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

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

NOTICE OF FILING

To: Mr. Peter Arendovich
1388 Gordon Lane
Lemont, Illinois 60439

Mr. Bradley P. Halloran
Hearing Officer
Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Please take notice that on the 29th day of April, 2011, RESPONDENT ILLINOIS STATE TOLL HIGHWAY AUTHORITY'S REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT was electronically filed with the Clerk of the Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

ROBERT T. LANE
Assistant Attorney General
Illinois Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL 60515
(630) 241-6800 (x1530)

LISA MADIGAN,
Attorney General of Illinois

ILLINOIS POLLUTION CONTROL BOARD

PETER ARENDOVICH,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 09-102
	)	(Enforcement-Noise)
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY,	)	
	)	
Respondent.	)	

RESPONDENT ILLINOIS STATE TOLL HIGHWAY AUTHORITY'S REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

Respondent, Illinois State Toll Highway Authority ("Tollway"), by and through its attorney, Attorney General LISA MADIGAN, submits the following Reply in Support of its Motion for Summary Judgment (hereinafter referred to as "Motion"):

Statement of Facts

The Complainant does not dispute many of the Tollway's facts in his Response to the Tollway's Motion for Summary Judgment (hereinafter referred to as "Response"). Instead, he offers a series of allegations and conclusions which are addressed below.

Discussion

A. The Complainant has not Submitted any admissible evidence in response to the Tollway's Motion for Summary Judgment, therefore, the pleading must struck in its entirety.

The Pollution Control Board's administrative rules state that the Board may entertain any motion the parties wish to file that is permissible under the Act or other applicable law, these rules, or the Illinois Code of Civil Procedure. 35 Ill.Admin.Code 101.500. Pursuant to Illinois Code of Civil Procedure Rule 2-1005 and Supreme Court Rule 191, the Tollway filed a Motion for Summary Judgment. The Civil Procedure and Supreme Court Rules both require affidavits

in support of and in opposition of Motions for Summary Judgment. Id. The affidavits must be made on the personal knowledge of the affiants and shall not consist of conclusions but of facts admissible in evidence. Supreme Court Rule 191.

Notwithstanding the above procedural and evidentiary requirements, the Complainant's Response to the Tollway's Motion consists of conclusions and arguments which are unsupported by facts admissible as evidence. For these reasons alone, the Response must be stricken in its entirety.

However, even if the Board were to accept the Complainant's pleading, the Respondent Tollway's Motion must be granted for the following reasons:

B. The Board does not have Subject Matter Jurisdiction over This Matter.

In his Response, the Complainant questions the underlying decision to build the Tollway. He challenges various aspects of the Supplemental Environmental Impact Study (hereinafter referred to as "SEIS") and the Record of Decision (hereinafter referred to as "ROD"), which is FHWA's approval of the SEIS. The recurring theme of the Response is that the FHWA regulations and noise pollution criteria were not followed, that FHWA guidelines were disregarded and that the Tollway took steps to reduce the cost of the proposed roadway under the shroud of the SEIS. Without commenting on the merit of these contentions, this is the wrong forum to raise these issues. The review of an EIS and the resulting ROD is governed by NEPA and challenges of the ROD are governed by the Administrative Procedure Act. 5 U.S.C.A. 706(2)(A); National Environmental Policy Act of 1969, § 2 et seq., 42 U.S.C A. § 4321 et seq.; Also See Highway J Citizens Group v. Mineta, 349 F.3d 938, 952 (7th Cir. 2003).

1. Discretionary Decisions Made by the Tollway are Not Subject to Review.

The Complainant does not dispute or otherwise respond to the Tollway's contention that its decision to construct a sound wall and the associated specifications is within its discretionary powers and not subject to review in the Circuit Court. 605 ILCS 10/32. Instead. the Complainant attacks the Tollway personnel's commitment to construct a sound wall to his specifications. However, he fails to mention that in effort to satisfy the Complainant, the Tollway constructed two adjoining sound walls. The first was a concrete wall 2,560 feet in length averaging 15.8 feet in height. The second wall was constructed of wood and built on the 135th Street Bridge. It extended the first concrete wall 240 additional feet and is 10 feet high. Attached to this document are two photographs that illustrate the size and length of the constructed sound walls. Photographs attached to this Reply as Exhibit E. While they may not constitute the exact wall demanded by the Complainant, it cannot be argued in good faith that the Tollway did not go to great lengths and considerable expense to satisfy this individual and his neighbors.

Further, Complainant opines that to protect his neighbor's home (the Garb family), without any engineering support, the existing wall on the bridge must be demolished and reconstructed to 16 feet in height and extended an additional 250 feet. He concludes that "it may cost perhaps $70,000". There are several problems with these conclusions.

First, Mr. Arendovich has no standing to submit claims on behalf of the Garb family or any other family or individual. The Garb family is not a party to this case and Mr. Arendovich is not their attorney. Second, Complainant offers no basis to support his conclusion that the wall he requests may cost perhaps $70,000. He does not submit any design plans, engineering estimates, costs proposals, etc. Finally, he does not offer any evidence to support his cost guesstimate or

demonstrate that his proposed wall will reduce the sound being generated by the vehicles crossing the bridge at 135th Street. The Complainant is simply not qualified to offer opinions on the cost or effectiveness of potential soundwalls.

Complainant also alleges "In 1996 as the FEIS was approved by the FHWA, ISHTA [sic] went for the land grab, and many senior citizens were swindled out of their homes". He goes on to argue that an unspecified neighbor in her late 70's received what he considered a low value for her home and left her without sufficient means to pay for nursing home services. The paragraph concludes by Complainant alleging that the Tollway modified several environmental actions in order to reduce the cost of the road including removing some noise areas by the 135th Street Bridge.[1]" The Board does not have subject matter jurisdiction to decide the above matters.

First, these issues could have been or were addressed in the FEIS and Toll Highway public hearing process. Second, to the extent the concerns of the Complainant and his neighbors were not fully addressed by the FEIS or the resulting ROD, they could have challenged the determination pursuant to the Administrative Procedure Act. With respect to the neighbor's land valuation issue, it should have been addressed in the condemnation proceeding. In sum, as the allegations and conclusions are without support and these issues are outside of the jurisdictional boundaries of the Board, they must be disregarded.

1. Vehicles Generate Sound, Not the Pavement.

The Complainant does not dispute or otherwise respond to the legal determination that it is vehicles that cause pollution, not the road or its construction. See Illinois State Toll Highway Authority v. Karn, 293 N.E.2d 162, 9 Ill.App.3d 784, 790 (2nd Dist., 1973) citing 45 C.F.R. sec. 1201.21; 42 U.S.C., sec. 1857f-1.

[1] The Complainant ignores the fact that the Tollway built extensive sound walls at and near the 135st Street Bridge.

2. The Complainant Has Not Alleged a Noise Level in Violation of the Illinois EPA Act.

In its Motion, the Tollway pointed out that the Complainant alleges violations of federal regulations that the Board already dismissed as being outside of its Jurisdiction. Pollution Control December 17, 2009 Order at p. 2 attached as Exhibit F. The Complainant does not dispute this fact, but instead further contends that the Tollway has not followed FHWA's noise abatement guidelines. For the Reasons outlined in the Board's Order dismissing the federal claims and the fact these rulings should have been challenged under the Administrative Procedure Act, these arguments must be disregarded.

3. Complainant's Sound Level Testimony was not Performed in Accord with Board Measurement Guidelines.

The Response does not dispute the fact that the Illinois Pollution Control Board measurement guidelines were not followed or considered when Complainant's relied upon sound measurements were taken.

C. Illinois Pollution Control Board Regulations do not Support the Construction of a Third Sound Wall.

The Tollway's Motion was based largely on the factors enunciated in Section 33c of the Act and that any interference caused by the vehicles on the Tollway was not unreasonable. 415 ILCS 5/33(c). The Section 33c factors consist of the following considerations: 1) The character and degree of injury to, or interference with the protection of health, general welfare and the 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 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; 4) any subsequent compliance. Id. To the extent a response or argument was offered in the Response, the Tollway offers the following:

1. The Character and Degree of Injury to, or Interference with the Protection of Health, General Welfare and the Physical Property of the People.

In its Motion, the Tollway indicated that it received only two complaints about noise in this area, one of which was received from the Complainant. Motion at p. 11. In addition, based on the Complainant's representation, the Tollway pointed out that there were a total of about 9 homes in the area that are impacted by the sound. Id.

The Complainant does not contest these facts. Instead he argues that at least one of the neighbors is impacted by the highway noise more than himself. Additionally, without any affidavits or other indication as to who the individuals are, it appears as though six of the nine neighbors signed the Response.

As previously pointed out, the Complainant and his neighbors had an opportunity to object to the final alignment of the roadway and the plan to construct the I-355 extension without soundwalls near 135th Street. Public hearings were conducted as part of the SEIS process as well as to meet the requirements of the Toll Highway Act (605 ILCS 10 et seq.). The fact that the Tollway later included a concrete wall in its construction plans and further supplemented it with a second wooden wall on the bridge evidences the fact that the constructing agencies took the public comments received at the hearings seriously and acted upon them. If the Complainant and his neighbors were unhappy with the Record of Decision approved by the FHWA, their remedy was to appeal administratively. See 5 U.S.C.A. 706(2)(A). Instead, the Complainant waited for construction to be completed, the roadway to be opened to traffic, and then filed the pending noise complaint with the Pollution Control Board.

2. The Social and Economic Value of the Pollution Source.

The Complainant does not contest any of the social and economic values of I-355. Instead, he argues that the Tollway receives substantial toll revenues, particularly from trucks. While not specifically reaching a conclusion, Complainant infers that since the Tollway receives more revenue than his proposed soundwall would cost, that the cost of his soundwall should not be an issue.

However, the toll revenues are not pure profit to the Tollway. What the Complainant does not consider are the significant bond repayment and operational costs associated with the newly constructed tollway. Additionally, to accept the Complainant's reasoning, the Tollway would have to build a soundwall to the specifications of anyone who demands a soundwall. Under this reasoning, regardless of the circumstances, the number of homes impacted, virtually any time a soundwall were requested, the Tollway would be required to build the wall. Therefore, the fact the Tollway receives toll revenues, by itself, is an irrelevant factor.

3. The Suitability or Unsuitability of the Pollution Source to the area in which it is Located, including Priority of Location in the Area Involved.

The Complainant does not dispute the facts offered by the Tollway in support of the suitability of the location of the roadway. Instead, Complainant argues that neither the FHWA nor the Tollway constructed the soundwall he envisioned. Therefore, he deems the series of meetings with senior Tollway officials to be unproductive and the Tollway to have been unresponsive to his requests. The undisputed facts are that that Tollway officials continually met with Complainant at his home as well as at the Tollway offices and constructed two separate

walls in effort to satisfy his concerns. See photographs attached to this Reply at Exhibit F. These facts defeat the claim that the Tollway did not listen to Complainant's concerns.

4. The Technical Practicability and Economic Reasonableness of Reducing or Eliminating the Emissions.

The Complainant does not dispute any of the facts offered by the Tollway in support of the costs associated with another sound wall, the limited number of people that would benefit, or the possibility that the Complainant will never be satisfied.

5. Subsequent Compliance.

The Complainant does not dispute the fact that the Tollway has constructed two sound walls in effort to satisfy him and his neighbors.

D. Conclusion

The Complaint at issue is essentially an improper collateral attack of the 2002 FHWA Record of Decision. As part of the ROD, the FHWA considered the identical issues raised here by the Complainant including the appropriateness of the roadway and the necessity for sound walls near the Complainant's property. To the extent the Complainant or anyone else were dissatisfied with the approved ROD, their remedy was to file a Complaint pursuant to the Administrative Procedure Act. See 5 U.S.C.A. 706(2)(A); National Environmental Policy Act of 1969, § 2 et seq., 42 U.S.C.A. § 4321 et seq.; Also See Highway J Citizens Group v. Mineta, 349 F.3d 938, 952 (7th Cir. 2003).

WHEREFORE, Respondent, Illinois State Toll Highway Authority, respectfully requests that the Pollution Control Board grant its Motion for Summary Judgment and dismiss this cause with prejudice.

Respectfully Submitted,

ROBERT T. LANE
Senior Assistant Attorney General
(630) 241-6800 x1530

State of Illinois)
) SS
County of DuPage)

AFFIDAVIT

I, Bradley Will, having been duly sworn upon oath, depose and state:

1) I am authorized to and hereby make this Affidavit for and on behalf of the Respondent, the Illinois State Toll Highway Authority (hereinafter referred to as "Tollway").

2) I am of lawful age to execute this sworn Affidavit.

3) I am employed by the Tollway and currently serve as its GIS Project Manager.

4) As the Tollway's GIS Project Manager, I have access to geospatial data.

5) I was asked by Assistant Attorney Robert Lane if the Tollway had, or had access to photographs that included Mr. Arendovich's home at 1388 Gordon Lane, Lemont, Illinois and the soundwall constructed on I-355 near the 135th Street Bridge.

6) I have personal knowledge of the contents and access to the Tollway's GIS library which incorporates imagery from other agencies including, but not limited to the Cook County Department of Geographic Information.

7) The Tollway recently received imagery from the Cook County Department of Geographic Information which included the aerial photograph attached as Exhibit E-1.

8) MJ Harden Associates, Inc. is the company that acquired and processed the Cook County imagery.

EXHIBIT E

9) The flights to collect the imagery, including Exhibit E-1, were flown between May 11, 2009 and August 2, 2009.

10) In effort to obtain a photograph illustrating a street level perspective of the 135th Street sound wall from the street level, I checked "Google Maps Street View".

11) On or about April 28, 2011, I entered I-355 and W. 135th Street into the "Google Maps Street View" website and located and downloaded the image attached as Exhibit E-2.

12) That the matters set forth in the foregoing Affidavit are true and correct to the best of my knowledge and belief.

13) This Affidavit is made on personal knowledge. If sworn as a witness, I can and will testify competently to the foregoing facts.

Further affiant sayeth not.

Bradley Will

Subscribed and sworn to
before me this 29th day
of April, 2011.

Notary Public

OFFICIAL SEAL
NANCY L CORDERO
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:05/22/13

EXHIBIT E-1

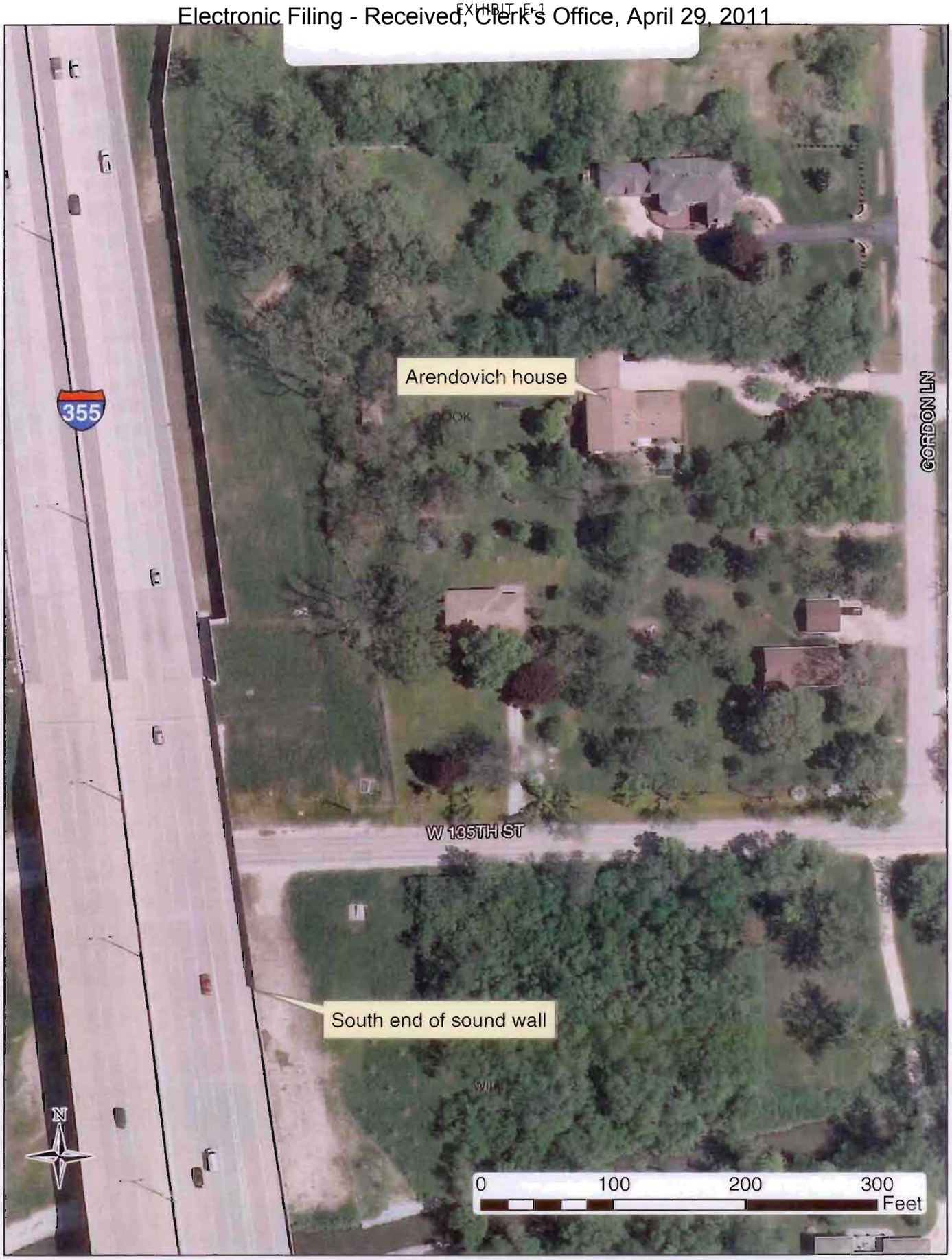
Arendovich house
355
GORDON LN
W 135TH ST
South end of sound wall
N
0
100
200
300
Feet

EXHIBIT E-2

ILLINOIS POLLUTION CONTROL BOARD
December 17, 2009

PETER ARENDOVICH	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 09-102
	)	(Enforcement – Citizen Noise)
ILLINOIS STATE TOLL HIGHWAY AUTHORITY,	)	
	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.I.. Blankenship):

On April 28, 2009, Peter Arendovich (complainant) filed a complaint (Comp.) alleging that the Illinois State Toll Highway Authority (respondent) violates Section 900.102 of the Board's noise pollution regulations (35 Ill. Adm. Code 900.102). Comp. at 2. On July 15, 2009, respondent filed a motion to dismiss the complaint (Mot.) alleging the complaint is frivolous. On September 9, 2009, complainant timely responded to the motion by filing an amended complaint (Am.Comp.). On October 19, 2009, respondent filed a motion to dismiss the amended complaint (Mot.2) and on November 24, 2009, complainant responded (Resp.) to the motion to dismiss the amended complaint. For the reasons discussed below, the Board accepts the complaint and amended complaint for hearing and denies the motions to dismiss, in part. The Board grants the motions to dismiss in part by striking allegations of violations of the federal rules.

COMPLAINT AND AMENDED COMPLAINT

Complainant alleges that respondent violated Section 900.102 of the Board's noise regulations and 23 CFR Part 772.13(c) and 109(h). Comp. at 1, Am.Comp. at 1. Complainant alleges that respondent violated these provisions by failing to follow proper noise abatement procedures along I-355 in the area between 135th Street and Archer Avenue, especially along the 135th Street Bridge. Comp. at 1, Am.Comp. at 1-3. Complainant asks the Board to direct respondent to construct proper noise abatement barriers. Comp. at 3, Am.Comp. at 3.

MOTION TO DISMISS COMPLAINT

In its motion to dismiss, respondent argues that the complaint is frivolous because the complaint is a "request for relief that the Board does not have the authority to grant, or a complaint that fails to state a cause of action upon which the Board can grant relief." Mot. at 1, 7, citing 35 Ill. Adm. Code 101.202. Respondent details steps taken to alleviate noise emissions from the highway and argues that, because respondent's noise abatement is consistent with State and Federal law and exceeds certain criteria, the request for relief cannot be granted. Mot. at 7.

Respondent also argues that the complaint should be dismissed because the complaint alleges that the Board's decibel level (db(A)) requirements are being violated without specifying the requirements. Mot. at 1.

MOTION TO DISMISS AMENDED COMPLAINT

In the motion to dismiss the amended complaint, respondent incorporates the arguments from the motion to dismiss as those arguments relate to allegations in the amended complaint. Mot.2 at 1. Respondent asserts that the amended complaint sets forth a claim over which the Board lacks jurisdiction. *Id.* Specifically, respondent argues that the Board lacks authority to hear a claim under 23 CFR Part 772.13(c) and 109(h) as alleged in the amended complaint. Mot.2 at 2.

RESPONSE TO MOTION TO DISMISS AMENDED COMPLAINT

Complainant argues that the motion to dismiss the amended complaint is "solely based on legal technicalities, not addressing the specific cause for the complaint." Resp. at 1. Complainant argues that it has presented technical support by outlining the engineers' failure to follow prescribed guidelines and that the complaint is based on severe noise pollution at the complainant's property. *Id.*

DISCUSSION

The Board's authority to grant relief is enunciated in Section 33(a) of the Environmental Protection Act (Act) (415 ILCS 5/33(a) (2008)), which provides that the Board "shall issue and enter such final order, or make such final determinations, as it shall deem appropriate under the circumstances." Respondent has argued that further relief from any noise violation may not be appropriate or even feasible; however, respondent has cited no provision of the Act which would limit the Board's authority to grant such relief. The arguments presented by respondent are relevant when examining appropriate relief, if a violation is found, pursuant to Sections 33(c) and 42(h) of the Act (415 ILCS 5/33(c) and 42(h) (2008)). Therefore, the Board finds that the complaint does request relief which the Board has the authority to grant.

As to respondent's argument that the complaint fails to cite specific requirements that are being violated, the Board finds that the amended complaint provides sufficient detail on the alleged violations to allow the respondent to prepare a defense. *See* 35 Ill. Adm. Code 103.204(c)(2). However, in the amended complaint, complainant alleges that respondent has violated certain provisions of the Federal Regulations. The Board agrees with respondent that the Board does not have the authority to enforce those provisions of Federal law. Therefore the Board finds that allegations relating to alleged violations of 23 CFR Part 772.13(c) and 109(h) are frivolous and will be struck.

The Board finds that the remainder of the complaint and amended complaint meet the content requirements of the Board's procedural rules. *See* 35 Ill. Adm. Code 103.204(c), (f). The Board therefore accepts the complaint and amended complaint for hearing. *See* 415 ILCS 5/31(d)(1) (2008); 35 Ill. Adm. Code 103.212(a). A respondent's failure to file an answer to a

complaint within 60 days after receiving the complaint may have severe consequences. Generally, if respondent fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider respondent to have admitted the allegation. 35 Ill. Adm. Code 103.204(d).

The Board directs the hearing officer to proceed expeditiously to hearing. Among the hearing officer's responsibilities is the "duty . . . to ensure development of a clear, complete, and concise record for timely transmission to the Board." 35 Ill. Adm. Code 101.610. A complete record in an enforcement case thoroughly addresses, among other things, the appropriate remedy, if any, for the alleged violations, including any civil penalty.

If a complainant proves an alleged violation, the Board considers the factors set forth in Sections 33(c) and 42(h) of the Act to fashion an appropriate remedy for the violation. *See* 415 ILCS 5/33(c), 42(h) (2006). Specifically, the Board considers the Section 33(c) factors in determining, first, what to order the respondent to do to correct an on-going violation, if any, and, second, whether to order the respondent to pay a civil penalty. The factors provided in Section 33(c) bear on the reasonableness of the circumstances surrounding the violation, such as the character and degree of any resulting interference with protecting public health, the technical practicability and economic reasonableness of compliance, and whether the respondent has subsequently eliminated the violation.

If, after considering the Section 33(c) factors, the Board decides to impose a civil penalty on the respondent, only then does the Board consider the Act's Section 42(h) factors in determining the appropriate amount of the civil penalty. Section 42(h) sets forth factors that may mitigate or aggravate the civil penalty amount, such as the duration and gravity of the violation, whether the respondent showed due diligence in attempting to comply, any economic benefit that the respondent accrued from delaying compliance, and the need to deter further violations by the respondent and others similarly situated.

With Public Act 93-575, effective January 1, 2004, the General Assembly changed the Act's civil penalty provisions, amending Section 42(h) and adding a new subsection (i) to Section 42. Section 42(h)(3) now states that any economic benefit to respondent from delayed compliance is to be determined by the "lowest cost alternative for achieving compliance." The amended Section 42(h) also requires the Board to ensure that the penalty is "at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary of unreasonable financial hardship."

Under these amendments, the Board may also order a penalty lower than a respondent's economic benefit from delayed compliance if the respondent agrees to perform a "supplemental environmental project" (SEP). A SEP is defined in Section 42(h)(7) as an "environmentally beneficial project" that a respondent "agrees to undertake in settlement of an enforcement action . . . but which the respondent is not otherwise legally required to perform." SEPs are also added as a new Section 42(h) factor (Section 42(h)(7)), as is whether a respondent has "voluntary self-disclosed . . . the non-compliance to the [Illinois Environmental Protection] Agency" (Section 42(h)(6)). A new Section 42(i) lists nine criteria for establishing voluntary self-disclosure of

non-compliance. A respondent establishing these criteria is entitled to a "reduction in the portion of the penalty that is not based on the economic benefit of non-compliance."

Accordingly, the Board further directs the hearing officer to advise the parties that in summary judgment motions and responses, at hearing, and in briefs, each party should consider: (1) proposing a remedy for a violation, if any (including whether to impose a civil penalty), and supporting its position with facts and arguments that address any or all of the Section 33(c) factors; and (2) proposing a civil penalty, if any (including a specific total dollar amount and the portion of that amount attributable to the respondent's economic benefit, if any, from delayed compliance), and supporting its position with facts and arguments that address any or all of the Section 42(h) factors. The Board also directs the hearing officer to advise the parties to address these issues in any stipulation and proposed settlement that may be filed with the Board.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 17, 2009, by a vote of 5-0.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn upon oath, deposes and states that a copy of this Notice and RESPONDENT ILLINOIS STATE TOLL HIGHWAY AUTHORITY'S REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT were served upon the above named at the above address by depositing the same in the United States mail chute located at 2700 Ogden Avenue, Downers Grove, Illinois 60515 on the 29th day of April, 2011 with proper postage prepaid.

I , Nancy L. Cordero, hereby certify to the foregoing subject to penalty for perjury in accordance with Section 1-109 of the Illinois Civil Practice Act.

Nancy L. Cordero