

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter Of:)	
)	
JOHNS MANVILLE, a Delaware corporation,)	
)	
Complainant,)	PCB No. 14-3
)	
v.)	
)	
ILLINOIS DEPARTMENT OF TRANSPORTATION,)	
)	
Respondent.)	

NOTICE OF SERVICE OF RECORD SUBPOENA

I, Kathrine Hanna, one of the attorneys for Complainant Johns Manville, certify that on December 2, 2014, I caused to be served the attached Subpoena to Produce Documents upon the City of Waukegan, Illinois, by personal service pursuant to 35 Ill. Adm. Code 101.622, as evidenced by the attached subpoena and affidavit.

Dated: December 4, 2014

Respectfully submitted,

BRYAN CAVE LLP

Attorneys for Complainant Johns Manville

By: 
 Susan Brice
 ARDC No. 6228903
 Kathrine Hanna
 ARDC No. 6289375
 161 North Clark Street, Suite 4300
 Chicago, Illinois 60601
 (312) 602-5124
 Email: susan.brice@bryancave.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on December 4, 2014 I caused to be served a true and correct copy of Complainant's Notice of Service of Record Subpoena upon all parties listed on the Service List by sending the documents via e-mail to all persons listed on the Service List, addressed to each person's e-mail address. Paper hardcopies of this filing will be made available upon request.


Kathrine Hanna

SERVICE LIST

Evan J. McGinley
Office of the Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
E-mail: emcginley@atg.state.il.us

Matthew D. Dougherty
Assistant Chief Counsel
Illinois Department of Transportation
Office of the Chief Counsel, Room 313
2300 South Dirksen Parkway
Springfield, IL 62764
E-mail: Matthew.Dougherty@illinois.gov

Illinois Pollution Control Board
Brad Halloran, Hearing Officer
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
E-mail: Brad.Halloran@illinois.gov

Illinois Pollution Control Board
John Therriault, Clerk of the Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
E-mail: John.Therriault@illinois.gov

Before the Illinois Pollution Control Board

In the Matter Of:)	
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JOHNS MANVILLE, a Delaware corporation,)	
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Complainant,)	PCB No. 14-3
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v.)	
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ILLINOIS DEPARTMENT OF TRANSPORTATION,)	
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SUBPOENA DUCES TECUM

TO: City Clerk
City of Waukegan
100 N. Martin Luther King Jr. Avenue
Waukegan, IL 60085
Fax: (847) 360-9744

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2006)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to produce documents relevant to the matter under consideration as described in the attached Exhibit A. Production must be made no later than December 16, 2014, and shall be directed to the attention of Susan Brice at Bryan Cave LLP, 161 North Clark Street, Suite 4300, Chicago, Illinois 60611.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101.802.

ENTER:



John T. Therriault, Clerk
Pollution Control Board

Date: November 17, 2014

I served this subpoena duces tecum by handing a copy to _____
_____ on _____, 2014.

Subscribed and sworn to before me this _____ day of _____,
20____.

Notary Public

EXHIBIT A

Any and all documents within your possession, custody, and control, including electronically stored information, relating to that property owned by the City of Waukegan and located at or near the intersection of Greenwood Avenue and Pershing Street (the "Property") that is subject to the 2007 Administrative Settlement Agreement and Order on Consent for Removal Action (U.S. EPA Region 5 CERCLA Docket No. VW-07-C-870) between the United States Environmental Protection Agency ("USEPA") and Johns Manville and Commonwealth Edison Company (the "AOC"), including but not limited to:

- 1) any and all documents relating to the AOC;
- 2) any and all documents relating to the Amstutz Expressway Project conducted during the period from approximately 1970 to approximately 1976 by the Illinois Department of Transportation ("IDOT");
- 3) any and all communications with USEPA, the Illinois Environmental Protection Agency, the Illinois Attorney General's office, the State of Illinois (including its Departments and Divisions) and/or, as to each, any of their employees, attorneys, consultants or agents regarding the Property;
- 4) any and all documents relating to maintenance or construction work on the Property since 1970, including utility maintenance and/or relocation activities;
- 5) any and all documents relating to soil borings and/or other soil testing conducted on the Property since 1970; and
- 6) any and all communications with Johns Manville, Commonwealth Edison, or IDOT regarding the Property.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CASE NO.14-3

AFFIDAVIT OF SPECIAL PROCESS SERVER

Michael Fahey, being first duly sworn on oath deposes and says that he/she served process in the above mentioned cause.

That he/she served the within:

- Summons & Complaint
- Citation to Discover Assets
- Rule to Show Cause
- Subpoena
- Other:

1. By leaving a copy with the named party, ----- personally on -----;

2. On the within named party, -----, by leaving a copy with -----, -----, who states that they are a member of the household on -----, and informed that person of the contents thereof, and that further he/she mailed a copy of same in a sealed envelope with postage prepaid addressed to the party on -----.

3. On the within party, **City Clerk, City of Waukegan**, by leaving a copy with **Shakira Jones, Deputy Clerk and Authorized Person on December 2, 2014**, and informed that person of the contents thereof.

4. That the sex, race, and approximate age of the person with whom he/she left the documents were as follows:

SEX: **Female** RACE: **African American** APPROXIMATE AGE: **32**

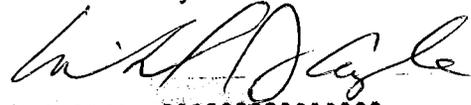
5. That the place where and the time of day when the documents were served were as follows:

PLACE: **100 N. Martin Luther King Jr. Avenue, Waukegan, IL 60085**

TIME OF DAY: **10:18 AM**

6. That he/she was unable to serve within named party ----- located at ----- for the reason: -----

Signed and Sworn to before me
This **2nd** day of **December 2014**



Michael Fahey
Special Process Server
IT'S YOUR SERVE, INC.
Private Detective Agency No. 117-000885