

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

NOV 14 2003

STATE OF ILLINOIS
Pollution Control Board

MICHAEL A. PETROSIUS AND
DARLA G. PETROSIUS,

Complainants,

v.

THE ILLINOIS STATE TOLL
HIGHWAY AUTHORITY,

Respondent.

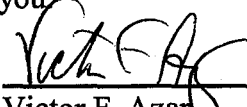
PCB 04-036
(Enforcement)

NOTICE OF FILING

TO: Michael A. Petrosius
7335 Maridon Road
LaGrange, IL 60525

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of Pollution Control Board the **ANSWER TO FORMAL COMPLAINT** of The Illinois State Toll Highway Authority, a copy of which is herewith served upon you

By:


Victor F. Azar
Assistant Attorney General
Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL 60515-1703
(630) 241-6800, extension 1540

CERTIFICATE OF SERVICE

I, the undersigned, on oath, state that I have served on the date of November 14, 2003, the attached **NOTICE OF FILING** and **ANSWER TO FORMAL COMPLAINT** by causing a copy to be delivered via Messenger to the Office of the Clerk of Pollution Control Board and via U.S. Mail, postage prepaid, at 2700 Ogden Avenue, Downers Grove, Illinois 60515, upon Michael A. Petrosius, 7335 Maridon Road, LaGrange, IL 60525.


Elizabeth Anne Komar

SUBSCRIBED and SWORN to before me this
14th day of November, 2003.


NOTARY PUBLIC

"OFFICIAL SEAL"
Sandra D. Aguilar
Notary Public, State of Illinois
My Commission Expires 1/27/04

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ANSWER TO FORMAL COMPLAINT

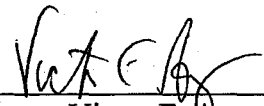
Now comes the Respondent, the ILLINOIS STATE TOLL HIGHWAY AUTHORITY, (Respondent) by its attorney, Lisa Madigan, Attorney General of the State of Illinois, and for its Answer to the Formal Complaint, states as follows:

1. The Respondent based upon information and belief admits paragraph 1 that Complainant resides at 7335 Maridon Road, LaGrange, Illinois.
2. The Respondent admits paragraph 3 that its name is the Illinois State Toll Highway Authority and that its Central Administration building is located at 2700 Ogden Avenue, Downers Grove, Illinois 60515.
3. The Respondent based upon information and belief admits paragraph 4 that part of its operation consists of "Toll collection/entrance ramp, running northbound along property line onto 294 tollway."
4. The Respondent denies paragraph 5 that it violated "35 Ill. Adm. Code, Subtitle H, Chapter I, Section 900.102."
5. The Respondent has insufficient knowledge to form a belief of paragraph 6 that "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 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."

6. The Respondent denies paragraph 7, that alleges "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 requirment'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."
7. The Respondent has insufficient knowledge to form a belief of paragraph 7, that alleges "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 our selves. The toll collection ramp along our property decreases the value of our property."
8. The Respondent denies the allegations in paragraph 9, that alleges, "We request that the board enter an order directing the respondents to re-install the soundwalls to miximum [sic] 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."
9. That the Respondent has insufficient knowledge to form a belief of paragraph 10, that "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."

WHEREFORE, the ILLINOIS STATE TOLL HIGHWAY AUTHORITY prays the Court to dismiss this action, and moves for the entry of judgment in its favor and against the plaintiff.

Illinois State Toll Highway Authority

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Assistant Attorney General

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