

ILLINOIS POLLUTION BOARD

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FEB 24 2004

STATE OF ILLINOIS
Pollution Control Board

MICHAEL A. PETROSIUS and DARLA G.
PETROSIUS

Complainants,

v.

ILLINOIS STATE TOLL HIGHWAY
AUTHORITY

Respondent.

No. PCB 04-36
(Citizens' Enforcement Noise)

NOTICE OF FILING

To: Carol Sudman
Hearing Officer
Illinois Pollution Control Board
600 S. Second St., Suite 402
Springfield, IL 62704

Michael A. and Darla G. Petrosius
7335 Maridon Road
LaGrange, IL 60525

Please take notice that on the 23rd day of February, 2004, Respondent ILLINOIS STATE TOLL HIGHWAY AUTHORITY mailed for filing the attached **INTERROGATORIES TO THE PLAINTIFF, REQUEST TO PRODUCE TO THE PLAINTIFF AND REQUEST FOR ADMISSION OF FACTS** with Dorothy M. Gunn, the Clerk of the Illinois Pollution Control Board, Illinois Pollution Control Board, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601,

LISA MADIGAN, 33616
Attorney General of Illinois

By: Victor F. Azar
Victor F. Azar
Assistant Attorney General
Illinois Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL 60515
(630) 241-6800 (x1540)

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn upon oath, deposes and states that copies of the foregoing were served upon the above named individuals at the above addresses by depositing the same in the United States mail chute located at 2700 Ogden Ave, Downers Grove, IL 60515 on the 23rd day of February 23, 2004, with proper postage prepaid.

Elizabeth Anne Komar
Elizabeth Anne Komar

SUBSCRIBED and SWORN to before me
this 23rd day of February, 2004.

Lorrie L. Cataudella
NOTARY PUBLIC

OFFICIAL SEAL
LORRIE L. CATAUDELLA
Notary Public - State of Illinois
My Commission Expires Nov 21, 2006

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INTERROGATORIES TO THE PLAINTIFF

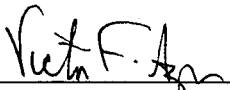
NOW COMES the Respondent, the Illinois State Toll Highway Authority, by their attorney Lisa Madigan, Attorney General of the State of Illinois, and pursuant to the Hearing Officer Order of December 15, 2003 the Illinois State Toll Highway Authority submits the following interrogatories:

1. State the full names of all residents of 7335 Maridon Road, LaGrange, Illinois as well as dates of birth of each resident as well as marital status.
2. State the full name and current residence address of each person who witnessed or claims to have witnessed the alleged noise.
3. State the date the Plaintiffs purchased the residence.
4. State the date the residence at 7335 Meridon Road, LaGrange, Illinois was constructed.
5. State whether the Plaintiffs obtained an appraisal of the residence located of 7335 Maridon Road, LaGrange, Illinois. If yes, please date the date of any appraisal.
6. State the date the Plaintiffs first detected alleged noise.
7. State the date the Plaintiffs first complained of the alleged noise.
8. State the length of time from when the Plaintiffs first detected the alleged noise and filed their complaint with the Illinois Pollution Control Board.
9. State the reason for the length of time between the first detection of the noise and the filing of the Complaint with the Illinois Pollution Control Board.
10. As a result of the alleged noise, state any other legal actions taken.
11. Describe in detail the sources of the noise.
12. Describe the methodology and equipment used to determine that the Pollution Control Board's dB requirements were

- violated and the Pollution Control Board's dB criteria referred to in Paragraph 7 of your complaint.
13. Describe the methodology of isolating the complained of noise from the noise from the rail yard, truck facility and other sources.
 14. Describe for each resident of 7335 Maridon Road, LaGrange, Illinois the physical injuries caused by the alleged noise pollution.
 15. With regard to the physical injuries arising from the noise pollution for each resident state:
 - (a) The name and address of each attending physician and/or health care professional and date(s) of treatment;
 - (b) The name and address of each consulting physician and/or other health care professional and the date(s) of treatment;
 - (c) The name and address of each person and/or laboratory taking any tests and the date of testing; and
 - (d) The name and address of any hospitals if hospitalization was required and the date of hospitalization.
 16. Describe for each resident of 7335 Maridon Road, LaGrange, Illinois the emotional or psychiatric and/or psychological injuries caused by the alleged noise pollution state, if any, the name of any psychiatric, psychological and/or emotional injury claimed and the name and address of each psychiatrist, physician, psychologist, therapist and/or health care professional rendering you treatment for the alleged noise pollution and the date(s) of treatment.
 17. State the name(s), addresses, phone numbers and qualifications of any experts retained by the Plaintiffs which they intend to have testify or provide evidence.
 18. Were any photographs, movies, videotapes and sound recordings taken by you or someone else on your behalf of the complained of sound wall or alleged noise pollution? If the answer to this interrogatory is in the affirmative, state the following:
 - (a) The date(s) and time(s) the photograph, movie, video tape, sound recording and/or sound measurement was taken;
 - (b) The name, address and occupation of the person taking them; and
 - (c) The name and address of the person who now has custody of them.
 19. Was there any dB readings taken either in the inside or outside of the residence located at 7335 Maridon Road, LaGrange, Illinois? If the answer to this interrogatory is in the affirmative, state the following:

- (a) The date(s), time(s), location(s) and duration of the dB readings that were taken;
 - (b) The name and address of the manufacturer and model number of the dB testing equipment used;
 - (c) The name and address of the person calibrating the dB equipment;
 - (d) The dB testing criteria and protocol used by the tester;
 - (e) The name, address, occupation and qualifications of the person taking them; and
 - (f) The name and address of the person who now has custody of the dB readings, criteria and calibration.
20. Do the residents of 7335 Maridon Road, LaGrange, Illinois utilize the complained of I-294 and entrance ramp at 75th Street? If yes, how frequently are the utilized?
21. Do the residents of 7335 Maridon Road, LaGrange, Illinois have common carriers deliver merchandise, mail or other items that would require the use of the complained of I-294 and entrance ramp at 75th Street? If yes, how frequently are they utilized?

Respectfully submitted,



Victor F. Azar
Assistant Attorney General
Attorney for the Defendant
Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, Illinois 60515

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PCB 04-36

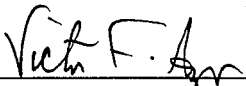
(Citizens' Enforcement -
Noise)

REQUEST TO PRODUCE TO THE PLAINTIFF

NOW COMES the Respondent, the Illinois State Toll Highway Authority, by their attorney Lisa Madigan, Attorney General of the State of Illinois, and pursuant to the Hearing Officer Order of December 15, 2003 the Illinois State Toll Highway Authority submits the following requests to produce:

1. The deed to the residence located at 7335 Maridon Road, LaGrange, Illinois.
2. The sales contract for the residence located at 7335 Maridon Road, LaGrange, Illinois
3. Any and all appraisals of the residence located at 7335 Maridon Road, LaGrange, Illinois.
4. Any and all sound studies commissioned or requested by the Plaintiffs for the residence located at 7335 Maridon Road, LaGrange, Illinois.
5. Any expert reports and the qualifications of any experts that the Plaintiffs intend to utilize at the hearing.

Respectfully submitted,



Victor F. Azar
Assistant Attorney General
Attorney for the Defendant
Illinois State Toll Highway Authority
2700 Ogden Avenue
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REQUEST FOR ADMISSION OF FACTS

NOW COMES the Respondent, the Illinois State Toll Highway Authority, by their attorney Lisa Madigan, Attorney General of the State of Illinois, and pursuant to the Hearing Officer Order of December 15, 2003 the Illinois State Toll Highway Authority requests the admission of the truth of the following relevant facts.

1. That the I-294 toll highway was constructed and operational prior to the construction of the residence located on 7335 Maridon Road, LaGrange, Illinois.
2. That the 5th Street entrance ramp on the I-294 was constructed and operational prior to the Plaintiffs, Michael A. Petrosius and Darla G. Petrosius purchased the residence located at 7335 Maridon Road, LaGrange, Illinois.
3. That the Plaintiffs, Michael A. Petrosius and Darla G. Petrosius purchased the residence located on 7335 Maridon Road, LaGrange, Illinois after the sound wall was constructed.
4. That the Plaintiffs, Michael A. Petrosius and Darla G. Petrosius occupied the residence located on 7335 Maridon Road, LaGrange, Illinois after the sound wall was constructed.
5. That the noise levels have not increased significantly since the Plaintiffs, Michael A. Petrosius and Darla G. Petrosius purchased and occupied the residence located at 7335 Maridon Road, LaGrange, Illinois.
6. That the Plaintiffs, Michael A. Petrosius and Darla G. Petrosius inspected the residence located at 7335 Maridon Road, LaGrange, Illinois prior to purchasing and occupying said residence.
7. That the purchase price of the residence located at 7335 Maridon Road, LaGrange, Illinois made by Michael A.

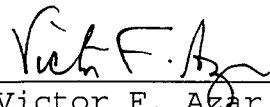
Petrosius Request to Admit

January 2, 2004

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- Petrosius and Darla G. Petrosius reflected its location and the sound levels at the residence at the time of purchase.
8. That the Plaintiffs, Michael A. Petrosius and Darla G. Petrosius were aware of the location and the noise levels of the residence located at 7335 Maridon Road, LaGrange, Illinois at the time of purchase.
 9. That the Plaintiffs, Michael A. Petrosius and Darla G. Petrosius were aware that there was a trucking facility near the interchange at the time the residence located at 7335 Meridon Road, LaGrange Illinois was purchased by them.
 10. That the Plaintiffs, Michael A. Petrosius and Darla G. Petrosius were aware that there was a rail yard that handled freight trains near their residence, located at 7335 Meridon Road, LaGrange Illinois at the time of purchase.
 11. That the Plaintiffs, Michael A. Petrosius and Darla G. Petrosius notice a reduction of noise between the two sides of the sound wall.
 12. That the Plaintiffs, Micahel A. Petrosius and Darla G. Petrosius utilize the complained of entrance ramp personally.
 13. That the Plaintiffs, Micahel A. Petrosius and Darla G. Petrosius have common carriers utilize the complained of entrance ramp when delivering items to their home.

Respectfully submitted,



Victor F. Azar
Assistant Attorney General
Attorney for the Defendant
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