

**Marek Kruk, Complainant, v. New Trier High School, Respondent
PCB 20-10 (Citizens Enforcement - Noise)**

**Motion for leave to file a belated sur-reply to respondent's reply to
complainant's response to the motion for summary judgment
and request for
oral argument in further response to respondent's motion for
summary judgment**

1. Request to disclose all sound measurements performed for New Trier High School

The District has not disclosed non-compliance voluntarily in the past as outlined in earlier "Kruk response" to the respondent's motion for summary judgment.

Therefore, through this motion I am requesting that the District disclose any and all sound measurements conducted for New Trier High School before the Illinois Pollution Control Board for further review. Inclusive within this motion, I am requesting disclosure of the procedures and measurements performed in January, 2020, as mentioned in the Respondent's Exhibit 1 (The March 1, 2021 Shiner report) of the motion for summary judgment. If the measurements were performed as indicated, they were recorded, even if not compiled in any formal report, and they must be disclosed.

Furthermore, all procedures and measurements of all equipment tested (including rooftop units/cafeeteria fans) to include but not limited to the January, 2020 visit, must be disclosed before the Illinois Pollution Control Board for review.

2. Request oral argument to present additional arguments and facts

I would like to request oral argument to discuss this case and to present further information as it pertains to sound measurements of the dust collector conducted on 08/16/2020. In addition to arguments presented in the "Kruk response" to the respondent's motion for summary judgment, the wind speed and more importantly wind direction which affects the level of sound must also be considered. It must be noted that the wind direction at the location and time of testing on 08/16/2020 was out of the South/South West. The prevailing winds out of the SSW would yield a lower reading of the sound levels since the wind carries sound away from the Kruk property at 124 Woodland Ave as it is located South/South West of the dust collector.

Respectfully,

Marek Kruk