

ILLINOIS POLLUTION CONTROL BOARD

December 8, 2005

MICHAEL A. PETROSIUS and DARLA G.)	
PETROSIUS,)	
)	
Complainants,)	
)	
v.)	PCB 04-36
)	(Citizens' Enforcement – Noise)
THE ILLINOIS STATE TOLL HIGHWAY)	
AUTHORITY,)	
)	
Respondent.)	

HEARING REPORT

On December 5-6, 2005, a hearing in this matter was held at the James R. Thompson Center in Chicago, Illinois. Attorney Scott Dworschak appeared on behalf of the complainants. Attorney Victor Azar appeared on behalf of the respondent.

Witness Credibility

Seven witnesses testified during the hearing:

Mr. Michael Petrosius
 Ms. Darla Petrosius
 Ms. Zona "Bunny" Anderson
 Mr. Rocco Zuccherro
 Mr. John Wagner
 Mr. Greg Zak
 Mr. William Barbel

Two members of the public made public comments:

Ms. Krista Dolgner
 Ms. Pat Biegel

Based upon my legal judgment, experience, and observations at hearing, I find that the credibility of witness is not an issue in this matter.

Exhibits

The parties offered exhibits as evidence at hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

Briefing Schedule

The transcript is due on December 19, 2005, and the public comment deadline is January 19, 2006. Complainant's brief is due by February 6, 2006. Respondent's brief is due by March 27, 2006. Complainants' reply, if any, is due by April 17, 2006. The mailbox rule will apply.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
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PCB 04-36
December 5-6, 2005 Hearing

Exhibit List

Exhibit	Description	Status
Joint Exhibit #1	Aerial photo of site	Admitted
Joint Exhibit #2	Aerial photo of site	Admitted
Joint Exhibit #3	Aerial photo of site	Admitted
Complainants' Exhibit #1	Photo of complainants' house	Admitted
Complainants' Exhibit #2	Photo of sound wall	Admitted
Complainants' Exhibit #3	Photo from complainants' yard	Admitted
Complainants' Exhibit #4	Two photos: view of noise wall and view from complainants' road	Admitted
Complainants' Exhibit #5	Photo of noise wall	Admitted
Complainants' Exhibit #6	Two views of tollway taken with telephoto lens (items appear larger than they actually were from point of photographer)	Admitted
Complainants' Exhibit #7	Photo of plaza	Admitted
Complainants' Exhibit #8	Respondent's Traffic Noise Policy brochure	Admitted
Complainants' Exhibit #9	Personal notes of witness Anderson	Not moved
Complainants' Exhibit #10	Personal notes of witness Anderson	Not moved
Complainants' Exhibit #11	Average daily traffic reports	Admitted
Complainants' Exhibit #12	Log of complaints made to respondent	Admitted
Complainants' Exhibit #13	Respondent's 2005 budget	Admitted
Complainants' Exhibit #14	Contract	Admitted
Complainants' Exhibit #15	Intergovernmental agreement between IDOT, the Village of Hodgkins, and respondent	Admitted
Complainants' Exhibit #16	Furnish noise abatement wall document	Admitted

Complainants' Exhibit #17	Recommended final barrier heights and locations for northbound I-294	Admitted
Complainants' Exhibit #18	Witness Zak's noise study. Pages 3-8 admitted; pages 1-2 not admitted due to lack of disclosure in discovery. Complainants made an offer of proof for pages 1-2.	Partially admitted
Complainants' Exhibit #19	Videotape not admitted due to lack of disclosure in discovery. Complainants made an offer of proof.	Not admitted
Respondent's Exhibit #1	Complainants' contract for deed and 1995 appraisal	Admitted
Respondent's Exhibit #2	Appraisal of complainants' property-original	Admitted
Respondent's Exhibit #3	Appraisal of complainants' property-updated	Admitted
Respondent's Exhibit #4	Statutory language from Toll Highway Act	Admitted
Respondent's Exhibit #5	Respondent's guideline for siting barriers of tollway traffic generated noise	Admitted
Respondent's Exhibit #6	Respondent's draft guideline for siting barriers of tollway traffic generated noise	Admitted
Respondent's Exhibit #7	Federal noise policy	Admitted
Respondent's Exhibit #8	Versar report	
Respondent's Exhibit #9	Tri-State Tollway Noise Monitor and Model Prediction Results	Admitted
Respondent's Exhibit #10	Noise monitoring data	Admitted
Respondent's Exhibit #11	Photo of noise wall and drainage ditch	Admitted
Respondent's Exhibit #12	Photo of noise wall and drainage ditch	Admitted
Respondent's Exhibit #13	Photo of noise wall and drainage ditch	Admitted
Respondent's Exhibit #14	Final pay estimate dated 2/7/95 for noise abatement wall	Admitted
Respondent's Exhibit #15	Draft summary of the noise wall evaluation	Admitted
Respondent's Exhibit #16	IPCB noise regulations	Admitted
Respondent's Exhibit #17	IPCB noise regulations	Admitted

Respondent's Exhibit #18	Noise study by CTE Engineers	Admitted
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on December 7, 2005, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on December 7, 2005:

Dorothy M. Gunn
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 James R. Thompson Center
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