

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

**Kruk Response to RESPONDENT'S INTERROGATORIES TO
COMPLAINANT**

INTERROGATORIES AND ANSWERS:

1. Identify all persons who answered, assisted in answering, and prepared answers to these Interrogatories and who responded to, assisted in responding to, and prepared the responses to the District's Requests for Production tendered simultaneously with these Interrogatories.

Answer: Marek Kruk - the complainant

2. Identify each person you believe has knowledge of facts relating to this proceeding, and for each such person describe the subject matter as to which you believe the person has knowledge.

Answer:

Shiner Acoustics experts who conducted acoustical testing for New Trier High School.

Brian L. Homans

Cameron J. Baillie

New Trier High School employees who were presented with the reports for above mentioned acoustical testing indicating ongoing non-compliance:

Dave Conway - Director of Physical Plant Services

Steve Linke - Facilities Manager

Complainant - Marek Kruk

Additional experts maybe called upon in the future, as needed and will be identified accordingly.

3. Pursuant to Illinois Supreme Court Rule 213(f), state the name and last known address of each person you intend to call as a witness at trial and, for each lay witness, specify the subjects on which the witness will testify.

Answer:

Shiner Acoustics experts who conducted acoustical testing for New Trier High School:

Brian L. Homans

Cameron J. Baillie

Shiner Acoustics

225 W. Washington St., Suite 1625

Chicago, IL 60606

(312) 849-3340

New Trier High School Board of Education Members:

Keith Dronen - Board President

Jean Hahn - Board Vice President

Cathleen Albrecht - Board Member

Kimberly Alcantara - Board Member

Avik Das - Board Member

Brad McLane - Board Member

Sally Tomlinson - Board Member

Greg Robitaille - former Board Member and President

New Trier High School employees:

Denise Dubravec - Principal - Winnetka

Paul Sally - Superintendent

Christopher Johnson - Associate Superintendent

Dave Conway - Director of Physical Plant Services

Steve Linke - Facilities Manager

Niki Dizon - Director of Communications

385 Winnetka Ave

Winnetka, IL, 60093

847-446-7000

Village of Winnetka employees:

Brian Norkus - Community Development Assistant Director

David Shoon - Community Development Director

510 Green Bay Road

Winnetka, IL 60093

847-716-3520

Woodland Ave residents:

Marek Kruk's spouse at 124 Woodland Ave - Edyta Kruk

Neighbor residing at 130 Woodland Ave - Heather Walsh

Neighbor residing at 138 Woodland Ave - Cris Downey

Winnetka, IL 60093

All above listed names are well known to the district and will testify as either experts or individuals who are familiar with the case, school operations, and curriculum.

The Shiner Acoustics experts will testify on the subject of acoustical testing and measurements that confirmed noncompliance.

The above list may be altered/adjusted based on the district's response to Kruk's interrogatories to the district.

4. Pursuant to Illinois Supreme Court Rule 213(f), for each independent expert witness you identified in response to Interrogatory No. 3, state the subjects on which the witness will testify and the opinions you expect to elicit.

Answer:

The opinions expected to be elicited will be centered on the non-disclosure of a known non-compliance by the district and subjecting my family and the public to excessive, harmful noise. This harmful noise and non-compliance were downplayed by the district resulting in denying my family and the public the right to be protected by the laws and regulations.

The Shiner Acoustics experts will testify on the subject of acoustical testing and measurements that confirmed noncompliance.

Also see above answer to interrogatory #3

5. Pursuant to Illinois Supreme Court Rule 213(f), for each controlled expert witness you identified in response to Interrogatory No. 3, state the subject matter on which the witness will testify; the conclusions and opinions of the witness and the bases for such conclusions and opinions; the qualifications of the witness; and any reports prepared by the witness about this proceeding.

Answer:

See above answers to interrogatories #3 and #4

The conclusions will be based on the fact that the district hired a sound expert who advised them that they operated some equipment above allowable noise limits. The district acknowledged in 2018 that they continued operating non-compliant equipment and then denied it in their official response to the formal complaint that was filed in August of 2019.

6. Explain with specificity the factual basis for your allegation that the District is currently in violation of the Pollution Control Board's noise regulations at Section 901.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)).

Answer:

Multiple reports prepared by Shiner Acoustics hired by the district showed noise measurements above allowable limits as taken at 124 Woodland Ave.

Specifically, see Exhibit 1 Shiner - Shiner Acoustics report dated 07/15/2019 which was not disclosed by the district until January 2022 showed measurements and procedures for the testing done on 07/12/2019.

This report shows numeric measurements of noise emissions taken at the Kruk property in accordance with the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

Moreover, per this report, (Exhibit 1 Shiner) sound level readings were conducted in "strict adherence to applicable measurement procedures" with the microphone "held at an approximate height of 4-1/2 ft above the ground." Section 910.105 for 35 Illinois Administrative Code states to set up microphone "to a height between 3 feet 8 inches (1.12 m) and 4 feet 10 inches (1.47 m) above ground."

This report showed measurements exceeded Illinois daytime limits in 5 of 9 octaves, see Table 1 of Exhibit 1 Shiner.

Furthermore, the district received this report (Exhibit 1 Shiner) in July 2019 as yet another confirmation of non-compliance. Subsequently, the district denied any violation of any standards set by the Pollution

Control Board, the Illinois Administrative code, in their October 2019 response to the complaint Kruk filed in August of 2019.

To date, the district has not produced numeric testing of noise emissions below the standards at the Kruk property which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

Moreover, the district continued to state that more work affecting the noise levels was pending, however, they have not provided updates on that work.

Also, see Exhibit 2 Shiner and Exhibit 3 Shiner - 12/20/2019 and 08/15/2018 Shiner Acoustics reports showing noise measurements above allowable limits, respectively. These reports contain sufficient data and expert opinion to confirm the non-compliance.

7. Describe all numeric measurements taken by you of sound emissions and all measurement techniques including but not limited to site selection, instrumentation set up, measurement site operation and instrument calibration, correction factors, reference time of testing, and compliance with ANSI standards.

Answer:

See above answer to interrogatory #6

8. Identify all persons or entities engaged by you to measure the alleged noise at your property.

Answer:

Acoustical testing performed for New Trier High School by Shiner Acoustics showed non-compliance, noise measurements above allowable limits at the Kruk property in multiple reports.

9. For each such person or entity identified in Interrogatory No. 8, describe the procedures used to take such measurements and the findings of those noise tests, including but not limited to site selection, instrumentation set up, measurement site operation and instrument calibration, correction factors, reference time of testing, and compliance with ANSI standards.

Answer:

See Shiner Acoustics reports, Exhibit 1 Shiner, Exhibit 2 Shiner, Exhibit 3 Shiner as mentioned in above interrogatories answers. Also see Exhibit 4 - Kruk Response to RESPONDENT'S REQUESTS TO ADMIT TO COMPLAINANT

Thank you,

Marek Kruk
12/16/2022

Electronic Filing: Received, Clerk's Office 12/16/2022