and procedures for the testing done on 07/12/2019.

This report shows numeric measurements of noise emissions taken at the Kruk 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.

More specifically, per this report, (Exhibit 1 Shiner) sound level readings were conducted with the microphone "held at an approximate height of 4-1/2 ft above the ground." Section 910.105 for 35 Illinois Administrative Code states to set up microphone "to a height between 3 feet 8 inches (1.12 m) and 4 feet 10 inches (1.47 m) above ground."

This report showed measurements exceeded Illinois daytime limits in 5 of 9 octaves, see Table 1 of Exhibit 1 Shiner.

To date, the district has not produced numeric testing of noise emissions below the standards at the Kruk 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.

Furthermore, the district received this report (Exhibit 1 Shiner) in July 2019 as yet another confirmation of noncompliance. Subsequently, the district denied any violation of any standards set by the Pollution Control Board, the Illinois Administrative code, in their October 2019 response to the complaint Kruk filed in August of 2019.

Also, see Exhibit 2 Shiner and Exhibit 3 Shiner - 12/20/2019 and 08/15/2018 Shiner Acoustics reports showing noise measurements above allowable limits, respectively.

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.

ANSWER:

Shiner Acoustics was hired by New Trier High School to perform numeric measurements of noise emissions at 124 Woodland Ave - Kruk property. See above answer #1 of this document.

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

ANSWER:

Numeric testing of noise emissions at my property, 124 Woodland Ave has been produced by Shiner Acoustics - See above answer #1 of this document.

See Exhibit 1 Shiner - Shiner Acoustics report dated 07/15/2019 which shows measurements and procedures for the testing done on 07/12/2019.

This report shows numeric measurements of noise emissions taken at the Kruk 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.

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 901.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)).

ANSWER:

See Exhibit 1 Shiner - Shiner Acoustics report dated 07/15/2019 which shows measurements and procedures for the testing done on 07/12/2019.

This report shows numeric measurements of noise emissions taken at the Kruk 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 which evidences a violation of the Pollution Control Board's noise regulations at Section 901.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)).

This report showed measurements exceeded Illinois daytime limits in 5 of 9 octaves, see Table 1 of Exhibit 1 Shiner.

Also, see above answer #1, #2, and #3 of this document.

5. You are not in possession of any evidence of a noise violation by the District 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.

ANSWER:

I am in possession of evidence of noise violations by the district as was presented to me by the district - see above answer #1 of this document and Exhibit 1 Shiner. Also, please note, there are outstanding requests by Kruk to New Trier High School to disclose all sound measurements performed for them to include all procedures and measurements of all equipment tested. Any and all other reports pending disclosure by the district will also need to be reviewed.

I am also in possession of numerous videos showing night disturbance in the service dock, most of which have been shared with the district.

Thank you,

Marek Kruk
10/17/2022

Electronic Filing: Received, Clerk's Office 12/16/2022