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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

MAR 5 2003

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

R03-8

(Rulemaking

STATE OF ILLINOIS  
Pollution Control Board  
- Noise

PC # 7

NOTICE

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Comments on the Illinois Pollution Control Board's Notice of Proposed Amendments by the Office of the Attorney General - State of Illinois, a copy of which is hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
ex rel. LISA MADIGAN,  
Attorney General of the State  
of Illinois

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Environmental Enforcement/  
Asbestos Litigation Division

ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

BY:



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(Rulemaking - ~~PM 150~~)  
STATE OF ILLINOIS  
Pollution Control Board

MAR 5 2003

COMMENTS ON THE ILLINOIS POLLUTION CONTROL BOARD'S  
NOTICE OF PROPOSED AMENDMENTS  
BY THE OFFICE OF THE ATTORNEY GENERAL - STATE OF ILLINOIS

The Office of the Attorney General thanks the Illinois Pollution Control Board ("Board") for taking the initiative in amending its noise regulations. The Office of the Attorney General submits the following comments regarding the Board's Notice of Proposed Amendments to 35 Ill. Adm. Code 900 published at 25 Ill. Reg. 1889 (Feb. 7, 2003):

The December 19, 2002 opinion and order of the Board indicated that the definitions and measurement procedures in the current noise regulations were adopted in 1973 and have not been amended or changed since then. However, this is only part of the history of the noise regulations. The Board amended the noise regulations in 1987 by adding a requirement for a one hour measuring period based on a proposal by the General Motors Corporation.

With nine octave bands under section 901.102 it would take nine hours in the field to complete these measurements. This is impractical, and the measurement of each octave band would occur at different time periods and not be representative of the

characteristics of the noise source. It has not been demonstrated that the one hour time is supported by any technical or rational basis.

The proposed rule change at Section 900.103 (b) (1) is as follows:

All measurement and all measurement procedures to determine whether emissions of sound comply with 35 Ill. Adm. Code 901 . . . shall . . . be based on Leq averaging, as defined in 35 Ill. Adm. Code 900\_-101, **using a reference time of one hour.** (emphasis added)

"Reference time" is not a defined term. It is inconsistent with the Acoustical Terminology of ANSI §1-1-1994 and as reaffirmed by ANSI on May 24, 1999. It is also inconsistent with ANSI §1.13-1995 on the Measurement of Sound Pressure Levels in Air and ANSI §12.9-1993/Part 3.

The Office of the Attorney General requests that the Board amend the language at 35 Ill. Adm. Code 900.103(b) (1) to read as follows:

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

1) All measurement and all measurement procedures to determine whether emissions of sound comply with 35 Ill. Adm. Code 901 ~~shall be in substantial conformity with ANSI §1.6-1967, ANSI §1.4-1971 - Type I Precision, ANSI §1.11-1966, and ANSI §1.13-1971 Field Method,~~ and shall, with the exception of measurements to determine whether emissions of sound comply with 35 Ill Adm. Code 901.109, employ a period of observation as determined by the characteristics of the noise source. ~~be based on Leq averaging, as defined in 35 Ill. Adm.~~

Code 900.101, using a reference time of one hour. All such measurements and measurements procedures for the 1-hr Leq must correct, or provide for the correction of such emissions, for the presence of ambient or background noise in accordance with the procedures in 35 Ill. Adm Code 910, as defined in ANSI §1.13-1971. All measurements must be in conformity with the following ANSI standards, incorporated by reference at Section 900.106:

A) ANSI §1.4-1983 (R2001) "American National Standard Specification for Sound Level Meters."

B) ANSI §1.6-1984 (R2001) "American National Standard Preferred Frequencies, Frequency Levels, and Band Numbers for Acoustical Measurements."

C) ANSI §1.11-1986 (R1998) "American National Standard Specification for Octave-Band and Fractional-Octave-Band Analog and Digital Filters."

D) ANSI §1.13-1995 (R1999) "American National Standard Measurement of Sound Pressure Level in Air."

E) ANSI §12.9-1993/Part 3 "Quantities and Procedures For Description and Measurement of Environmental Sound."

The Office of the Attorney General requests that the Board add "ANSI §12.9-1993/Part 3 'Quantities and Procedures For Description and Measurement of Environmental Sound.'" as a new Subsection at 35 Ill. Adm. Code 900.106(a)(10).

The Office of the Attorney General also requests that the Board delete the references to "The Agency" at 35 Ill. Adm. Code 900.103(c)(3) and (e)(3) replace it with "The Board".

In view of the Agency's comments indicating it no longer has

a noise program, the Office of the Attorney General requests that the Agency amend Part 951 of the noise regulations at 35 Ill. Adm. Code 951.100, 951.101 and 951.104 by changing all references from "Agency personnel" to "Agency or other qualified personnel". These amendments are intended to allow other governmental agency personnel and professional acoustical consultants to take measurements consistent with the aforementioned ANSI procedures to determine compliance with the Board's Noise Rules.


Respectfully submitted,

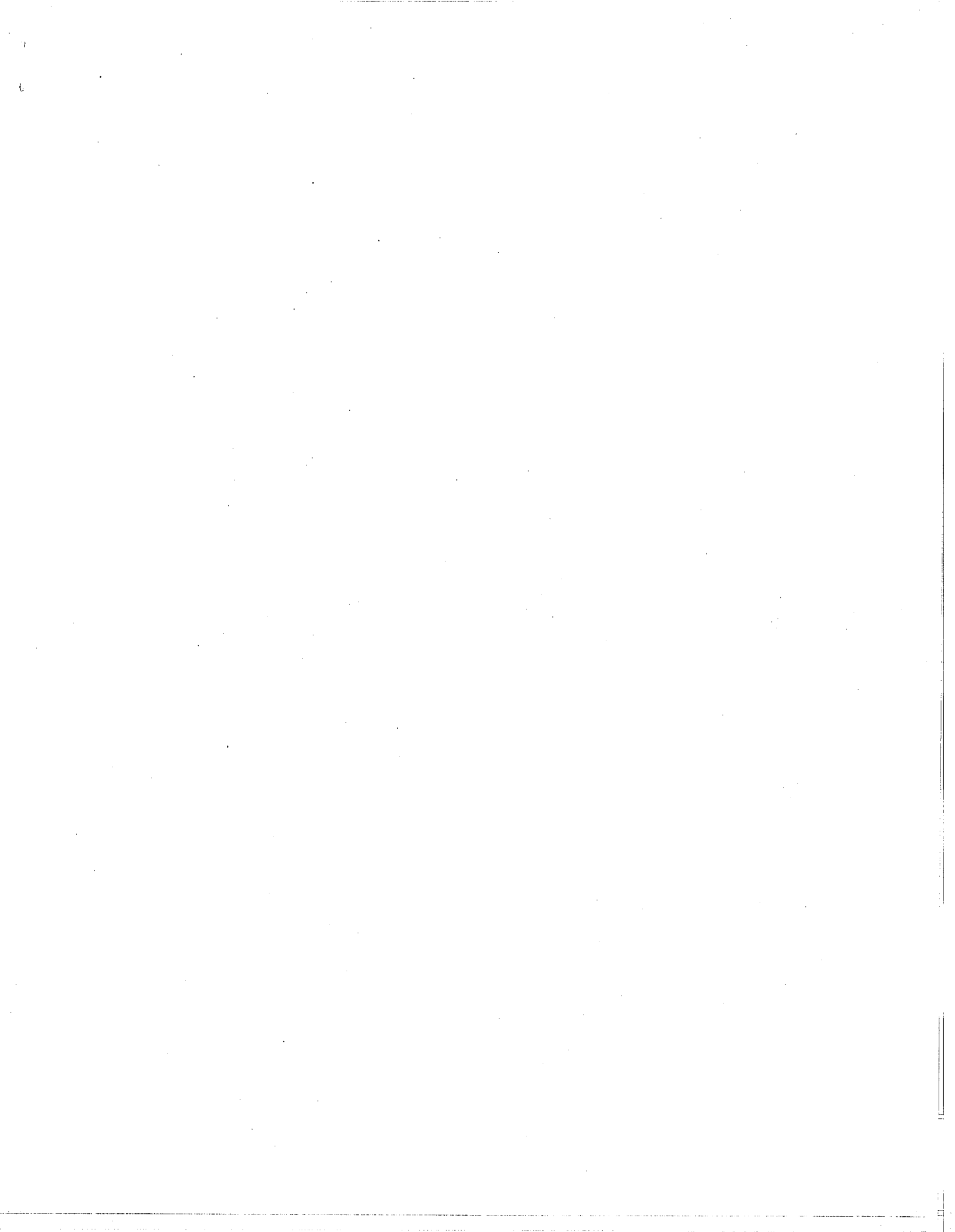
PEOPLE OF THE STATE OF ILLINOIS,  
ex rel. LISA MADIGAN,  
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CERTIFICATE OF SERVICE

I, JOEL J. STERNSTEIN, an Assistant Attorney General, certify that on the 5th day of March, 2003, I caused to be served by First Class Mail the foregoing to the parties named on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.

*Joel J. Sternstein*

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JOEL J. STERNSTEIN