

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 16 2010

STATE OF ILLINOIS
Pollution Control Board

Chad A. Gifford,
Citizen Complainant

v.

American Metal Fibers, Inc..
Respondent

PCB No. 2008-13

(Citizen's Complaint)

TO:

Mr. Chad A. Gifford
1126 Foster Avenue
Lake Bluff, IL 60044

Illinois Pollution Control Board, Attn: Clerk
James R. Thompson Center, Suite 11-500
100 W. Randolph
Chicago, Illinois 60601-3218

NOTICE OF FILING

PLEASE TAKE NOTICE that on February 16, 2010 I caused to be filed with the Clerk of the Illinois Pollution Control Board

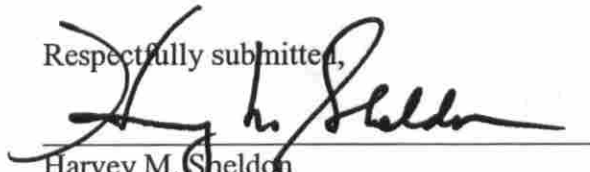
Notice of Filing

Request for Relief From Hearing Requirement

Joint Stipulation for Dismissal

Copies of each are hereby served upon you, together with a copy of this Notice of Filing and Certificate of Service..

Respectfully submitted,



Harvey M. Sheldon

An Attorney for American Metal Fibers, Inc.

February 16, 2010

Hinshaw & Culbertson LLP
222 North LaSalle Street, 3rd Floor
Chicago, IL 60601
Tel. 312-704-3504 Fax 312-704-3001

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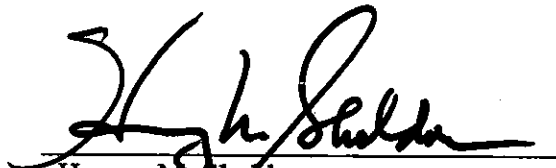
CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I have today prior to 5:00 PM served each of the following documents:

- Notice of Filing
- Request for Relief From Hearing Requirement
- Joint Stipulation for Dismissal

by causing actual filing of an original and nine copies of each with the Clerk of the Board and by mailing a true copy thereof, with U.S. postage prepaid, to the following persons, together with a copy of this Certificate of Service:

Mr. Chad A. Gifford
1126 Foster Avenue
Lake Bluff, IL 60044


Harvey M. Sheldon

Dated: February 16, 2010

Harvey M. Sheldon
Hinshaw & Culbertson LLP
222 North LaSalle Street, Suite 300
Chicago, IL 60601-1081
Tel. 312-704-3504; Fax 312-704-3001

Submitted on Recycled Paper

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Citizen's Complaint

REQUEST FOR RELIEF FROM HEARING REQUIREMENT

NOW COME Chad A. Gifford, Complainant, and American Metal Fibers, Inc., Respondent in the above Citizen's Complaint matter, and they hereby jointly state that they have reached an acceptable mutual accommodation and settlement of differences respecting the Complaint concerning noise herein, that they file herewith a Joint Stipulation for Dismissal (attached), that they hereby request relief of the hearing requirement and that the Board terminate these proceedings, based on the Joint Stipulation, and for the reasons further stated below in keeping with Board Regulations, 35 IAC §103.301 and §103.302:

1.a) *The material facts pertaining to the nature, extent, and causes of the alleged violations proposed to be settled are stated in the subparagraphs below and also attached.*

Respondent owns and operates a metal fiber manufacturing facility at 2889 North Nagel Court, Lake Bluff, Illinois ("Facility"). The Facility is zoned industrial (Class C) and the home of Complainant is zoned Residential (Class A). The Complainant's back yard ends roughly 500 feet from the back of Respondent's plant. Complainant's home is zoned residential. A railroad and utility line are between the Respondent's facility and the Complainant's home.

b) *The nature of the relevant parties' operations and control equipment:*

Before and since the filing of the Complaint, Respondent has taken steps to improve the level of sound emitted from its Facility. When dampening of equipment was not satisfactory to

Complainant, Respondent further investigated with help from an expert noise consultant and identified and took significant steps to reduce the source of noise in the low (65 Mhz) range. The source was a vibratory effect on particulate control equipment (cyclones and ducts) which was not evident up close but which had the capability due to its low frequency of traveling substantial distances to reach

- c) *Facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved, including 1) the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people; 2) the social and economic value of the pollution source; 3) 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; 4) the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and 5) any subsequent compliance.*

Respondent's facility is properly zoned for its operation and is of long standing. Respondent employs several dozen people in gainful employment, producing metal wire and fiber products for domestic and international trade. Complainant and his neighbors detected noise from Respondent's facility that was annoying and that they felt interfered with their reasonable enjoyment of their properties. The Respondent's facility is of serious economic value, and it predates complainant's home ownership.

Respondent engaged a consultant and took a number of steps to determine the source of and to reduce noise and vibration. Steps taken included customized engineering the and installation of mufflers and isolation of motors from metal ductwork, so that vibration in this frequency range was virtually eliminated.

Additional measures were undertaken, as practicable, including the retrofitting of blowers and the noise blanketing of an interior mill machine. Fans facing the direction of Complainant's home were permanently eliminated and the exterior wall openings were bricked over. Additionally, at considerable expense, a custom designed new set of valves was installed on the

dust collector controls at the facility, which has significantly reduced the sound of compressed air bursts needed to purge the collection system on a regular basis.

The Lake County State's Attorney's Office has been involved in reviewing the complaints and progress of the improvements undertaken. The Lake County State's Attorney's office has commended the Respondent for its actions and has closed its file.

Any alleged violations and nuisance have been eliminated to Complainant's satisfaction..

d) *Details as to future plans for compliance, including a description of additional control measures and the dates for their implementation, if any.*

1. Respondent has agreed to maintain its operations at Nagel Court in compliance with the Illinois Pollution Control Board's Regulations. Respondent has identified a senior officer to whom any needed future communications from Complainant may be made from time to time.

2. Complainant agrees it shall not reinstitute proceedings before this Board without first consulting with the Respondent to resolve any perceived problem, and Respondent agrees to consider such alleged problem in good faith.

3. Dismissal shall be without prejudice in accordance with the Joint Stipulation.

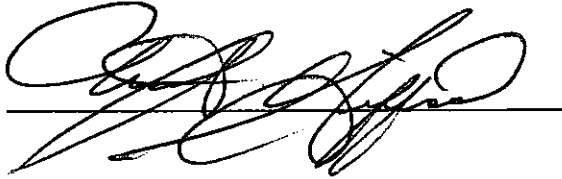
e) *The proposed penalty, if any, supported by factors in mitigation or aggravation of penalty, including the factors set forth in Section 42(h) of the Act.*

The measures taken at Respondent's expense are considerable and no monetary penalty is warranted or demanded.

WHEREFORE, for the above reasons, and as reiterated in the attached Joint Stipulation for Dismissal, the Parties ask that the Board excuse and relieve them of any hearing requirement, that their Joint Stipulation be accepted and that the case be dismissed without prejudice and on the terms of Settlement stated herein.


RESPECTFULLY SUBMITTED,

Chad A. Gifford



A handwritten signature in black ink, appearing to read "Chad A. Gifford", written over a horizontal line.

American Metal Fibers, Inc.

By 
Authorized Counsel of Record

February 6, 2010

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JOINT STIPULATION FOR DISMISSAL

NOW COME Citizen Complainant Chad A. Gifford, and Respondent American Metal Fibers, Inc. and hereby jointly stipulate to the dismissal of this case without prejudice for the following reasons and subject to the following understandings and undertakings:

Reasons for Dismissal

This Citizens' Complaint herein was filed on August 1, 2007. Complainant is a resident of Lake Bluff Illinois. The Complaint alleges the existence of violations of the Illinois Pollution Control Board's Noise regulations by Respondent, respecting its metal fiber manufacturing facility at 2889 North Nagel Court, Lake Bluff, Illinois ("Facility"). The Facility is zoned industrial (Class C) and the home of Complainant is zoned Residential (Class A). The Complainant's back yard ends roughly 500 feet from the back of Respondent's plant

Before and since the filing of the Complaint, Respondent has taken steps to improve the level of sound emitted from its Facility. When dampening of equipment was not satisfactory to Complainant, Respondent further investigated with help from an expert noise consultant and identified and took significant steps to reduce the source of noise in the low (65 Mhz) range. The source was a vibratory effect on particulate control equipment (cyclones and ducts) which was not evident up close but which had the capability due to its low frequency of traveling substantial distances to reach Complainant's and possibly neighboring homes. Steps taken included customized engineering the and installation of mufflers and isolation of motors from metal ductwork, so that vibration in this frequency range was virtually eliminated.

Additional measures were undertaken, including the retrofitting of blowers and the noise blanketing of an interior mill machine. Fans facing the direction of Complainant's home were permanently eliminated and the exterior wall openings were bricked over. Additionally, at considerable expense, a custom designed new set of valves was installed on the dust collector controls at the facility, which has significantly reduced the sound of compressed air bursts needed to purge the collection system on a regular basis.

The Lake County State's Attorney's Office has been involved in reviewing the complaints and progress of the improvements undertaken. The Lake County State's Attorney's office has commended the Respondent for its actions and has closed its file.

Any alleged violations and nuisance have been eliminated to Complainant's satisfaction..

Understandings and Undertakings of the Parties

1. Respondent has agreed to maintain its operations at Nagel Court in compliance with the Illinois Pollution Control Board's Regulations.

2. Complainant agrees it shall not reinstitute proceedings before this Board without first consulting with the Respondent to resolve any perceived problem, and Respondent agrees to consider such alleged problem in good faith. Respondent's contact for this purpose shall be Mr. John Dornik (Tel: 847.362.2634, E-Mail: jsd@amfi-usa.com) until and unless Respondent designates a successor representative by written notice to Complainant.

Dismissal Without Prejudice

The Complainant and Respondent, individually and reciprocally in consideration of the exchange of information, the progress noted above, and the undertakings of the other, hereby each stipulate to the withdrawal of the Complaint and dismissal of these proceeding without prejudice to either party.

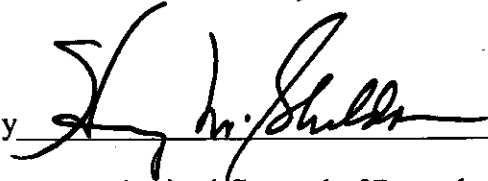
Neither the statements or undertakings above nor the entry into this Stipulation for Dismissal shall be deemed an admission of liability or an admission against the interest of any party. In the event of a future hearing on this or similar complaints, Complainant shall retain the right of prosecution without prejudice, and Respondent would deny and it retains the full and unconditional right to vigorously contest that it is causing a violation of the Noise Rules or a noise nuisance, without prejudice.

AGREED:

Chad A. Gifford



American Metal Fibers, Inc.

By 
Authorized Counsel of Record

February 6, 2010