

STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 W.RANDOLPH STREET, SUITE 11-500
CHICAGO, IL 60601

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STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

PETER AREDOVICH)
)
 Complainant,)
)
 v) PCB 2009-102
)
 ILLINOIS STATE TOLL)
 HIGHWAY AUTHORITY,)
)
 Respondent.)

NOTICE OF FILING

Illinois Toll Highway Authority
2700 Ogden Avenue
Dovners Grove IL. 60515
Rober T.Lane

Please take notice that on 24 day of November The Complainant APPEARANCE FOR RESPONDING FOR DISMISS OF FIRST AMENDED COMPLAINT was filled with the Clerk of the Illinois Pollution Control Board, at James R. Thompson Center 100 W. Randolph Street, Suite 11-500, Chicago ,Ill. 60601, a copy of which is attached hereto and hereby served upon you.

E CERTIFICATE OF SERVICE

I, Peter Arendovich, deposes and states that a copy of the foregoing was served upon the above named by first class mail on the 24th day of November ,2009



Peter Arendovich
1388 Gordon Ln.
Lemont Il. 60439
630-257-8753

**STATE OF ILLINOIS
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CHICAGO, IL 60601**

PETER AREDOVICH)	
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Complainant,)	
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v)	PCB 2009-102
)	
ILLINOIS STATE TOLL)	
HIGHWAY AUTHORITY,)	
)	
Respondent.)	

**RESPONSE TO MOTION STRIKE AND DISMISS
FIRST AMENDED COMPLAINT FILED OCTOBER 19, 2009**

Answer to dismissal :

The Defendant, in their motion to dismiss the first amended complaint is solely based on legal technicalities, not addressing the specific cause for the complaint.

The Complainant has presented technical support, outlining that ISHTA engineers should have followed the guidelines prescribed by FHWA and the IDOT Highway Traffic Noise Assessment Manual. Proper engineering should have been utilized with concern of the local residents in the immediate area of the 135th Street bridge in Lemont, IL.

In paragraph 10 of the Motion for Dismissal of the first amended complaint , the Defendant is liberating his Agency from culpability by deflecting the technical negligence to FHWA. Even though ISTHA engineering was negligent to overlook such gross errors, FHWA was negligent for not taking ownership and responsibility for inspecting the completed work of ISTHA's Veterans Highway and verifying the proper implementation of the EIS. ISHTA knowing FHWA does not follow up on EIS, continued to improperly proceed with the work of the 135th Street bridge in Lemont, IL without FHWA oversight.

The complaint is based on the severe noise pollution, lack of ownership and the responsibility to remedy the noise pollution. In this case, ISHTA is the neighbor and ISHTA's facility is generating severe noise pollution toward the Complainant's property. The Complainant is a citizen whose government, under the constitution, must protect the rights of its citizens against

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harm. Section 900 102 of Noise Pollution are the rules and guides set by our government. The rules must be upheld.

Section 900 102 of noise pollution states:

No person shall cause or allow the emission of sound beyond the boundaries of his property, as property is defined in Section 25 of the Illinois Environmental Protection Act, so as to cause noise pollution in Illinois, or so as to violate any provision of this Chapter.

And an additional violation .

The Illinois Constitution states

. SECTION 1. INHERENT AND INALIENABLE RIGHTS

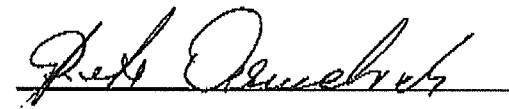
All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

The Complainant has been a resident of his property for 18 years with the ability to exercise his constitutional right of the pursuit of happiness. ISHTA on November 1, 2008 established business which generates large amounts of revenue, violating 23 CFR Part 772.13(c) and 23 USC 109(h) and 35 Ill. Adm. Code, Subtitle H, Chapter I, Section 900.102 by failing to provide the required noise abatement policies and procedures required under the provisions of both federal and state law causing physical and emotional stress to the Complainant. The Complainant has fulfilled his responsibility by presenting technical data prepared by an acoustical engineer in the paragraph # 5 indicating consistent violation of " Title 23 Noise Standard ".

Be it know that IDOT published a Highway Traffic Noise Assessment Manual presenting specifications to minimize noise pollution issues along with several solutions to remedy severe noise pollution. ISHTA, the Defendant continues to disregard the law by not providing remedies to the violations in this complaint. ISHTA has chosen to avoid responsibility by invoking the " jurisdiction of the Pollution Control Board ".

WERE FORE The Injured citizen of no fault of his own. Respectfully request the honorable board to issue an order for ISHTA to comply with Section 900 102 as property defined in section 25 of the Illinois Environmental Protection Act.

Respectfully Submitted.



Peter Arendovich, The injured citizen