

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

PETER AREDOVICH,)	
)	
Complainant,)	
)	
v.)	PCB 29009-102
)	
ILLINOIS STATE TOLL HIGHWAY)	
AUTHORITY,)	
Respondent.)	

NOTICE OF FILING

TO: Mr. Peter Arendovich
1388 Gordon Lane
Lemont, IL 60439

Please take notice that on the 5th day of February, 2010, Respondent, Illinois State Toll Highway Authority's ANSWER TO FIRST AMENDED COMPLAINT was filed with the Clerk of the Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601 via electronic filing.



ROBERT T. LANE
Assistant Attorney General
Illinois Toll Highway Authority
2700 Ogden Avenue
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(630) 241-6800 (ex. 1530)

LISA MADIGAN,
Attorney General of Illinois

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn upon oath, deposes and states that a copy of this Notice of Filing and Motion to Dismiss Amended Complaint was served upon PETER ARENDROVICH at the United States mail chute located at 2700 West Ogden Avenue, Downers Grove, Illinois 60515 on the 5th day of February with proper postage prepaid. I, ROBERT T. LANE, here by certify to the foregoing subject to penalty for perjury in accordance with Section 1-109 of the Illinois Civil Practice Act.



ROBERT T. LANE, Sr. Assistant Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PETER AREDOVICH,)
)
 Complainant,)
)
 v.) PCB 09-102
)
 ILLINOIS STATE TOLL HIGHWAY)
 AUTHORITY,)
)
 Respondent.)

ANSWER TO FIRST AMENDED COMPLAINT

NOW COMES the Respondent, the Illinois State Toll Highway Authority, by its attorney, Lisa Madigan, Attorney General of the State of Illinois, and for its Answer to Peter Arendovich's First Amended Complaint, states as follows:

1. The Respondent denies the legal conclusion set forth in paragraph 1 that it "violated 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.¹
2. The Respondent admits that it "co-operated [sic] with the Federal Highway Administration in the planning and construction of I-355 through Cook and Will Counties" as alleged in paragraph 2.
3. The Respondent admits that "A required Environmental Impact Statement, (EIS), was prepared by the Respondent and included the required noise abatement studies" and further admits that 1388 Gordon Lane, Lemont, Illinois is included as one of the homes identified at receptor 25 in EIS Exhibit 2-16 and attached to the Complaint as Exhibit A. The Respondent denies the remainder of the allegation.

¹ On December 17, 2009 the Illinois Pollution Control Board dismissed all federal claims. Specifically, the Board dismissed the claims under 23 CFR part 772.13(c) and 23 USC 109(h).

4. The Respondent admits that Exhibit B appears to be Table 4-15 which was included in the original Environmental Impact Study "EIS", denies that the EIS establishes that heavy trucks generate 86DBA and the reduction of 9dBA fails to comply with the state and federal noise levels as is shown on charts 74 through 79 of Exhibit C, and lacks sufficient knowledge to form a belief necessary to admit or deny the remainder of the allegation .

5. The Respondent admits that Complainant has complained to the Tollway on several occasions regarding noise levels generated by the south extension of I-355. The Respondent denies that it has failed to properly address the Complainants concerns and lacks sufficient knowledge necessary to admit or deny the remainder of the allegation.

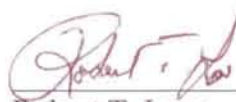
6. The Respondent admits that Exhibit D appears to be an excerpt from the IDOT Highway Traffic Noise Assessment Manual and denies the remainder of the allegation contained in paragraph 6.

7. The Respondent denies the allegations contained in paragraph 7.

WHEREFORE, the Illinois State Toll Highway Authority prays the Court dismiss this action and moves for the entry of judgment in its favor and against the Complainant.

Illinois State Toll Highway Authority

By:



Robert T. Lane
Senior Assistant Attorney General
Mark O'Brien
Senior Law Student

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