

RECEIVED
CLERK'S OFFICE

OCT 25 2005

STATE OF ILLINOIS
Pollution Control Board

AFFIRMATIVE DEFENSE RESPONSE

Wayne Haser
Complainant

PCB 05-216
(Enforcement – Noise)

Vs.

TNT Logistics North America, Inc.
Respondent

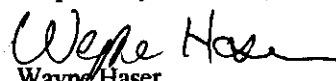
To: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

(SENT VIA CERTIFIED MAIL TO MS. DOROTHY M. GUNN)

Please take notice that I, Wayne Haser, have filed with the Office of the Clerk of the Illinois Pollution Control Board a Complainants' Response to the Affirmative Defense to the Respondent's Answers.

Respectfully submitted,


Wayne Haser
Complainant

Dated: October 24, 2005

Wayne Haser
25763 Willowcreek Lane
Monroe, Illinois 60449
708-534-3518

1) TNT does operate their facility in order to warehouse and distribute tires, which requires truck and trailer movements creating excessive noise in the process.

2) Vehicles contracted by TNT are picking up and delivering tires to this facility 24 hours a day/7 days a week creating excessive noise in their process.

3) Although TNT does not own or operate many of the trucks or trailers coming and going from their facility, they do own the facility and property from which the noise is being emitted. Moreover, TNT does own and operate a spotter tractor that is operating constantly day and night moving trailers from dropped locations to and from their loading docks creating excessive noise (in addition to their contracted carriers creating noise and disruption).

4) Trucks are picking up and delivering tires from the TNT warehouse 24 hours per day/7 days a week creating noise that is emitted from their facility continually.

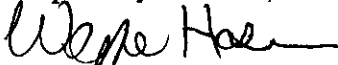
5) TNT does not own nor operate all of the delivery and pick-up vehicles coming and going from their facility, but their contracted carriers create excessive noise from their facility, which they do own and operate.

6) TNT does own the facility and property in question from which the noise is being emitted. The noise is being emitted over and past the boundaries of their property into residential property. Stated in The Environmental Protection Act, Title VI: Noise, Sec.24. No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or any lawful business or activity, so as to violate any regulation or standard adopted by the Board under this Act.

7) As a complainant, I hold sufficient evidence to uphold my allegations. In addition to signed complaints and Assigned Case Numbers filed in Will County with the Will County Sheriffs' Department over a long and continuous period of time, in hand are the results of sound study conducted by Roger Harmon, a BSEE, PE - Noise Engineer and Dr. Tom Thunder, a AuD, FAAA, INCE - expert in audiology and acoustics, both working for Acoustic Associates, Ltd.. This study clearly illustrates noise violation by TNT in accordance with Village of Monee sound ordinance regulations. In addition to the noise created at TNT exceeding Monee village ordinance sound levels, the study confirms violation of State levels as well. Reports, Case No.'s, and Will County Sheriff's Department information available upon request and on file with that department.

8) Stated in The Environmental Protection Act, Title VI: Noise, Sec.24. ...No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life nor with any lawful business or activity, so as to violate any regulation or standard adopted by the Board under this Act. I have supplied sufficient data and information to support my claim that The Environmental Act, Title VI: Noise, Sec.24 & Sec.25 is being violated by this TNT Warehouse.

Respectfully Submitted,



Wayne Haser
Complainant