

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WESLEY BRAZAS, JR.,)	PCB No. 06-131
)	
Petitioner,)	
)	Appeal from IEPA decision
vs.)	granting modified NPDES Permit
)	
JEFFREY R. MAGNUSSEN,)	
PRESIDENT, VILLAGE OF)	
HAMPSHIRE, AND THE)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondents.)	

INTERROGATORIES

TO: Mr. Wesley J. Brazas, Jr.
44 W 331 Big Timber Road
Hampshire, IL 60140

NOW COMES the Respondents JEFFREY R. MAGNUSSEN, VILLAGE PRESIDENT and VILLAGE OF HAMPSHIRE, and for their Interrogatories hereby request that Petitioner provide written answers, on or before May 8, 2006, to the following written questions related to his Petition for Review of a Decision by the Illinois Environmental Protection Agency:

1. State the name, current address and telephone number of the person providing responses to these interrogatories.

ANSWER:

2. State whether you now hold or have ever held any professional engineering license. As to any such license, indicate the licensing authority, and the period of time within which said license was valid and in effect.

ANSWER:

3. If the answer to Interrogatory Number 2 above was yes, state whether said license has ever been suspended or revoked. If yes, state the date on which such order of suspension or revocation was issued, the licensing authority which issued said order, the length or duration of

any suspension, the reason for issuance of such order, and the date on which such license was thereafter reinstated, if applicable.

ANSWER:

4. Identify any and all ways that you are affected by the issuance of the modified NPDES permit issued to the Village of Hampshire.

ANSWER:

5. Identify any and all means by which the Village of Hampshire provides EMS services to you.

ANSWER:

6. Identify any and all means by which the Hampshire Fire Protection District provides EMS services to you, including but not limited to the location from which said services are delivered, any and all routes from such location to your place of residence and/or any location at which said services would need to be delivered and the distance(s) thereof, and any and all ways in which the delivery or EMS services to you will be affected by the issuance of the modified NPDES permit for discharge of effluent from the wastewater treatment facility of the Village of Hampshire into Hampshire Creek.

ANSWER:

7. Identify any and all factors which support your statement that the water quality of Hampshire Creek has been on a “precipitous decline,” and the time period during which said “precipitous decline” has occurred.

ANSWER:

8. Identify any and all factors which you considered in making your statement that a “suspected source” of the precipitous decline is discharge of effluent from Hampshire’s sewage treatment plant.

ANSWER:

9. Identify any and all rules, regulations, ordinances, statutes or laws which support your statement that “IEPA issues NPDES permits for discharges into receiving waters and has an affirmative duty to ensure that the receiving waters are not degraded due to the single effect of a permit applicant, but also to insure that the cumulative effects of all permits on said receiving waters maintain the quality of water that is better than water quality standards, and prevent unnecessary deterioration or waters of the state.”

ANSWER:

10. Identify any and all factors, including other NPDES permits, upon which you rely in concluding that “typical NPDES permits” state pollutant limits as load limits in lbs/day and concentration limits in mg/l.

ANSWER:

11. Identify any and all factors upon which you rely in concluding that the Village of Hampshire and/or IEPA must perform a study, prior to the issuance of a modified NPDES permit “assuring that the increase in discharge, when combined with other sources, will not cause a violation of any applicable water quality standard (as otherwise required by Special Condition 5).”

ANSWER:

12. Identify any and all factors upon which you rely in concluding that the Village of Hampshire must report on radium present in the effluent of its wastewater treatment facility. As to any such reporting requirement, state how often such reporting must be done, with what person or agency such reporting is due, what information or data must be reported, and by date any such reports filed by the Village.

ANSWER:

13. Identify any and all factors upon which you rely in stating that the increase in discharge from 1.5 mgd DAF and 4.17 mgd DMF “without evaluation of the results of Special Condition 9 parameters unnecessarily jeopardizes the water quality of Hampshire Creek.”

ANSWER:

12. As to the evaluation identified in Interrogatory #13 above, identify any and all ways in which the water quality of Hampshire Creek is jeopardized by the failure or omission of such evaluation.

ANSWER:

13. Identify the average daily flow rate in the Village’s wastewater treatment facility, over the past 3-5 years. As to any such daily flow rate(s), state the date of the rate.

ANSWER:

14. Service of these Interrogatories upon you shall serve to confirm that the party answering the same has a continuing duty, pursuant to Illinois Supreme Court Rules, to supplement/update any information requested herein.

VILLAGE OF HAMPSHIRE, AND THOMAS
MAGNUSSEN, VILLAGE PRESIDENT

BY:

Mark Schuster
Schnell, Bazos, Freeman, Kramer, Schuster
& Vanek

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

I, the undersigned, being first duly sworn on oath, deposes and states that these Interrogatories were served by mailing a true copy thereof to the adverse attorneys herein in a duly addressed and stamped envelope in the U.S. Mail at Elgin, Illinois, on the _____ day of _____, 2006.

Subscribed and Sworn to before me this
__ day of _____ 2006.

Notary Public

SIGNATURE FOR ANSWERS TO INTERROGATORIES

The foregoing Interrogatories have been answered by and are signed by:

Wesley J. Brazas, Jr.

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

The undersigned, being first duly sworn on oath, deposes and says that he/she has read the foregoing Answers to Interrogatories by him subscribed, and that he knows the contents thereof, and that the same are true in substance and in fact to the best of his knowledge and belief.

Subscribed and Sworn to before me this
__ day of _____, 2006.

Notary Public