

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

OCT 09 2007

STATE OF ILLINOIS
Pollution Control Board

FLAGG CREEK WATER RECLAMATION)
DISTRICT,)

Complainant)

v.)

ORIGINAL

PCB 06-141

Administrative Hearing
Officer

Bradley Halloran

VILLAGE OF HINSDALE, METROPOLITAN)
WATER RECLAMATION DISTRICT OF)
GREATER CHICAGO, ILLINOIS)
DEPARTMENT OF TRANSPORTATION,)
DUPAGE COUNTY,)

Respondents.)

SUBPOENA DUCES TECUM

TO: **James J. Benes & Associates**
950 Warrenville Road, Suite 101
Lisle, Illinois 60532


Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e)
(2002)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give
testimony at the hearing/deposition in the above-captioned matter at 10:00 a.m. on
October 30, 2007 at the law offices of Drinker Biddle Gardner Carton, LLP located at 191
North Wacker Drive, Suite 3700 Chicago, Illinois 60606.

You are also ordered to bring with you documents relevant to the matter under
consideration and designated herein, related to the work that James J. Benes & Associates
(JJBA) performed for the Village of Hinsdale in connection with 55th Street
improvements, storm water drainage, and combined sewer overflow issues. Please

include any correspondence to and from JJBA and the Village of Hinsdale, reports, studies, invoices with payments rendered for services performed and other relevant documents as provided herein. As a reference, we have included a letter from JJBA to the Hinsdale Sanitary District dated May 17, 1990.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101802.

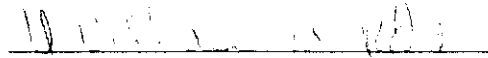
ENTER:



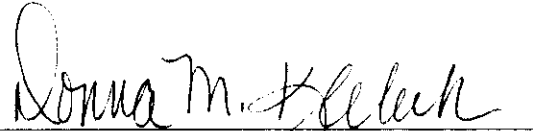
John T. Therriault, Assistant Clerk
Pollution Control Board

Date: October 9, 2007

I served this subpoena duces tecum by certified mail to James J. Benes & Associates, Inc. on October 9, 2007

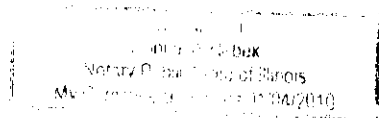


Subscribed and sworn to before me this 9th day of October, 2007.



Notary Public

CH01/ 12520998.1



CERTIFICATE OF SERVICE

I, Yesenia Villasenor-Rodriguez, an attorney in the law firm of Drinker Biddle Gardner Carton LLP, certify that a copy of the foregoing Subpoena Duces Tecum – James J. Benes & Associates was delivered upon:

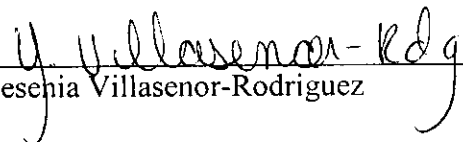
John Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

ORIGINAL

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OCT 09 2007
STATE OF ILLINOIS
Pollution Control Board

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

by hand delivery on this 9th day of October, 2007.


Yesenia Villasenor-Rodriguez

October 9, 2007

191 North Wacker Drive
Suite 3700
Chicago, IL
60606-1098

(312) 569-1000 phone
(312) 569-3000 fax
www.drinkerbiddle.com

Via Certified Mail

Gary L. Cottingham, President
James J. Benes & Associates, Inc.
950 Warrenville Rd. Suite 101
Lisle, IL 60532

**Re: *Subpoena Request in Regards to Flagg Creek Water Reclamation District
v. Village of Hinsdale et. seq. PCB 06-141***

Dear Mr. Cottingham:

We represent the Flagg Creek Water Reclamation District in the above matter against the Village of Hinsdale (VOH) that is currently before the Illinois Pollution Control Board (Board). We are writing this letter in connection with the subpoena that we have served upon James J. Benes & Associates (JJBA) with this letter. Specifically, we are requesting the deposition of the person most knowledgeable about the work that JJBA performed for VOH in connection with the expansion of 55th Street between Illinois Route 83 to a point east of County Line Road and the collection and discharge of storm drainage for VOH; along with copies of documents, studies, reports, correspondence to and from Village of Hinsdale and JJBA, and other relevant documents related to same.

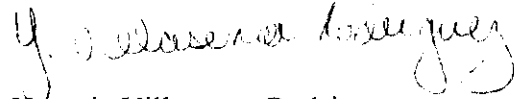
The subpoena requires your presence at our offices located at 191 North Wacker Drive, Suite 3700 in Chicago, Illinois 60606 on October 30, 2007 at 10:00 a.m. Please be advised that there is no legal action being taken against you in this matter. We simply are requesting the deposition of said person, along with the documents in your possession related to this matter as provided herein. We have included a letter that was written by Mr. James J. Benes of JJBA dated May 17, 1990 as a reference to facilitate your production of the documents requested. Alternatively, if you produce these documents by October 30, 2007, we will excuse your attendance until such time as may be necessary if at all.

Under Section 35 Ill. Adm. Code Section 101.622(e) of the Board Regulations, because you are not a party to this action you are entitled to receive witness fee compensation for your attendance at the deposition as provided in section 4.3 of the Circuit Court Act 705 ILCS 35/4.3. We have included a check in the amount of \$100.00. If you produce the documents before the required subpoena date, you may apply this check towards the reproduction costs of the documents we are requesting.

James J. Benes & Associates, Inc.
October 9, 2007
Page 2

If you have any questions, please feel free to contact me at (312) 569-1444.
Thank you for your time.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Yesenia Villasenor-Rodriguez', written in black ink.

Yesenia Villasenor-Rodriguez

cc: Illinois Pollution Control Board, Clerk (w/enclosure)
Bradley P. Halloran, Hearing Officer (w/enclosure)

CH01/12521032.1

JAMES J. BENES AND ASSOCIATES, INC.
 1100 JORIE BLVD., OAK BROOK, ILLINOIS 60521
 TELEPHONE (708) 990-4244 • FAX (708) 990-4279

old inlets not structurally sound

May 17, 1990

Mr. Carl Blomgren, Jr.
 Hinsdale Sanitary District
 P.O. Box 179
 Hinsdale, Illinois 60521

Re: 55th Street Improvements
 Village of Hinsdale
 Cook and DuPage Counties

Dear Carl:

As was discussed previously, through the joint efforts of the DuPage County Highway Department and the Village of Hinsdale, it is proposed to improve 55th Street from Illinois Route 83 to a point east of County Line Road. Said improvements are essentially twofold:

1. To widen the intersections of Madison Street, Grant Street, Garfield Street and County Line Road so as to provide for separate left turn lanes on 55th Street and on the cross streets (5 lane section on 55th Street from Ill. Rte. 83 to a point east of Garfield Street and 5 lanes both east and west of County Line Road and a three lane cross section on cross streets) and to install new traffic signal systems at each of the major intersections noted above (with interconnection at Madison, Grant and Garfield Streets).
2. To improve the collection and discharge of storm drainage by the installation of two major storm sewer systems:
 - A. The Madison Street system which collects 55th Street runoff from a point west of Monroe Street to a point west of Grant Street and discharges it into a detention basin at 55th Street and Madison Street which has been designed for this watershed.
 - B. The County Line system which collects the runoff from the watershed north of 55th Street between Elm Street and Oak Street and carries it in a sewer which is installed on the north side of 55th Street from Elm Street to County Line Road thence south on the east side of County Line Road to discharge into a natural drainage ditch in the Katherine Legge property.



The final plans are now being prepared for the section from ~~Illinois Route 21 to Garfield Street~~. However the plans for the area to the east are essentially complete and since this area, in part, involves sections of your jurisdiction, the following sheets are being transmitted herewith for your review and comments:

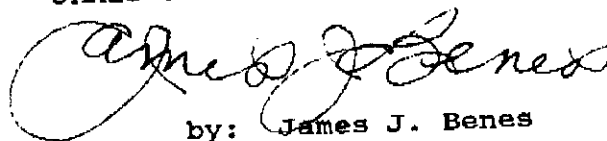
Sheet No. 1:	Existing typical cross sections 55th Street
Sheets No. 2-3:	Proposed typical cross sections 55th Street
Sheet No. 4:	Typical cross sections cross streets
Sheets No. 5-9:	Plan and profile sheets 55th Street roadway
Sheets No. 10-14:	Plan and profile sheets 55th Street drainage
Sheets No. 15-18:	Plan and profile sheets County Line Road sewer
Sheet No. 19:	55th street edge of pavement warping details
Sheet No. 20:	Finished grade elevations at intersection of 55th Street and County Line Road
Sheets No. 21-28:	Station cross sections 55th Street Station 247+50 to Station 275+00
Sheets No. 29-38:	Station cross sections County Line Road Station 379+00 to Station 400+00

We have enclosed one set of prints of the sheets noted above for your review. Please review this material at your earliest convenience and provide to us your comments. Should you wish to mark your comments on the enclosed prints and return them to us, we shall preserve these copies and return them to you with our final plans.

Should you have any questions concerning the project or require further material, please do not hesitate to contact me.

Very truly yours,

JAMES J. BENES AND ASSOCIATES, INC.



by: James J. Benes

cc: Mr. M. Kevin Carroll
DuPage County Hwy. Dept.

Mr. Daniel Schoenberg
Village of Hinsdale