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APR 12 2004

STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

MICHAEL A. PETROSIUS and Darla G. )  
PETROSIUS )

Complainants, )

v. )

ILLINOIS STATE TOLL HIGHWAY )  
AUTHORITY )

Respondent. )

No. PCB 04-36  
(Citizen's Enforcement  
Noise)

NOTICE OF FILING

To: Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
600 South Second St. Suite 402  
Springfield, Illinois 62704

Victor Azar  
2700 Ogden Avenue  
Downers Grove, Ill. 60515

Please take notice that on the 9th day of April, 2004, Complainant Michael and Darla Petrosius, by their attorney, Scott Dworschak, mailed for filing the attached COMPLAINANT'S REQUEST TO PRODUCE with Dorothy M. Gunn, the Clerk of the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph St. Ste. 11-500, Chicago, Illinois 60601.

BY:   
Scott Dworschak

Scott Dworschak  
Perkaus & Farley, LLC  
1343 North Wells  
Chicago, Illinois 60610  
312-944-8200

CERTIFICATE OF SERVICE

The undersigned, an attorney, states that copies of the foregoing were served upon the above named individuals at the above addresses by depositing the same in the United States mail chute located at 1400 North Wells, Chicago, Illinois, 60610, on the 9th day of April, 2004 with proper postage prepaid.

By:   
Scott Dworschak

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**ILLINOIS POLLUTION CONTROL BOARD**

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**REQUEST TO PRODUCE TO THE RESPONDENT**

NOW COMES, the Complainants, Michael & Darla Petrosius, by their attorney, Scott Dworschak, Perkaus & Farley, LLC, and pursuant to the Hearing Officer Order of December 15, 2003 the Complainants submit the following requests to produce:

**DEFINITIONS AND INSTRUCTIONS**

1. Whenever appropriate, the singular form of a word should be interpreted as plural.
2. "And" as well as "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this Request for Production any documents which might otherwise be construed to be outside its scope.
3. With respect to any document which you withhold on any claim of privilege, you should provide a statement signed by an attorney representing you setting forth as to each document:
  - a. The name(s) of the sender(s) of the document;
  - b. The name(s) of the author(s) of the document;

- c. The name(s) of all persons to whom copies or summaries were sent or otherwise disclosed;
- d. The job title and last known business and residence address of every person identified in (a), (b) and (c) above;
- e. The date of the document;
- f. A brief description of the nature, format and subject matter of each document;
- g. The date on which said document, or any copy or summary thereof, was delivered to your counsel or record; and
- h. The privilege under which the document is withheld.

4. In producing the documents requested herein, you should indicate the specific request(s) to which each document or group of documents is produced. You should produce the requested documents as they are kept in the usual course of business or organized and labeled to correspond with the categories in this request.

5. "Person" means and includes, without limiting the generality of its meaning, every natural person, corporate entity, partnership, association, governmental body or agency.

6. "Document" means and includes any copy or summary of any document that is not identical to the original and, without limiting the generality of its meaning, all retrievable information in computer storage in printed form; telegrams; reports; invoices; bills; contracts; construction plans; construction designs; maps; market studies and reports, book; records; minutes; letters;

3. Documents, costs, CIP (construction improvement project) or MIP (maintenance improvement project) numbers, regarding any noise wall additions, deletions, or alterations performed on the I-294 toll road between 1990 and 2000.
4. Any and all sound studies, noise meter readings, commissioned or performed by Respondent's employees or contractors within one mile, in each direction, of the 75<sup>th</sup> Street interchange on the I-294 toll road. Response should include dB testing criteria and procedures relied upon by the Respondent.
5. Any and all criteria (policies, rules, regulations, statutes), in which the Respondent relied in order to determine noise wall location and height for noise wall installed along the I-294 toll road between 1990 and 2000.
6. Average Daily Traffic (ADT) numbers for the calendar years 1988 through 2003 for the I-294 toll road within one mile of the 75<sup>th</sup> Street interchange, in both directions. ADT should also include all ramps to and from the 75<sup>th</sup> Street interchange from the date of its construction through 2003.
7. Toll revenues collected from the I-294/75<sup>th</sup> Street interchange toll booths for each year since the construction of the interchange.
8. All agenda items brought before the Tollway Board of Directors regarding noise wall policy, noise wall location and/or installation from 1988 to the present.
9. Documents which depict the physical location, number of lanes, interchanges, on the I-294 toll road within a two mile radius of the residence at 7335 Maridon Road, Countryside, Illinois as the toll road appeared in 1963.
10. Documents which depict the physical location, number of lanes, interchanges, on the I-294 toll road within a two mile radius of the residence at 7335 Maridon Road, Countryside, Illinois as the toll road appeared in 2003.
11. Name and position of any Respondent employee that had the authority to approve, deny, or alter the location of any noise wall by Respondent from 1990 to the present.
12. Any expert reports, witnesses, and the qualifications of any experts, that the Respondent intends to utilize at the hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Dworschak", written over a horizontal line.

Scott Dworschak  
Perkaus & Farley, LLC  
Attorney for Complainants  
1343 North Wells  
Chicago, Illinois 60610  
312-944-8200