

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
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OCT 09 2007

STATE OF ILLINOIS  
Pollution Control Board

FLAGG CREEK WATER RECLAMATION  
DISTRICT,

Complainant

v.

VILLAGE OF HINSDALE, METROPOLITAN  
WATER RECLAMATION DISTRICT OF  
GREATER CHICAGO, ILLINOIS  
DEPARTMENT OF TRANSPORTATION,  
DUPAGE COUNTY,

Respondents.

ORIGINAL

PCB 06-141

Administrative Hearing  
Officer  
Bradley Halloran

**SUBPOENA DUCES TECUM**

TO: **Clark Dietz, Inc**  
**118 S. Clinton**  
**Suite 600**  
**Chicago, IL 60661**

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e)  
(2002)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give  
testimony at the hearing/deposition in the above-captioned matter at 10:00 a.m. on  
November 2, 2007 at the law offices of Drinker Biddle Gardner Carton, LLP located at  
191 North Wacker Drive, Suite 3700 Chicago, Illinois 60606.

You are also ordered to bring with you documents relevant to the matter under  
consideration and designated herein, related to the work that Clark Dietz, Inc. performed  
in connection with Village of Hinsdale's (VOH) combined sewer overflow system and its  
wet weather treatment system.

Please include any correspondence to and from Clark Dietz and VOH including but not limited to documents, reports, studies, and invoices with payments rendered for services performed.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101.802.

ENTER:



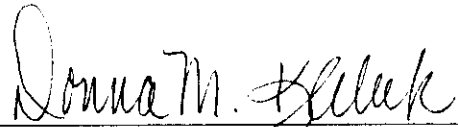
John T. Therriault, Assistant Clerk  
Pollution Control Board

Date: October 9, 2007

I served this subpoena duces tecum by certified mail to Clark Dietz, Inc. on October 9, 2007

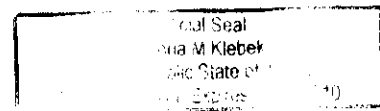


Subscribed and sworn to before me this 9<sup>th</sup> day of October, 2007.



Notary Public

CH01/12521096.1



OCT 09 2007

STATE OF ILLINOIS  
Pollution Control Board

**CERTIFICATE OF SERVICE**

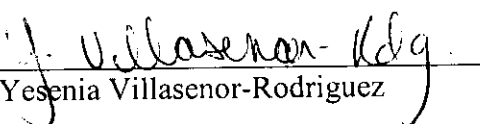
I, Yesenia Villaseñor-Rodriguez, an attorney in the law firm of Drinker Biddle Gardner Carton LLP, certify that a copy of the foregoing Subpoena Duces Tecum – Clark Dietz, Inc. was delivered upon:

John Therriault  
Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

ORIGINAL

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

by hand delivery on this 9<sup>th</sup> day of October, 2007.

  
Yesenia Villaseñor-Rodriguez

October 9, 2007

191 North Wacker Drive  
Suite 3700  
Chicago, IL  
60606-1098

312-569-1000 phone  
312-569-3000 fax  
www.drinkerbiddle.com

**Via Certified Mail**

Kenneth E. Nelson, President  
Clark Dietz, Inc.  
118 South Clinton  
Suite 600  
Chicago, IL 60661-5767

**Re: *Subpoena Request in Regards to Flagg Creek Water Reclamation  
District v. Village of Hinsdale et. seq. PCB 06-141***

Dear Mr. Nelson:

We represent the Flagg Creek Water Reclamation District in the above matter against the Village of Hinsdale (VOH) that is currently before the Illinois Pollution Control Board (Board). We are writing this letter in connection with the subpoena that we have served upon Clark Dietz, Inc. (Clark Dietz) with this letter. Specifically, we are requesting the deposition of the person most knowledgeable about the work that Clark Dietz performed for VOH in connection with VOH's combined sewer overflow and wet weather treatment systems; along with copies of documents, studies, reports, correspondence to and from VOH and Clark Dietz, and other relevant documents related to same.

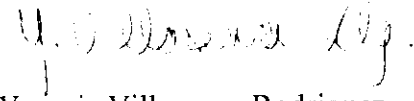
The subpoena requires your presence at our offices located at 191 North Wacker Drive, Suite 3700 in Chicago, Illinois 60606 on November 2, 2007 at 10:00 a.m. Please be advised that there is no legal action being taken against you in this matter. We simply are requesting the deposition of said person, along with the documents in your possession related to this matter as provided herein. Alternatively, if you produce these documents by November 2, 2007, we will excuse your attendance until such time as may be necessary if at all.

Under Section 35 Ill. Adm. Code Section 101.622(e) of the Board Regulations, because you are not a party to this action you are entitled to receive witness fee compensation for your attendance at the deposition as provided in section 4.3 of the Circuit Court Act 705 ILCS 35/4.3. We have included a check in the amount of \$100.00. If you produce the documents before the required subpoena date, you may apply this check towards the reproduction costs of the documents we are requesting.

Clark Dietz, Inc.  
October 9, 2007  
Page 2

If you have any questions, please feel free to contact me at (312) 569-1444.  
Thank you for your time.

Very truly yours,

  
Yesenia Villasenor-Rodriguez

cc: Illinois Pollution Control Board, Clerk (w/enclosure)  
Bradley P. Halloran, Hearing Officer (w/enclosure)

CH01/12521083.1