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SEP 25 2003

STATE OF ILLINOIS
Pollution Control Board

**STATE OF ILLINOIS
POLLUTION CONTROL BOARD
100 W. RANDOLPH STREET, SUITE 11-500
CHICAGO, ILLINOIS 60601**

NOTE: All items must be completed. If there is insufficient space to complete any item, additional sheets may be attached, specifying the number of the item you are completing. Once completed, you must file the original and nine copies with the Board.

FORMAL COMPLAINT

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

Michael A. Petrosius

Darla G. Petrosius

(Insert your name(s) on lines
above),

Complainant,

v.

The Illinois State Toll
Highway Authority

(Insert names of alleged polluter(s)
on lines above),

Respondent.

PCB 04-36
(For use by the Board)

1. Your Name, Address and Phone:

Michael A. Petrosius

7335 Maridon Road

LaGrange IL 60525

Phone 708-354-5048

2. Place where you can be contacted during normal business hours (if different from above):

Mobile Phone

Phone 708-473-7722

3. Name and Address of Respondent (Alleged Polluter)

The Illinois State Toll

Highway Authority

2700 Ogden Avenue

Downers Grove IL 60515

Phone 630-241-6800
(if known)

4. Describe the type of business or activity which you allege (believe) is causing pollution (for example, manufacturing company, grain elevator, home repair shop)_____

Toll collection/enterance ramp, running northbound along property
line onto 294 tollway.

5. List specific Sections of the Environmental Protection Act and/or Board regulations which you allege (believe) are being violated. _____

35 Ill. Adm. Code, Subtitle H, Chapter I, Section 900.102

6. Describe the type of alleged pollution (for example air, odor, noise, water, drinking water, sewer back-ups) and the location of the alleged pollution. Be as specific as possible in describing the pollution discharge or emission. _____

Noise is caused by traffic along south side of properties and _____

consists of many types of noises- revving of semi-truck motors _____

uphill on 75th street northbound entrance/toll collection ramp- _____

Jake breaking of semi truck motors slowing down to allow ramp traffic _____

to enter tollway- Empty semi containers/dumpsters driving over numerous _____

bumps and holes causing bouncing on pavement- All car and truck _____

tires speeding along property line causing excessive roaring noise. _____

7. Describe the duration and frequency of the alleged pollution. Be as specific as possible about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing; include dates and/or times of day if available. _____

The noise pollution was noted immediately on taking occupancy of _____

the property. The pollution is continuous, Twenty-four hours per _____

day, Seven days a week. The noise is so frequent that the IPCB db _____

requirement's are violated every minute, of every hour of every day _____

of the year. The Hodgkins industrial park, which includes UPS's _____

largest trucking terminal is the majority of truck traffic along _____

our property. It is very frequent and increases every year. _____

8. Describe any bad effects which you believe the alleged pollution has on human health, plant or animal life, or the environment. _____

The noise generated by the toll collection ramp has resulted in an unreasonable interference with the use and enjoyment of our property.

The noise during the night interferes with our sleep which endangers the physical and emotional health and well-being of our children and ourselves. The toll collection ramp along our property decreases the value of our property.

9. Describe the relief you wish the Board to grant (for example, an order that the Respondent stop polluting, perform a specific action, make a specific change in its operation, and/or pay a money penalty; the Board cannot order Respondent to pay you money damages, attorney's fees or any out-of-pocket expenses which you incur by filing this complaint.

We request that the board enter an order directing the respondents to re-install the soundwalls to maximum lengths and heights to minimize noise entering our property. The original sound study taken when the ramp was built stated a wall 18 feet above the road was recommended. The current soundwall is Four feet below tollroad, and admittedly built in error and knowingly left as is by tollway.

10. State whether you know if there is any court or other forum in which you are or anyone else is suing or complaining against this Respondent for the same alleged pollution discharge or emission.

None known. Previously had meeting with tollway representatives explaining that their employee admitted the wall was built incorrectly and was not stopping noise. However, no resolution of the noise pollution problem has been achieved.

11. CERTIFICATION (Optional but encouraged)

I Michael A. Petrosius having read the above do hereby swear and attest that I have read the forgoing and I have filled out the above form accurately and to the best of my knowledge.

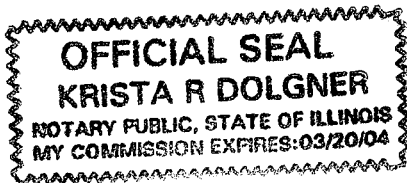
Michael A. Petrosius

Subscribed to and Sworn
before me this 9th day
of September, 19 2003

Krista R. Dolgner
Notary Public

My Commission Expires

3-20-04



NOTE: THIS FORM MUST BE INCLUDED IN THE SERVICE TO RESPONDENT

INFORMATION FOR RESPONDENT RECEIVING COMPLAINT

The Board will not accept this complaint that has been served upon you if the case is determined to be either duplicitous or frivolous. Duplicitous means that a similar case is pending in another court or in another action before the Board. The response to question #10 in the complaint states the opinion of the Complainant(s) on this issue.

Neither can the Board accept the complaint if the action is frivolous. Frivolous means that the requested relief is beyond the Board's authority to grant. For example, the Board has the authority to order the Respondent(s) to cease and desist the polluting activity and order a fine after following certain procedures. The Board does not have the authority for example to grant monetary compensation to the Complainant for damage to health or property. Also, the Board cannot order the polluting activity to cease while the case is pending, except under special circumstances. The response to question #9 in the complaint states the opinion of the Complainant(s) on this issue.

If you believe this case is duplicitous or frivolous, please file a motion with the Board within two weeks from the date of service. The motion must state the basis for which the motion is made and a concise statement of the relief sought. Memoranda, affidavits, and any other relevant documents should accompany the motion. If more time than two weeks is necessary to gather supporting evidence, please indicate this within the two weeks and state your reasons as well as the amount of additional time needed. Upon good cause, the Board may grant an extension at its next Board meeting.

Ten (10) copies of the motion must be filed with the Clerk of the Board with proof of service. Service may be done either personally or by First Class United States mail. Mail service is presumed completed four days after mailing.

If no response is received by the Board within two weeks, the Board, at its discretion, may find that the complaint is not duplicitous or frivolous and may accept the case for hearing.

If you have any questions, please contact the Clerk's Office, at (312) 814-3629.

CERTIFICATE OF SERVICE

The undersigned, being first sworn, states that an original copy of the complaint and a copy of the notice of filing was mailed, or personally served, to the Respondent of this action at the below listed address on this date 9-19-03 by: (Check appropriate line)

- ☒ Certified Mail (attach copy of receipt)
☐ Registered Mail (attach copy of receipt)
☐ Personal Service

RESPONDENT'S ADDRESS

NAME: THE ILLINOIS State Toll Highway Authority Attn: Legal Dept.

STREET: 2700 Ogden Ave

CITY, STATE AND ZIP: Downers Grove, IL 60515

Michael A Petrosini
Complainant(s)

SIGNED AND SWORN to before me
this date 19th of September, 2003

Krista R Dolgner
Notary Public





***** WELCOME TO *****
WILLOW SPRINGS PO
WILLOW SPRINGS, IL 60480-1371
09/19/03 09:14AM

Store USPS Trans 5
Wkstn sys5003 Cashier KNFTHT
Cashier's Name BARB
Stock Unit Id SIABARB
PO Phone Number 708-839-6949
USPS # 1615500480

1. First Class 4.65
Destination: 60515
Weight: 2.00oz
Postage Type: PVI
Total Cost: 4.65
Base Rate: 0.60
SERVICES
Certified Mail 2.30
70023150000624079323
Return Receipt 1.75

Subtotal 4.65
Total 4.65

Cash 5.00
Change Due
Cash 0.35

Number of Items Sold: 1

Thank You
Please come again!

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

DOWNERS GROVE, IL 60515

Postage	\$ 0.60	UNIT ID: 0480
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.65	Postmark Here
		Clerk: KNFTHT
		09/19/03

Sent To

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THE ILLINOIS STATE TOLL
Highway Authority
2700 OGDEN AVE
DOWNERS GROVE IL 60515
ATTN: Legal Dept.

2. Article Number
(Transfer from service label)

E2EB 2042 9000 05TE 2002

PS Form 3811, August 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent
☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Collins SEP 22 2003

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PLACE STICKER AT
OF THE RETURN ADDRESS