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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS

Pollution Control Board

BYRON SANDBERG,

Petitioner,

vs.

THE CITY OF KANKAKEE, ILLINOIS, CITY
COUNCIL, TOWN AND COUNTRY
UTILITIES, INC. and KANKAKEE REGIONAL
LANDFILL, L.L.C.,

Respondents,

No. PCB 04-33

(Third-Party Pollution Control Facility Siting
Appeal)

WASTE MANAGEMENT OF ILLINOIS, INC.

Petitioner,

vs.

THE CITY OF KANKAKEE, ILLINOIS, CITY
COUNCIL, TOWN AND COUNTRY
UTILITIES, INC. and KANKAKEE REGIONAL
LANDFILL, L.L.C.,

Respondents,

PCB 04-34

(Third-Party Pollution Control Facility Siting
Appeal)COUNTY OF KANKAKEE, ILLINOIS and
EDWARD D. SMITH, KANKAKEE COUNTY
STATE'S ATTORNEY,

Petitioner,

vs.

THE CITY OF KANKAKEE, ILLINOIS, CITY
COUNCIL, TOWN AND COUNTRY
UTILITIES, INC. and KANKAKEE REGIONAL
LANDFILL, L.L.C.

Respondents.

PCB 04-35

(Third-Party Pollution Control Facility
Siting Appeal)
(Consolidated)

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STATE OF ILLINOIS
PETITIONER'S RESPONSE TO RESPONDENTS' MOTION TO STRIKE
INTERROGATORIES

NOW COME the COUNTY OF KANKAKEE and EDWARD D. SMITH, STATE'S ATTORNEY OF KANKAKEE COUNTY, Petitioners in the above matter, and in response to Respondent's Motion to Strike the Interrogatories propounded by the County of Kankakee, Illinois, state as follows:

1. The interrogatories propounded by the County of Kankakee, Illinois and Edward D. Smith should not be stricken.
2. The interrogatories propounded by the County of Kankakee, Illinois and Edward D. Smith contain 13 questions, 11 of which contain subparts simply seeking more detailed information concerning the respective interrogatories.
3. Those subparts do not ask for different information than what is contained in the interrogatories themselves; therefore, they should not be counted in the total number of interrogatories because those subparts cannot stand on their own as separate questions.
4. All of the information sought in the interrogatories and subparts of the interrogatories propounded by the County of Kankakee, Illinois and Edward D. Smith is necessary for a full and fair presentation of the facts of this case.
5. This case involves a landfill siting hearing involving tens of thousands of documents with the local environment at stake.
6. This is a situation where it is necessary that there be specific information received by Petitioners concerning the fundamental fairness of the entire landfill siting hearing.
7. Without the information sought in each of the interrogations and subparts, Petitioners will be unduly prejudiced because they will be without essential information that Petitioners cannot elicit from any other source.


8. Requiring Respondents to answer the interrogatories and subparts propounded by the County of Kankakee, Illinois and Edward D. Smith will not cause prejudice to Respondents.

WHEREFORE, Petitioners, COUNTY OF KANKAKEE and EDWARD D. SMITH, STATE'S ATTORNEY OF KANKAKEE COUNTY, request that this Board deny Respondent's Motion to Strike Interrogatories.

Dated: November 5, 2003

Respectfully submitted,
EDWARD D. SMITH KANKAKEE COUNTY
STATE'S ATTORNEY AND THE COUNTY
OF KANKAKEE

By: HINSHAW & CULBERTSON


Richard S. Porter
One of Its Attorneys

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AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on November 5, 2003, a copy of the foregoing was served upon:

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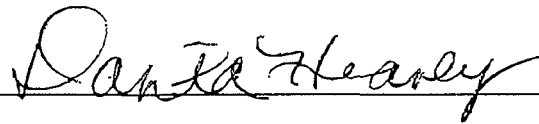
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