

FEB 02 2005

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

(Citizen Enforcement –
Noise, Air)

THIS DOCUMENT HAS BEEN PRINTED ON RECYCLED PAPER

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

RECEIVED
CLERK'S OFFICE

FEB 02 2005

STATE OF ILLINOIS
Pollution Control Board

GINA PATTERMANN,)	
)	
Complainant,)	PCB 99-187
)	
v.)	(Citizen Enforcement –
)	Noise, Air)
BOUGHTON TRUCKING AND)	
MATERIALS, INC.,)	
)	
Respondent.)	

MOTION TO FILE INSTANTER
AND
SUPPLEMENTAL RESPONSE TO COMPLAINANT'S MOTION
FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE
AND PRAYER FOR RULE 219(e) EXPENSES

NOW COMES Respondent, Boughton Trucking and Materials, Inc. ("Boughton"), by its attorneys, Mayer, Brown, Rowe & Maw LLP pursuant to 35 Ill. Admin. Code 101.500(d) and moves the Board for leave to file instanter this Supplemental Response to Complainant's Motion for Voluntary Dismissal Without Prejudice and Prayer for Rule 219(e) Expenses.

In support thereof, Respondent states:

1. On January 20, 2005, Respondent agreed in a telephonic conference with the Hearing Officer to file its response to Complainant's Motion for Voluntary Dismissal on an expedited basis. That response, titled Boughton's Response and Objection to Complainant's Motion for Voluntary Dismissal, was filed with the Board on January 25, 2005.
2. The Response filed on January 25, 2005 included a statement of Boughton's expenses. However, due to the short time allowed for preparation of that expedited response, the total expenses figure in the accompanying statement of expenses did not include the January 2005 bill of one of Boughton's expert witnesses.

3. Respondent requests leave to file the attached AFFIDAVIT OF FRANK MALY which includes a complete statement of Boughton's expenses, as allowed under Supreme Court Rule 219(e), none of which have been paid by Complainant as of this date, and copies of invoices.

4. If the Board determines that Complainant is entitled to a voluntary dismissal under Code of Civil Procedure Section 5/2-1009, Respondent prays that the Board order that its expenses, as stated in the attached affidavit, be paid under Supreme Court Rule 219(e) prior to the issuance of such dismissal. Boughton's Response and Objection to Complainant's Motion for Voluntary Dismissal Without Prejudice, filed January 25, 2005, discusses the purpose and applicability of Rule 219(e), the relevant case law, and the facts and discovery sanctions issued in this case which warrant Rule 219(e) expenses. See pp. 5-10.

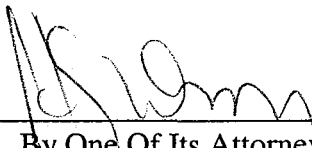
5. Should the reasonableness of these expenses be questioned by the Complainant, Respondent requests that a hearing be scheduled to address that fact question.

WHEREFORE Boughton requests leave to file this SUPPLEMENTAL RESPONSE TO COMPLAINANT'S MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE and the attached AFFIDAVIT OF FRANK MALY.

BOUGHTON TRUCKING AND MATERIALS, INC.

February 2, 2005

Patricia F. Sharkey
Mark R. Ter Molen
Kevin Desharnais
Michelle Gale
MAYER, BROWN, ROWE & MAW LLP
190 South LaSalle Street
Chicago, Illinois 60603
(312) 782-0600



By One Of Its Attorneys

County of Cook)
) ss.
State of Illinois)

AFFIDAVIT OF FRANK MALY

I, Frank Maly, being first duly sworn, state as follows:

1. My name is Frank Maly and I reside in the town of Yorkville in Kendall County, Illinois. I am the General Manager and Secretary-Treasurer of Boughton Trucking and Materials, Inc. ("Boughton"), an Illinois corporation, with its offices located at 11746 South Naperville-Plainfield Road, Plainfield, Will County, Illinois 60544. I have been employed by Boughton for seven years.

2. Over the last 5 ½ years since the filing of the complaint before the Pollution Control Board in the matter of Pattermann v. Boughton Trucking and Materials, Inc., IPCB No. 99-187 alleging that activities at the Boughton 111th Street Quarry violate Pollution Control Board standards, I have been primarily responsible for directing Boughton's defense to that lawsuit, including hiring attorneys and experts, reviewing their work, and paying their fees and expenses.

3. I have personally reviewed and paid the following expenses on behalf of Boughton and I attest that these bills were incurred through January 20, 2005 and have been paid by Boughton solely to defend Boughton against the charges made in the above referenced complaint:

Expert witnesses

Michael S. McCann, William A McCann & Associates, Inc.	\$24,243.35
--	-------------

(Includes meetings with Boughton and Mayer, Brown, Rowe & Maw in preparation for trial, and preparation of expert witness report, including performance of property value study, aerial photographs, and other exhibits included in expert report)

Kip Smith, MacTec, Inc. (Previously Harding-Lawson)	\$ 3,423.49
--	-------------

(Includes meetings with Boughton and Mayer, Brown, Rowe
& Maw in preparation for trial and preparation of draft report)

Court Reporter and Transcripts

George E. Rydman & Assoc., Ltd.	\$ 1,361.40
---------------------------------	-------------

(Court reporter and transcripts for depositions of Complainant's

five witnesses, paid by Mayer, Brown, Rowe & Maw and reimbursed Boughton)

Trial Exhibits

Document Technologies, Inc. \$ 591.63

(Production of oversized exhibits and hard copies and digital copies of exhibits for trial, paid by Mayer, Brown, Rowe & Maw and reimbursed by Boughton)

Reproduction Costs

Mayer, Brown, Rowe & Maw \$ 3,714.15

(Document reproduction expenses paid by Mayer, Brown, Rowe & Maw and reimbursed by Boughton)

Travel Expenses

Mayer, Brown, Rowe & Maw \$ 142.07

(Travel expenses paid by Mayer, Brown, Rowe & Maw and reimbursed by Boughton)

Postage

Mayer, Brown, Rowe, & Maw \$ 1,242.17

(Mail, shipping, document delivery, and fax expenses paid by Mayer, Brown, Rowe & Maw and reimbursed by Boughton)

Phone

Mayer, Brown, Rowe, & Maw \$ 8.69

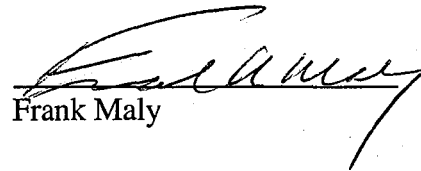
(Long Distance telephone charges paid by Mayer, Brown, Rowe & Maw and reimbursed by Boughton)

Total \$ 34,726.95

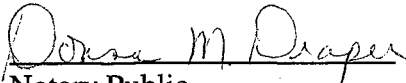
4. I attest that the invoices attached to this affidavit reflect the above referenced amounts which I have paid on behalf of Boughton to defend itself in the Pattermann litigation.

5. I further attest that Boughton has also incurred and paid a substantial amount in attorneys fees over the last 5 ½ years to defend itself in the Pattermann litigation, no part of which is reflected in the above payments.

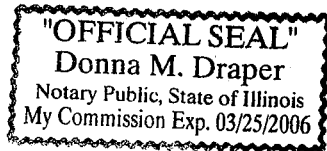
Further Affiant Sayeth Not.


Frank Maly

Sworn and subscribed to
before me the 2nd day of February __, 2005.


Notary Public

My commission expires: 3/25/2006



DETAIL REPORT BY MATTER

From Date:01 Jan 1999 To Date:21 Jan 2005

Req'd by ML005139

Cost Summary		Amount		
Cost Desc	Cost Type	Base	Total	Bill
Document Delivery	94	122.40	122.40	122.40
Document Delivery - Chicago Messenger	60	11.50	11.50	11.50

From Date: 01 Jan 1998 To Date: 21 Jan 2005

Time WIP Status Included: Billed

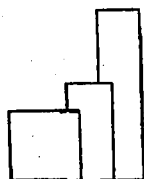
Cost WIP Status Included: Billed

Cost Summary		Amount	
Cost Desc	Cost Type	Base	Bill
Document Delivery - Office	93	346.72	346.72
Document Preparation	29	727.50	727.50
Document Reproduction	42	3,354.00	3,352.35
Document Reproduction - Outside	41	361.80	361.80
Facsimile Transmission - Local	82	378.57	378.57
Facsimile Transmission - Long Distance	83	264.00	264.00
Local Transportation	09	142.07	142.07
Long Distance Telephone	72	8.69	8.69
Mailing Charges - Office	92	101.58	101.58
Mailing Charges - Outside	91	17.40	17.40
Transcripts	08	1,361.40	1,361.40

\$7,195.98 \$7,195.98

Jan. 21. 2005 3:18PM

No. 1708 P. 2



William A.
McCann &
Associates, Inc.
Since 1962

Real Estate Appraisers & Consultants

Michael S. McCann
Brian P. McCann
Kevin A. Byrnes
Michael F. Walsh

James P. Foley III
Laura M. Foran
Martin L. Houlihan
William A. McCann III
John T. Setina III

William A. McCann, MAI
Litigation Consultant

FILE COPY

Boughton Trucking & Materials, Inc.
c/o Frank Maly
Secretary
11746 S. Naperville-Plainfield Road
Plainfield IL 60544

April 07, 2003

Invoice No. 13794

PLEASE RETURN ONE COPY WITH PAYMENT

RE: 111th Street - Boughton Quarry
Naperville, IL.
McCann File No. 030304

For services rendered to assist client in preparing defense for PCB hearing,
including exhibits, all supporting data and basis for opinions, time detailed as
follows:

	<u>HOURS</u>	<u>AMOUNT</u>
<u>Michael S. McCann</u>		
04/04/2003 Telephone conference with Pat Sharky re: relocation cost issues, etc.	0.45	
04/03/2003 Executive summary - writing; refinement of analysis and conclusions; supervise production; edit tables, etc.	7.50	
04/02/2003 Analysis of resale data, Naperville trends/ River Run/ White Eagle data overall, specific near-far data; scope with John T. Setina, III and Laura Foran re: exhibits, maps, aerials; report writing re: findings, conclusions, support for opinions; lunch meeting with John T. Setina, III refine analysis, table and exhibit requirements; aerial presentation scope with Melissa M.; etc.	7.75	
Executive summary - writing; refinement of analysis and conclusions; supervise production	1.50	
03/31/2003 Meeting/ analysis with John T. Setina, III; review selections for data analysis	2.50	
Teleconference with Pat Sharkey, Esq. re: photos, preliminary data results, berm photo	0.25	
03/28/2003 Analysis with John T. Setina, III re: target and control areas, compare average prices and sf of house, marketing times, type of doc, locations of house, scope of exhibits	3.75	
03/26/2003 Conference with John T. Setina, III re: job and research	0.20	
03/24/2003 Review NIPC photos with John T. Setina, III and report exhibits	0.90	
03/21/2003 Review sequenced aerials with John T. Setina, III re: history of development trends; possible exhibits	0.50	
03/20/2003 Field inspect subject with John T. Setina, III, Frank M. at quarry; tour site, River Run subdivision, subdivision to north, White Eagle at west Rte. 59 to select control area; review MLS preliminary data; to/from Naperville	7.00	

414 North Orleans Street, Suite 601 Chicago, Illinois 60610
PHONE: (312) 644-0621 FAX: (312) 644-9244
www.mccannappraisal.com

Boughton Trucking & Materials, Inc.

Page 2

Invoice No. 13794

		<u>HOURS</u>	<u>AMOUNT</u>
03/19/2003	Conference with John T. Setina, III re: job and research status	0.25	
03/18/2003	Analysis of location, info available with John T. Setina, III ; review subdivision histories & Naperville plan districts; teleconf w/ Frank M. re: general volume histories at subject and other area quarries; refine scope of target/control research; etc. Follow up review- township assessors lists, excel analysis, etc.	1.25	
		0.35	
03/17/2003	Conference with John T. Setina, III re: job and research parameters	0.35	
03/13/2003	Meeting with John T. Setina, III re: aeriels needed, target area sale data, control parameters, etc.	0.75	
03/11/2003	Teleconference with Pat Sharky at Mayer Brown Review scope of research for property value impact study with John T. Setina, III	0.35 1.00	
03/10/2003	Teleconference with Pat Sharky and Kevin Desharnais	0.25	
	SUBTOTAL:	[36.85	6,817.25]
	<u>Laura Foren</u>		
04/02/2003	Analysis and research - map out subdivision re-sales for each lot in River Run and White Eagle subdivisions	2.25	
	SUBTOTAL:	[2.25	225.00]
	<u>John T. Setina, III</u>		
04/04/2003	Process balance of reports and messenger to clients office	0.75	
04/03/2003	Edit tables chart for report; process reports; messenger (1) copy to clients office; conference with Michael S. McCann re: data tables, exhibits and report writing; print out photos to label for report exhibits	8.30	
04/02/2003	Conference with Michael S. McCann re: data tables, exhibits and report writing; Make River Run and White Eagle report exhibits of subdivision plat map with sales/ resales mapped out; Review River Run and White Eagle sales and resales data; NIPC photo to be copied; data tables for residential subdivisions, exhibits for reports and photos; report writing.	10.25	
04/01/2003	CMA for Clow Creek farm, Whispering Lakes, Saddle Creek, High Meadows, Crestview Knolls, Wheatland South, Breckenridge Estates residential; Research Naperville det-sfr sales 2001, 2002, 2003, Naperville overall and Naperville Will County only; MLS research CMA on subdivisions;	7.85	
03/31/2003	Ashbury, Rosehill, Brook Crossing Estates, and Knoch Knolls Make map exhibits for report re: River Run and White Eagle residential subdivision; MLS research CMA on subdivisions; Ashbury, Rosehill, Brook Crossing Estates, and Knoch Knolls; Field inspection photo - email to Pat Sharkey for review; 360 day comparative market analysis of River Run and White Eagle residential subdivision for active, expired, cancelled	7.55	

Boughton Trucking & Materials, Inc.

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Invoice No. 13794

HOURS AMOUNT

listings; Conference call with Michael S. McCann and Pat Sharkey, Esq. re: job status and preliminary data results; . Analysis with Michael S. McCann re: preliminary research data results, exhibits, new research and data array and prepared in tables

03/31/2003	Report writing	0.50
03/30/2003	Review and analyze White Eagle residential sale data, put in excel spread sheet form	2.00
03/29/2003	Research all sales in the Shite Eagle residential subdivision for sale and resale - 430 properties; River run and White eagle residential subdivision sales spread sheet , input data, sort data tables and calculate averages, input in spreadsheet form;	10.60
03/28/2003	Analysis with Michael S. McCann re: target and control areas, compare average prices and sf of house, marketing times, type of doc, locations of house,scope of exhibits	3.75
	Review and analyze White Eagle residential sale data, input excel	4.25
03/27/2003	Sidwell maps of entire White Eagle residential subdivision for research; review and analyze White Eagle residential sala data, excel input; conference with Michael S. McCann re: job and research	7.95
03/26/2003	Calculate marketing times for all sales each year 2003-01 for River Run and White Eagle; River Run and White Eagle residential sale data input	7.70
03/25/2003	Review NIPC photos with Michael S. McCann and discuss exhibits	0.30
03/24/2003	River Run and White Eagle residential sale data input; research White Eagle residential subdivision; review NIPC photos with Michael S. McCann and report exhibits; review and organize field inspection note and file; rview and organize (download) digital photos from field inspection	8.15
03/21/2003	Review and analyze River Run residential data, input excel spread sheet form, all properties (430) in subdivision; research maps for control area for sales study research, area maps, sidwell maps; aerals with Michael S. McCann; review and compare all sales in the River Run residential subdivision for sale and resale extraction	7.15
03/20/2003	Field inspection with Michael S. McCann, Frank M. at quarry; tour site, River Run subdivision	7.00
03/19/2003	Research all sale in the River Run residential subdivision for sale and resale analysis; conference with Michael S. McCann re: job and research status; research River Run residential subdivision, MLS 2003, 2002, 2001 sales in each year for average sale price and marketing times	7.20
03/18/2003	MLS - property report research sale and resale data in the River Run subdivision; review single family developments; conference with Michael S. McCann re: field inspection, research, target and control area	6.80

Jan. 21. 2005 3:20PM

No. 1708 P. 5

Boughton Trucking & Materials, Inc.

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Invoice No. 13794

	<u>HOURS</u>	<u>AMOUNT</u>
03/17/2003 Conference with Michael S. McCann re: job and research parameters; maps of subject site and area to be researched; research all sales in the River Run residential subdivision for sale and resale; order NIPC aerals and airpix photos; research aerial photos for subject area, research (map quest) and sidwell maps	6.25	
03/14/2003 Research River Run PIN number and sales data on township web site; maps of the subject site and subject area to be researched	3.00	
03/13/2003 Conference with Michael S. McCann re: subject location and research of SFR in the area and research of target and control area; NIPC and airpix photos to order	0.75	
Call Kevin Desharnais re: any data relating to the subject property - not in office - left a voice mail message 3:14pm	0.05	
03/11/2003 Conference with Michael S. McCann re: job and research	1.00	
SUBTOTAL:	[119.10	14,887.50]
<u>Bill McCann, III</u>		
04/03/2003 Prepare photo exhibit (Figure #5)	1.25	
SUBTOTAL:	[1.25	156.25]
FEE AMOUNT:	159.45	\$22,086.00
ADDITIONAL CHARGES:		
<u>Expenses</u>		
04/03/2003 Mossner Company - exhibit and map charges		58.65
04/01/2003 Mossner Company - exhibit and map charges		30.90
03/20/2003 Aerial photographs		108.50
SUBTOTAL:	[198.05]
TOTAL COSTS		\$198.05
TOTAL AMOUNT OF THIS BILL		\$22,284.05
03/14/2003 Retainer Payment - thank you Check No. 50475		(\$5,000.00)
Total payments and adjustments		(\$5,000.00)
BALANCE DUE:		\$17,284.05

Jan. 21. 2005 3:20PM

No. 1708 P. 6

Boughton Trucking & Materials, Inc.

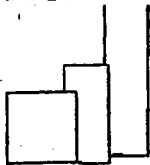
Page 5

Invoice No. 13794

This invoice is for services rendered for the dates listed above and is due and payable within 20 days. If you have any questions, please call our accounting department and you will be assisted in processing this invoice for a timely payment. Amounts unpaid after 30 DAYS are subject to a charge of 1.50% per month on the unpaid balance.

We appreciate the opportunity to be of service to you in this assignment.

Jan. 21. 2005 3:20PM



William A.
McCann &
Associates, Inc.
Since 1962

No. 1708 P. 7
Real Estate Appraisers & Consultants

Michael S. McCann
Brian P. McCann
Kevin A. Byrnes
Michael F. Walsh

James P. Foley III
Martin L. Houlihan
William A. McCann III
John T. Setina III

William A. McCann, MAJ
Litigation Consultant

FILE COPY

November 6, 2003

Boughton Trucking & Materials, Inc.
C/o Frank Maly, Secretary
11746 S. Naperville-Plainfield Road
Plainfield, Illinois 60544

RE: 111th Street – Boughton Quarry
Naperville, Illinois
McCann File No. 030304

Dear Frank:

Our current invoice includes exhibit charges that were not included in prior invoices.
Please call if you have any questions.

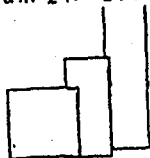
Respectfully,

WILLIAM A. McCANN & ASSOCIATES, INC.

Michael S. McCann
President

Encl.

Jan. 21. 2005 3:21PM



William A.
McCann &
Associates, Inc.
Since 1962

No. 1708 P. 8
Real Estate Appraisers & Consultants

Michael S. McCann
Brian P. McCann
Kevin A. Bymes
Michael F. Walsh

James P. Foley III
Martin L. Houlihan
William A. McCann III
John T. Setina III

FILE COPY

Boughton Trucking & Materials, Inc.
c/o Frank Maly
Secretary
11746 S. Naperville-Plainfield Road
Plainfield IL 60544

November 08, 2003

Invoice No. 13957

William A. McCann, MAI
Litigation Consultant

PLEASE RETURN ONE COPY WITH PAYMENT

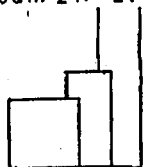
RE: 111th Street - Boughton Quarry
Naperville, IL.
McCann File No. 030304

FOR PROFESSIONAL SERVICES RENDERED:

	<u>HOURS</u>	<u>AMOUNT</u>
<u>Michael S. McCann</u>		
11/6/2003 Final review of affidavit; forward to attorney Matt S.	0.25	
11/2/2003 Review and edit draft affidavit prepared by client's attorney re: summary of McCann property value study; forward to attorney (email)	2.00	
10/28/2003 Teleconference w/Pat Sharkey re: motion, affidavit to be prepared	0.25	
SUBTOTAL:	[2.50	462.50]
FEE AMOUNT:	2.50	\$462.50
ADDITIONAL CHARGES:		
<u>Expenses</u>		
4/3/2003 Mossner Company - exhibit and map charges		515.90
4/2/2003 Mossner Company - exhibit and map charges		30.90
SUBTOTAL:		[546.80]
TOTAL COSTS		\$546.80
TOTAL AMOUNT OF THIS BILL		\$1,009.30

414 North Orleans Street, Suite 601 Chicago, Illinois 60610
PHONE: (312) 644-0621 FAX: (312) 644-9244
www.mccannappraisal.com

Jan. 21. 2005 3:21PM



William A.
McCann &
Associates, Inc.
Since 1962

Celebrating 42 Years of Service

No. 1708 P. 10
Real Estate Appraisers & Consultants

Boughton Trucking & Materials, Inc.
c/o Frank Maly
Secretary
11746 S. Naperville-Plainfield Road
Plainfield IL 60544

January 21, 2005
Invoice No. 14198

PLEASE RETURN ONE COPY WITH PAYMENT

RE: 111th Street - Boughton Quarry
Naperville, IL.
McCann File No. 030304

For Professional Services Rendered:

	<u>Hours</u>	<u>Amount</u>
<u>Michael S. McCann</u>		
1/11/2005 Review of Boughton files for meeting with Kevin Desharnais	1.00	200.00
1/12/2005 Hearing prep with Kevin Desharnais.	3.75	750.00
Subtotal:	[4.75	950.00]
Total Appraiser Fees:	4.75	\$950.00

Appraiser Summary			
<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Michael S. McCann	4.75	200.00	\$950.00

This invoice is for services rendered for the dates listed above and is due and payable within 20 days. If you have any questions, please call our accounting department and you will be assisted in processing this invoice for a timely payment. Amounts unpaid after 30 DAYS are subject to a charge of 1.5% per month on the unpaid balance.

We appreciate the opportunity to be of service to you in this assignment.

414 North Orleans Street, Suite 601 Chicago, Illinois 60610
PHONE: (312) 644-0621 FAX: (312) 644-9244

George E. Rydman & Assoc. Ltd.

Court Reporters and Video
15 W. Jefferson St.
Joliet, Illinois 60432

815-727-4363

800-608-5523

Fax 815-727-7186

Fed ID. 36-3303806

PATRICIA F. SHARKEY
MAYER, BROWN, ROWE & MAW
190 SOUTH LASALLE STREET
CHICAGO, IL 60603

Invoice Date

4/18/2003

4/18/2003

Invoice Number

15891

Page

1 of 1

Please reference this number
when remitting

Date Taken	Reference	Charges
	RE: GINA PATTERMANN VS. BOUGHTON TRUCKING AND MATERIAL, INC. PCB 99-187 / BEE / 10518	
	DEPOSITION OF GINA PATTERMANN 115 pages	
4/8/2003	ORIGINAL TRANSCRIPT REPORTER ATTENDANCE FEE	\$362.25 \$87.00
	DEPOSITION OF WILLIAM B. JENE, JR. AND CARLENE C. JENKINS 87 pages	
4/10/2003	ORIGINAL TRANSCRIPT REPORTER ATTENDANCE FEE	\$274.05 \$87.00
4/10/2003	OVERNITE DELIVERY	\$18.00

Total Balance Due

\$828.30

George E. Rydman & Assoc. Ltd.

Court Reporters and Video
15 W. Jefferson St.
Joliet, Illinois 60432

815-727-4363

800-608-5523

Fax 815-727-7186

Fed ID. 36-3303806

PATRICIA F. SHARKEY
MAYER, BROWN, ROWE & MAW
190 SOUTH LASALLE STREET
CHICAGO, IL 60603

Invoice Date

5/8/2003

10/2/2003

Invoice Number

16102

Page

1 of 1

Please reference this number
when remitting

Date Taken	Reference	Charges
	RE: GINA PATTERMANN VS. BOUGHTON TRUCKING AND MATERIAL, INC. PCB 99-187 / KRN / 10632 *** 120 days past due *** DISCOVERY DEPOSITION OF GREG ZAK (Did not appear) LISA COLLINS, 46 Pgs. DONALD A. BOUDREAU, 65 Pgs.	
4/23/2003	REPORTER ATTENDANCE FEE ORIGINAL TRANSCRIPT ASCII DISKETTE(S)	\$174.00 \$344.10 \$15.00

10/9/03
Per Verneille -
check sent out
yesterday

Total Balance Due

\$533.10



Document Technologies, Inc.

105 W. Adams St., Ste. 1100
Chicago, IL 60603
Phone : 312-739-9999
Fax : 312-739-0899
Fed. ID No. : 58-2413793

INVOICE

Invoice Number: 164310

Invoice Date: 01/20/05

COPY

Bill To:
Mayer, Brown, Rowe & Maw LLP
190 S. LaSalle Street
Suite 1900
Chicago, IL 60603-3441
Tom Kuslik

Ship To:
Mayer, Brown, Rowe & Maw LLP
190 S. LaSalle Street
Suite 1900
Chicago, IL 60603-3441

Customer ID 12861
Terms Net 15 Days
SalesPerson CHI CDA
P.O. Number

Client / Matter No. 99556862
Job No. CB36292
Nat'l Acct Name
Nat'l Acct Ref. No.

Quantity	Description	Unit Price	Total Price
6	35" x 36" B/W Oversize & Mount	65.00	390.00
1	24" x 36" Color Oversize & Mount	84.50	84.50
1	2 Sets - Color Photos & CD's w/Color Photos	117.13	117.13

Thank you for choosing Document Technologies, Inc.

Accepted By: 

Subtotal: 591.63
Total Sales Tax: 0.00
Total: 591.63

Remit To: Document Technologies, Inc.
105 W. Adams St., Ste. 1100
Chicago, IL 60603

BOUGHTON

TRUCKING & MATERIALS, INC.

11746 S. NAPERVILLE-PLAINFIELD ROAD, PLAINFIELD, IL 60544

OUR TEL. NOS. 815-436-4555 and 630-759-4096
OUR FAX NO. 630-904-1436

FACSIMILE TRANSMITTAL

DATE: 1-24-05TO: PAT / KEVINFROM: FRANKNO. OF PAGES INCLUDING COVER: 10

MESSAGE: _____

_____**MACTEC**

INVOICE

Remit to: MACTEC Engineering & Consulting, Inc.
Federal ID 68-0146861
7477 Collection Center Drive
Chicago, IL 60693-0076To: BOUGHTON TRUCKING AND MATERIALS
11746 S. NAPERVILLE ROAD
PLAINFIELD, IL 60544

Attn: Mr. WAYNE SZEPLAK

Project Name : BOUGHTON LITIGATION

Invoice Date : 11/26/2003

BOUGHTON TRUCKING & MATERIALS, INC.

MACTEC

Date	Type	Reference	Original Amt.	Balance Due	12/10/2003	Discount	52017
11/26/2003	Bill	8060774	179.13	179.13			Payment
				Check Amount			179.13

Cash - Checking

PCB Issues

179.13

189921 (3/03)

Jan 24 05 09:48a

BOUGHTON TRUCKING

16309041436

P.3



INVOICE

Remit to: MACTEC Engineering & Consulting, Inc.
Federal ID 68-0146861
7477 Collection Center Drive
Chicago, IL 60693-0076

To: BOUGHTON TRUCKING AND MATERIALS
11746 S. NAPERVILLE ROAD
PLAINFIELD, IL 60544

Attn: Mr. WAYNE SZEPLAK

Project Name : BOUGHTON LITIGATION
Project Number: 3205030049
Invoice Date : 16-APR-03
Invoice Number: 8017046

For Professional Services through: 04-APR-03
ASSIST BOUGHT TRUCKING WITH IPCB LITIGATION

Task Number 01 - LITIGATION SUPPORT
LITIGATION SUPPORT

Title	Name	Date	Qty	UOM	Rate	Amount
Associate Engineer/Scientist	Smith, Kip J.	04/04/03	6.00	Hours	130.43	782.58
Clerical	Kohs, Theresa A	04/04/03	.25	Hours	43.48	10.67
Professional Services Subtotal						793.45
Reimbursable Expenses	Qty	UOM	Rate	Cost	Markup	Amount
31 Communication Fee						23.80
Reimbursable Expenses Subtotal						23.80
Task 01 Subtotal						817.25
Invoice Total						817.25

Project Summary

Previously Billed	0.00
Current Invoice	817.25
Total Billed To Date	817.25
Authorized Budget	2,813.00
Total Billed To Date	817.25
Remaining Authorized Budget	1,995.75

MACTEC Engineering and Consulting, Inc.
5440 N. Cumberland Ave., Suite 250 • Chicago, IL 60656
773-693-6030 • Fax 773-693-6039

Jan 24 05 09:49a

BOUGHTON TRUCKING

16309041436

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BOUGHTON TRUCKING & MATERIALS, INC.

MACTEC

Date 04/16/2005 Type Bill

Reference 8017046

Original Amt. 817.25

5/16/2003
Balance Due 817.25
Discount
Check Amount

50830

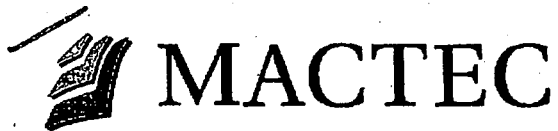
Payment
817.25
817.25

Cash - Checking

PCB Issues

817.25

176901 (5/02)



INVOICE

Remit to: MACTEC Engineering & Consulting, Inc.
Federal ID 68-0146861
7477 Collection Center Drive
Chicago, IL 60693-0076

To: BOUGHT TRUCKING AND MATERIALS
11746 S. NAPERVILLE ROAD
PLAINFIELD, IL 60544

Attn: Mr. WAYNE SZEPLAK

Project Name : BOUGHTON LITIGATION
Project Number: 3205030049
Invoice Date : 14-MAY-03
Invoice Number: 8022742

For Professional Services through: 02-MAY-03
ASSIST BOUGHT TRUCKING WITH IPCB LITIGATION

Task Number 01 - LITIGATION SUPPORT
LITIGATION SUPPORT

Title	Name	Date	Qty	UOM	Rate	Amount
Clerical	Hill, Stephanie Lynne	04/18/03	1.00	Hours	43.48	43.48
Associate Engineer/Scientist	Smith, Kip J.	04/25/03	1.50	Hours	130.43	195.65
Professional Services Subtotal						239.13

Reimbursable Expenses	Qty	UOM	Rate	Cost	Markup	Amount
3% Communication Fee						7.17
FEDERAL EXPRESS	38101			10.11	15.0000%	11.63
Reimbursable Expenses Subtotal						18.80

Task 01 Subtotal 257.93

Invoice Total 257.93

Project Summary

Previously Billed
Current Invoice

Total Billed To Date

817.25
257.93

1,075.18

PO # 50880
Bal Due

Project Name : BOUGHTON LITIGATION
Project Number: 3205030049
Invoice Date : 14-MAY-03
Invoice Number: 8022742

Authorized Budget	2,813.00
Total Billed To Date	1,075.18
Remaining Authorized Budget	<u>1,737.82</u>

Jan 24 05 09:49a

BOUGHTON TRUCKING

16309041436

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BOUGHTON TRUCKING & MATERIALS, INC.

MACTEC

Date 05/14/200
Type Bill

Reference 8022742

Original Amt. 257.93

6/4/2003
Balance Due 257.93
Discount
Check Amount

50937

Payment 257.93
257.93

PAID BY MAIL
RECORDED

Cash - Checking

PCB Issues

257.93

176901 (5/02)



Harding Lawson Associates



Remit to: Harding Lawson Associates
Federal ID 68-0146861
P.O. Box 44329
San Francisco, CA 94144

Project Name: TJBW-Boughton Trucking
Project No. : 47668
Invoice Date: 21-JUL-99
Invoice No. : 193696

To: Tracy, Johnson, Bertani & Wilson
116 North Chicago Street
Suite 600, Two Rialto Square
Joliet, IL

Attn: Mr. Roger Rickmon

For Professional Services through: 09-JUL-99

Professional Services						Amount
Principal Engineer						
Head, Mr. H. John						
	8.00 hrs @	150.00/hour		\$		1,200.00
Senior Engineer						
Smith, Mr. Kip J.						
	8.00 hrs @	110.00/hour				880.00
Accounting Technician I						
Nielsen, Ms. Jacqueline						
	.50 hrs @	52.00/hour				26.00
Professional Services Total						2,106.00
Reimbursable Expenses						Amount
Communication Charge						63.18
Total Reimbursable Expenses						63.18
Total Invoice						\$ 2,169.18

Jan 24 05 09:50a

BOUGHTON TRUCKING

16309041436

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BOUGHTON TRUCKING & MATERIALS, INC.

4345

Harding Lawson Associates
09/16/99

Bill #193696

9/17/99

2,169.18

Cash - Checking Environmental Engineering Services

2,169.18

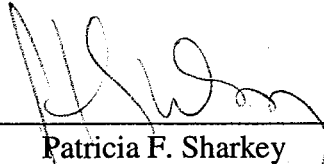
16145 (3/99)

CERTIFICATE OF SERVICE

Patricia F. Sharkey, an attorney, hereby certifies that a copy of the attached Notice of Filing and Motion to File Instant and Supplemental Response to Complainant's Motion for Voluntary Dismissal Without Prejudice and Prayer for Rule 219(e) Expenses was served on the persons listed below by the means indicated, on February 2, 2005.

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph Street
Chicago, IL 60601
(Via U.S. Mail)

Michael S. Blazer
Matthew E. Cohen
The Jeff Diver Group, LLC
1749 S. Naperville Road, Suite #102
Wheaton, IL 60187
(Via Electronic Mail and U.S. Mail)



Patricia F. Sharkey

Patricia F. Sharkey
Mark R. Ter Molen
Kevin Desharnais
Michelle Gale
Mayer, Brown, Rowe & Maw LLP
190 South LaSalle Street
Chicago, Illinois 60603-3441
(312) 782-0600