

**RECEIVED
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MAR 15 2004

**STATE OF ILLINOIS
Pollution Control Board**

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MORRY GABEL, MYRA GABEL,)
DON FOREMAN, MARSHA FOREMAN,)
KEITH PINSONEAULT and TRACY PINSONEAULT.)

Complainant,)

vs.)

No. PCB 03-38

THE WEALSHIRE, INC., an)
ILLINOIS CORPORATION.)

Respondent.)

NOTICE OF FILING

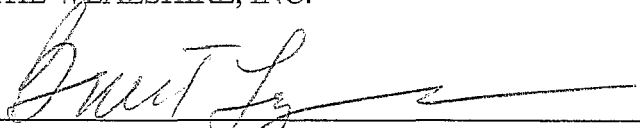
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph Street
Chicago, IL 60601

Mitchell S. Feinberg
Chuhak & Tecson, P.C.
30 South Wacker Drive
Suite 2600
Chicago, IL 60606

PLEASE TAKE NOTICE that on the 15th day of March, 2004, there was filed with the Illinois Pollution Control Board Respondent's Notice of Filing and Supplemental Answers to Complainants' First Set of Interrogatories, copies of which are served herewith:

THE WEALSHIRE, INC.

Bruce T. Logan
Ash, Anos, Freedman & Logan, L.L.C.
77 West Washington Street
Chicago, IL 60602
312-346-1389
Attorneys for Respondent


By: Ash, Anos, Freedman & Logan, L.L.C.

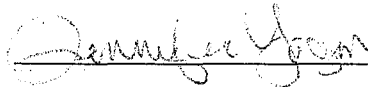
AFFIDAVIT OF SERVICE

The undersigned, being first duly sworn on oath, deposes and says that she served the above and foregoing Notice of Filing and Supplemental Answers To Complainants' First Set Of Interrogatories by mailing a copy to:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, IL 60601
FAX 312-814-3669

Mitchell S. Feinberg
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Chicago, IL 60606
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and depositing same in the U.S. Mail Chute at 77 West Washington Street, Chicago, Illinois 60602, at 5:00 P.M. on March 15, 2004, with proper postage prepaid and by faxing a copy to the numbers indicated above on March 15, 2004.

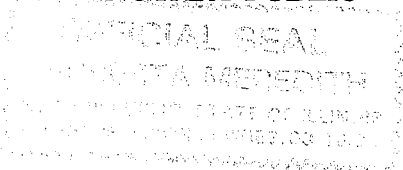


Subscribed and sworn to before me

this 15th day of March, 2004



NOTARY PUBLIC



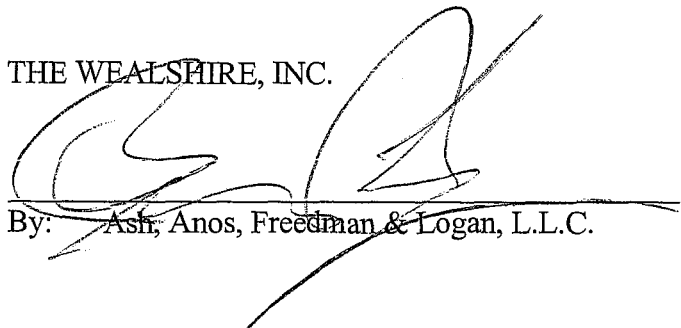
Wealshire followed the O'Neill modification recommendations and finally completed them at the end of the 2003 air conditioning season; the cost of the O'Neill recommended modifications; and the opinions he developed as an employee of The Wealshire based on his work experience of the cost of various possible alternative or additional modifications, including the feasibility of implementing Complainants' demand that the chiller units and accompanying exterior elements of the air conditioning system be moved. In sum, the details of his hearing testimony will follow his deposition testimony.

B. Arnold Goldberg may be called to testify concerning the facts and opinions he expressed during his discovery deposition on February 2, 2004. An outline of those facts and testimony include the overall operation of the Alzheimer's facility by The Wealshire; the ownership of the facility; the development of the facility; his personal observations concerning the noise generated by the chiller units; the modifications to the chiller units presided over by his staff members; the unreasonable burdens that additional modifications would place upon the Respondent; that fact that it was not until just prior to the receipt of the Complaint, that the first notification was made by one of the Complainants to The Wealshire concerning any claimed problem with the air conditioning system; that other than the Complainants' recent inquiries concerning the air conditioning systems in the operation of The Wealshire since 1994, there have been no other complaints to his recollection; and the financial hardship of moving or enclosing the exterior portion of the air conditioning system.

C. Timothy O'Neill of O'Neill Engineered Systems, Inc. will testify in accordance with his discovery deposition given on March 4, 2004. His testimony will include his retention by The Wealshire to recommend, design, and manufacture, or obtain from material suppliers, modification equipment for the air conditioning system, i.e. the chillers and condensers. He will

testify concerning his 15 years of experience in the field, his client base, and his experience in determining and locating the sources of noise; the abatement/mitigation of noise at The Wealshire and other locations; his recommendations for noise abatement at The Wealshire; The Wealshire's purchase of the modification equipment and following the O'Neill recommendations; his opinion of the two reports of Noise Solutions by Greg Zak and the letter report by Noise Solutions by Greg Zak; the consequences of separating the site for noise testing from the site for determining ambient noise testing; the recommended method for determining the ambient noise level; the deceptive results obtained from an ambient noise site that is separated from the site of noise testing; his inability to use the information obtained from the Zak reports in his own attempt to detect the sources of noise emanating from The Wealshire and make recommendations concerning modifying equipment to abate the sound; laboratory conditions of dB increases versus field conditions; the distance factor and shadow factor concerning dBs in locating appropriate testing sites; the procedure of locating noise from the complained of source by turning off the assumed source equipment in order to obtain a nondeceptive ambient sound level; his cost estimates of additional modifications to the chiller system at The Wealshire, both present and future modifications; and his opinion that there should be appropriate new tests to see the results from the O'Neill modifications to the system, which he believes to have been effective.

THE WEALSHIRE, INC.



By: ~~Ash, Anos, Freedman & Logan, L.L.C.~~

Under penalties as provided pursuant to 735 ILCS 5/1-109, the undersigned certifies that the statements sets forth in this instrument are true and correct, except as to matters stated herein to be on information and belief, and as to such matters, the undersigned certifies as aforesaid that he verily believes same to be true.

SIGNED this 12th day of March, 2004



ARNOLD GOLDBERG

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