

**State of Illinois
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
<http://www.ipcb.state.il.us/>**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of:)	
)	
Joseph & Victoria Morrissey)	
)	
Complainant(s),)	
)	
v.)	PCB 20 09 - 10
)	<i>(For Board use only)</i>
Geoff Pahios and Alpine Automotive, Inc)	
)	
Respondent(s))	

Written Discovery Request

Now comes Joseph and Victoria Morrissey, Complainants, and asks that Respondent, Alpine Automotive, Inc. provide the following information and/or documents:

1. Please provide a written timetable/log of all tow operations at Alpine Automotive Inc. (hereby referred to as "AAI"), during the last twelve (12) month period.

2. Please provide Complainants with a copy of the written or oral operating instructions provided to employees or contractors of AAI with regards to procedure of unloading tow vehicles, including but not limited to: the location on the property where the vehicles are being unloaded, the length of tow truck idle time, guidelines regarding the use of hydraulics and

3. Please provide Complainant with the average frequency with which vehicles are moved from the lot outside to the inside the building via the rear bay doors and vice versa.

4. Please provide Complainants with a list of actions taken by the respondent to reduce noise.

5. Please provide Complainants with copies of any written or oral instructions that were issued to employees on measures/actions to reduce noise.

6. Please provide Complainants with a copy of any written or oral instructions given to employees to comply with OSHA and NIOSH requirements pertaining to hearing loss or hearing conservation. Also, please include any manufacturers recommendations of equipment used on premises to prevent hearing loss.

7. Please identify what type and brand of hearing protection is required or encouraged for employees.

8. Please provide copies of any written or oral warnings to employees that studies, like the Michigan State University study on Occupational Noise, have stated that Auto Repair Workers are at high risk for occupational hearing loss.

9. Please provide Complainants with any and all noise studies that were conducted during the initial Village Zoning hearings in 2005 and ongoing complaints from residents or in response to Complainants recent filing with the IPCB;

- (a) What type of study(ies) were conducted;
- (b) Company/individuals involved in the stud(ies) and their respective roles;
- (c) Measure(s) that were taken;
- (d) Conditions each of those measurements were taken under;
- (e) Date(s) of any and all studies;
- (f) What specific instructions AAI employees were given with regard to these study(ies)

(g) Please state all equipment used by Respondent, and his agents, to take noise measurements at Respondent's place of business, by make, model, serial number, and date of last calibration traceable to the National Institute of Standards and Technology (NIST).

10. Please specifically identify on what date Respondent purchased Respondent's property.

11. Please specifically identify under what property classification AAI's property is zoned and how AAI's business is classified. Identify any facts, circumstances, documents or other evidence, which relate in any way to any alleged use by AAI of its property in a manner consistent with the zoning of that property.

12. Please provide the name and address of each witness who will testify at the hearing of this matter and state the subject of each witness's testimony.

13. Please provide the name and address of each opinion witness who will offer any testimony or opinion on behalf of Respondent, and state:

- (a) The subject matter on which the opinion witness is expected to testify;
- (b) The conclusions and/or opinions of the opinion witness and the basis therefore, including reports of the witness, if any;
- (c) The qualifications of each opinion witness, including a resume, if any, and
- (d) The identify of any written reports of the opinion witness regarding this occurrence.

14. Please list the names and addresses of all other persons who have knowledge of the facts of the incidents complained of and/or any other allegations contained in Petitioners' Complaint and/or the damages claimed to have resulted, and/or Respondent's defenses to Petitioners' claims.

15. Have you (or anyone acting on your behalf) had any conversations with any person at any time or overhear any statements made by any person at any time with regard to the manner in which the incidents complained of occurred? If the answer is "yes", please state the following:

- (a) Date(s) of such conversations and/or statements
- (b) Place of such conversations and/or statements
- (c) All persons present for the conversations and/or statements
- (d) Matters and things stated by the person
- (e) Whether the conversation was oral, written and/or recorded, and
- (f) Who has possession of the statement if written and/or recorded

16. Do you know of any statements made by any person, including but not limited to police officers and/or village officials, relating to the incidents or the damages complained of by Petitioners? If so, give the name and address of each such witness and the date of the statement. State whether such statement was written and/or oral.

17. Please identify all persons who assisted with or were consulted in the preparation of your responses to these Interrogatories, and indicate the Interrogatories with which each person assisted or was consulted or provided information.

18. Identify every noise source on your property which can be heard or detected at any location outside of any of the buildings or structures located on your property. If the noise source is mechanical, identify the machine by type, manufacturer, model, serial number and the purpose for which each such machine is used. State the times at which each such machine is operated and the date upon which each such machine was installed.

19. Please state what Respondent contends is a reasonable amount of noise (in decibels or other uniform measurement), for it to produce at it's facility on Ensell Road.

20. Please provide building permit and/or plans for fencing installed around south ventilation fan.

21. Please provide Complainants with the frequency and duration with which the ventilation fan located on the south side of the building is in operation. Specifically identify the guidelines which dictate when the fan should be in operation, including but not limited to, type of work being done, frequency of that work, temperature thresholds inside building as well as outdoors, etc. In addition, please provide a mechanical description of ventilation fan, including make, model, serial number and date of installation.

21. Please provide all OSHA and safety requirements pertaining to ventilation and temperature inside the building.

22. Please provide in writing, the frequency with which work is done with rear (south) bay door(s) open, and any written and/or oral instructions given to employees with regard to conducting work while rear bay door(s) is/are open. Specifically;

- (a) Type of work done when rear door(s) are open
- (b) Conditions under which work should be done with door(s) open
- (c) List of all equipment utilized when work is done with door(s) open.

28. Please provide Complainant with all video footage that includes Complainants or any other residents of Lakewood Meadow, secured from video cameras aimed at the residents/residential community to the north of AAI.

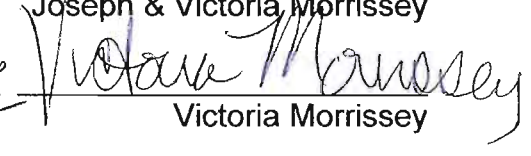
30. Please provide Complainants with any written and/or oral instruction given to any employee or agent of AAI, with regards to intimidating and/or dissuading any Lakewood Meadow resident from recording noise levels from the Residents' property. Including but not limited to police involvement, anonymous internet communication, etc.

31. Please provide a list of other noise sources in the area. Include noise source, frequency, and any measurements.

Respectfully submitted,
Joseph & Victoria Morrissey

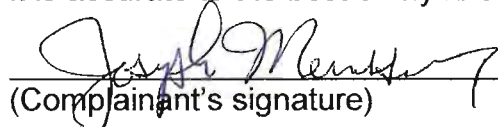
By:


Joseph Morrissey


Victoria Morrissey

CERTIFICATION

I, Joseph Morrissey, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.


(Complainant's signature)

Subscribed to and sworn before me

this _____ day

of _____, 20__.

Notary Public

My commission expires: _____

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on Nov 13, 2008, I served the attached formal complaint and notice on the respondent by

X certified mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

_____ registered mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

_____ messenger service (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

_____ personal service (attach affidavit if available, otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name BRUCE SLIVNICK

Street 707 LAKE COOK RD. SU 316

City, state, zip code Deerfield, IL 60015
(list each respondent's name and address if multiple respondents)

Joseph Mornsteyn
Complainant's signature

Street 32 S Chestnut Ct.

City, state, zip code Hawthorn Woods, IL 60047

Subscribed to and sworn before me

this _____ day

of _____, 20__.

Notary Public

My commission expires: _____

U.S. Postal Service™		
CERTIFIED MAIL™ RECEIPT		
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>		
For delivery information visit our website at www.usps.com ®		
OFFICIAL USE		
DEERFIELD IL 60015		
Postage	\$ 4.80	0047
Certified Fee	\$2.70	02
Return Receipt Fee (Endorsement Required)	\$2.20	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 9.70	11/13/2008
Sent To <u>BRUCE SLIVNICK</u>		
Street, Apt. No., or PO Box No. <u>707 LAKE COOK RD SU 316</u>		
City, State, ZIP+4 <u>Deerfield, IL 60015</u>		
PS Form 3800, June 2002		See Reverse for Instructions

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