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BOHLEN &  
WOODRUFF P.C.  
ATTORNEYS AT LAW

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STATE OF ILLINOIS  
Pollution Control Board

GLEN R. BARMANN  
CHRISTOPHER W. BOHLEN  
DEBORAH A. WOODRUFF

FACSIMILE TRANSMITTAL SHEET

ARMEN R. BLANKE  
1932-1980

PAUL F. BLANKE TO:  
1960-1983

DENNIS A. NORDEN  
1969-1996

Dorothy M. Gunn

FAX NO. 312-814-3669

DATE: November 7, 2003

NUMBER OF PAGES (INCLUDING COVER SHEET): 19 pages

FROM: Michele @ Chris Bohlen's Office

RE: City of Kankakee  
PCB 04-33, 34 and 35

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THANK YOU

SUITE 602  
200 EAST COURT STREET  
P.O. BOX 1787  
KANKAKEE, IL 60901-1787  
TELEPHONE 815-939-1133  
FAX 815-939-0994

11/07/2000 PM 10:01 FAX 8000004 DANKAKEE BOHLEN BOHLEN  
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BYRON SANDBERG,	)
	)
Petitioner,	) No. PCB 04-33
	) (Third-Party Pollution Control
	) Facility Siting Appeal)
THE CITY OF KANKAKEE, ILLINOIS CITY	)
COUNCIL, TOWN AND COUNTRY UTILITIES	)
INC., and KANKAKEE REGIONAL LANDFILL	)
L.L.C.,	)
	)
Respondents.	)
	)
WASTE MANAGEMENT OF ILLINOIS, INC.,	)
	)
Petitioner,	) No. PCB 04-34
	) (Third-Party Pollution Control
	) Facility Siting Appeal)
THE CITY OF KANKAKEE, ILLINOIS CITY	)
COUNCIL, TOWN AND COUNTRY UTILITIES	)
INC., and KANKAKEE REGIONAL LANDFILL,	)
L.L.C.,	)
	)
Respondents.	)
	)
COUNTY OF KANKAKEE, ILLINOIS and	)
EDWARD D. SMITH, KANKAKEE COUNTY	)
STATE'S ATTORNEY,	)
	) No. PCB 04-35
Petitioner,	) (Third Party Pollution Control
	) Facility Siting Appeal)
	) (Consolidated)
THE CITY OF KANKAKEE, ILLINOIS CITY	)
COUNCIL, TOWN AND COUNTRY UTILITIES	)
INC., and KANKAKEE REGIONAL LANDFILL	)
L.L.C.,	)
	)
Respondents.	)

ANSWERS TO PETITIONERS INTERROGATORIES

NOW COMES the respondent, THE CITY OF KANKAKEE, by and through its  
attorneys, CHRISTOPHER W. BOHLEN, Corporation Counsel, KENNETH A. LESHEN and L.

-2-

PATRICK POWER, Assistant City Attorneys, and herewith responds to the Request to Admit as follows:

ANSWER TO INTERROGATORY NO. 1: Christopher W. Bohlen, Corporation Counsel, 385 E. Oak Street, Kankakee, Illinois, 60901.

ANSWER TO INTERROGATORY NO. 2: Respondent objects to this interrogatory as being vague, and over broad in that there are no time described in the interrogatory. Respondent further objects to the term "planning development and siting" as the same is vague and undefined. Without waiving said objection, Respondent states that Tom Volini had numerous conversations with various city officials after August 19, 2002, and prior to filing the instant Siting Application. Specific conversations occurred between Christopher W. Bohlen and Tom Volini informing him of the dates of the Siting Application Hearing following the filing of the Application. In addition, Tom Volini participated in an executive session of the City Council of Kankakee on February 3, 2003, at which time, he informed the City Council of the likelihood of his intent to file an Application for Siting, among other things.

ANSWER TO INTERROGATORY NO. 3: None other than 2 to 3 telephone conversations between Christopher W. Bohlen and Tom Volini informing Tom Volini of the likely dates for the hearing.

ANSWER TO INTERROGATORY NO. 4: The Respondent objects to Interrogatory No. 4, as it improperly assumes facts which are incorrect. Mr. Werthmann did not testify that he had any meetings with any city personnel including city staff after the filing of the Application. He testified that he had a conversation with David Tyson of Tyson Engineering. Tyson Engineering is a consulting engineer for the City of Kankakee but is not properly defined as "city personnel or

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city staff". Tyson Engineering, as the consulting engineer, for the City of Kankakee had no input of any kind regarding the Siting Application.

ANSWER TO INTERROGATORY NO. 5: All members of the Kankakee City Council made the August 19, 2003 decision.

(a) Jess Gathing, James R. Cox, Jeff Kinkaid, Joann Schwade, Richard Diersen, John Trost, Tim Hearn, Danita Grant, Sam Ciaccio, Hank Williams, Dennis Baron, Nina Epstein, Steve Hunter and Carl Brown - Alderman of the City of Kankakee; Richard Simms - Superintendent of Kankakee City Municipal Utility, 99 South East Avenue, Kankakee, Illinois.

(b) All of the above, except Richard Simms, are alderman and all alderman made the decision. Richard Simms provided technical assistance and advice to the City of Kankakee including review of certain conditions which had been suggested by various alderman.

(c) The alderman reviewed the Application, the transcript of hearing, the Environmental Protection Act, Regulations of the Environmental Protection Agency, the exhibits admitted to the record, proposed findings of facts, and final arguments filed by each of the parties and the proposed findings of fact submitted by the hearing officer. Richard Simms reviewed the Application, the Act, the exhibits, the transcript of hearing.

(d) None.

ANSWER TO INTERROGATORY NO. 6:

(e) Christopher W. Bohlen, Corporation Counsel had telephone and written communication

(f) The conversation involved Boyd's willingness to serve as the hearing officer and providing of information regarding the previous hearing in order to allow Boyd to familiarize

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himself with the documentation process, the Siting Ordinance, and the copies of the Environment Protection Act.

(g) We are unable to describe and delineate the exact statements.

(h) The telephone communications occurred in April and May of 2003 and lasted approximately 5 minutes each

(i) Kankakee Illinois

(j) Christopher W. Bohlen and Robert Boyd

ANSWER TO INTERROGATORY NO. 7

(a) All Kankakee City Council Members communicated with Mayor Green relating to the date of the Siting hearings.

(b) Relating to the siting of the facility and the holding of the hearings.

(c) We are unable to describe and delineate the exact statements.

(d) The communications are numerous and often Statements of a general and non specific nature were made at various times.

(f) Alderman and Mayor

ANSWER TO INTERROGATORY NO. 8: None

ANSWER TO INTERROGATORY NO. 9: None

ANSWER TO INTERROGATORY NO. 10: Hearing Officer Boyd forwarded to Christopher W. Bohlen his proposed findings of fact. Those were modified after the City Council Meeting. Hearing Officer Boyd also forwarded his bill for services to Christopher W. Bohlen as submitted for payment through the office of the Mayor.

ANSWER TO INTERROGATORY NO. 11: The City objects to Interrogatory No. 11, as

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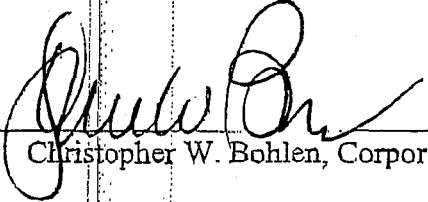
said documents seeks material which is not relevant to this hearing. Further it seeks information regarding litigation strategy which is not otherwise available to the petitioner herein.

ANSWER TO INTERROGATORY NO. 12: The Respondent has no information one way or the other regarding communications with Town & Country.

ANSWER TO INTERROGATORY NO. 13: None at the present time. However, the Respondent reserves the right to identify witnesses for the purposes of responding to any issue raised during the course of the hearing.

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

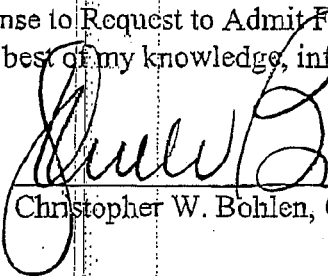
By

  
Christopher W. Bohlen, Corporation Counsel

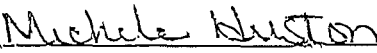
STATE OF ILLINOIS )

COUNTY OF KANKAKEE )

I, CHRISTOPHER W. BOHLEN, being first duly sworn upon oath, deposes and states that I am the Corporation Counsel for the City of Kankakee, I have the authority to act in its behalf, that I have read the foregoing Response to Request to Admit Facts, and the contents therein contained are true and correct to the best of my knowledge, information and belief.

  
Christopher W. Bohlen, Corporation Counsel

Subscribed and Sworn to before me this  
7<sup>th</sup> day of November, 2003.

  
Notary Public

"OFFICIAL SEAL"  
Michele Huston  
Notary Public, State of Illinois  
My Commission Expires March 16, 2007

CHRISTOPHER W. BOHLEN

Corporation Counsel

Reg. No. 00244945

385 East Oak Street

Kankakee, IL 60901

(815) 933-0500

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BYRON SANDBERG,

Petitioner,

No. PCB 04-33

(Third-Party Pollution Control  
Facility Siting Appeal)THE CITY OF KANKAKEE, ILLINOIS CITY  
COUNCIL, TOWN AND COUNTRY UTILITIES  
INC., and KANKAKEE REGIONAL LANDFILL  
L.L.C.,

Respondents.

WASTE MANAGEMENT OF ILLINOIS, INC.,

Petitioner,

No. PCB 04-34

(Third-Party Pollution Control  
Facility Siting Appeal)THE CITY OF KANKAKEE, ILLINOIS CITY  
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INC., and KANKAKEE REGIONAL LANDFILL,  
L.L.C.,

Respondents.

COUNTY OF KANKAKEE, ILLINOIS and  
EDWARD D. SMITH, KANKAKEE COUNTY  
STATE'S ATTORNEY,

Petitioner,

No. PCB 04-35

(Third Party Pollution Control  
Facility Siting Appeal)  
(Consolidated)THE CITY OF KANKAKEE, ILLINOIS CITY  
COUNCIL, TOWN AND COUNTRY UTILITIES  
INC., and KANKAKEE REGIONAL LANDFILL  
L.L.C.,

Respondents.

ANSWERS TO PETITIONERS (WASTE MANAGEMENT) INTERROGATORIES

NOW COMES the respondent, THE CITY OF KANKAKEE, by and through its  
attorneys, CHRISTOPHER W. BOHLEN, Corporation Counsel, KENNETH A. LESHEN and L.



-2-

PATRICK POWER, Assistant City Attorneys, and herewith responds to the Request to Admit as follows:

ANSWER TO INTERROGATORY NO. 1: Christopher W. Bohlen, Corporation  
Counsel, 385 E. Oak Street, Kankakee, Illinois, 60901.

ANSWER TO INTERROGATORY NO. 2: Respondent objects to this Interrogatory. It seeks information which is not relevant to the current hearing. The Respondent further states that all communications regarding the 2002 Application are a portion of the record of the previous hearing and appeal. However without waiving this objection, Respondent states further that Mr. Robert Boyd received a copy of the transcripts of the hearing of the 2002 Application. In addition, Mr. Tom Volini discussed the appeal of the 2002 Siting Application in an executive session, during which litigation was discussed on February 3, 2003, with the Kankakee City Council.

ANSWER TO INTERROGATORY NO. 3:

(a) None other than on February 3, 2003, the City was notified by Tom Volini of his anticipation that Town & Country would be refiling another Siting Application. In addition, there were telephone conversations between Christopher Bohlen and Tom Volini regarding the establishment of dates for the hearing and more specifically informing Tom Volini of the dates when the City was going to hold the hearings.

(b) Numerous conversations occurred between the members of the public and members of the City Council. Those are too numerous to be identified herein. The conversations involved constitutes either questioning or stating opinions regarding the Application.

(c) None

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(d) Apparently Michael Werthmann had a conversation with David Tyson of Tyson Engineering. Tyson Engineering is the city's consulting engineer but has had no input of any kind whatsoever regarding the Siting Application.

(e) Robert Boyd was contacted by phone on two separate occasions to determine if he would be interested in acting as the hearing officer. On two other occasions, he received written communication (1) enclosing documents consisting of transcripts, the facility Siting Ordinances and relevant portions of the statute of the Environmental Protection Act and (2) correspondence verifying the dates for the hearing. Following the hearing Robert Boyd e-mailed his proposed findings of fact and recommendations to Christopher W. Bohlen.

(f) None

ANSWER TO INTERROGATORY NO. 4: The Respondent objects to this interrogatory as said Response to the Request to Admit Facts speaks for themselves and any further comment on the same is irrelevant.

ANSWER TO INTERROGATORY NO. 5: None. However, during the hearing the Respondent may call witnesses to rebut any testimony purportedly offered by the appellants. The Respondent reserves the right to supplement the responses herein.

ANSWER TO INTERROGATORY NO. 6: None

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

By

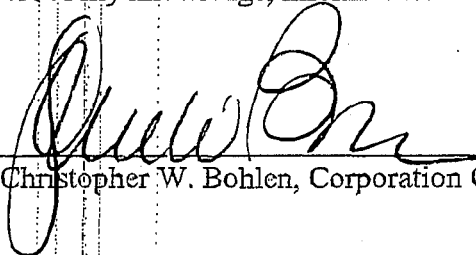
  
Christopher W. Bohlen, Corporation Counsel

-4-

STATE OF ILLINOIS )

COUNTY OF KANKAKEE )

I, CHRISTOPHER W. BOHLEN, being first duly sworn upon oath, deposes and states that I am the Corporation Counsel for the City of Kankakee, I have the authority to act in its behalf, that I have read the foregoing Response to Request to Admit Facts, and the contents therein contained are true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Christopher W. Bohlen, Corporation Counsel

Subscribed and Sworn to before me this  
7<sup>th</sup> day of November, 2003.

Michele Huston  
Notary Public

"OFFICIAL SEAL"  
Michele Huston  
Notary Public, State of Illinois  
My Commission Expires March 16, 2007

CHRISTOPHER W. BOHLEN  
Corporation Counsel  
Reg. No. 00244945  
385 East Oak Street  
Kankakee, IL 60901  
(815) 933-0500

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Petitioner,

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Facility Siting Appeal)THE CITY OF KANKAKEE, ILLINOIS CITY  
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L.L.C.,

Respondents.

WASTE MANAGEMENT OF ILLINOIS, INC.,

Petitioner,

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(Third-Party Pollution Control  
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L.L.C.,

Respondents.

COUNTY OF KANKAKEE, ILLINOIS and  
EDWARD D. SMITH, KANKAKEE COUNTY  
STATE'S ATTORNEY,

Petitioner,

No. PCB 04-35

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

Respondents.

RESPONSE TO REQUEST TO ADMIT

NOW COMES the respondent, THE CITY OF KANKAKEE, by and through its  
attorneys, CHRISTOPHER W. BOHLEN, Corporation Counsel, KENNETH A. LESHEN and L.

-2-

PATRICK POWER, Assistant City Attorneys, and herewith responds to the Request to Admit as follows:

1. The Respondent admits Paragraph 1 of the Request to Admit Facts.
2. The Respondent denies Paragraph 2 of the Request to Admit Facts.
3. The Respondent denies Paragraph 3 of the Request to Admit Facts.
4. The Respondent is unable to admit or deny the allegations contained in Paragraph 4 of the Request to Admit Facts as said Request seeks Respondent to provide a legal conclusion. However, without waiving this objection, Respondent states that said allegation speaks for themselves.
5. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before this hearing.
6. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before this hearing.
7. The Respondent objects to replying to this Request as said Request seeks a legal

-3-

opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before this hearing.

8. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before this hearing.

9. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before this hearing.

10. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue

-4-

before this hearing.

11. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before this hearing.

12. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before this hearing.

13. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before the hearing.

14. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented.

-5-

The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before the hearing.

15. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before the hearing.

16. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before the hearing.

17. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before the hearing.

18. The Respondent objects to replying to this Request as said Request seeks a legal



-6-

opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before the hearing.

19. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore, the information sought is irrelevant to any issue before the hearing.

20. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact and any further discovery is improper. Therefore the information sought is irrelevant to any issue before the hearing.

21. The Respondent objects to replying to this Request as said Request seeks a legal opinion. In addition, the Respondent objects to this Request addressing issues on which the record is already closed and for which no additional discovery or evidence is to be presented. The City previously made its determination on this issue which is found in the findings of fact

-7-

and any further discovery is improper. Therefore the information sought is irrelevant to any issue before the hearing.

22. The Respondent admits that it received a report of Mr. Ronald Yarborough of Geo Technical Associates on July 28, 2003.

23. The Respondent admits that it provided no copy of a final report of "Ralph Yarborough". The Respondent states affirmatively that it placed on file as a matter of record with the Kankakee City Clerk a report of Ronald Yarborough and said report was available to any party who sought the same.

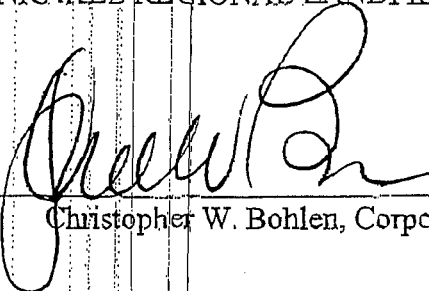
24. The Respondent admits Paragraph 24 of the Request to Admit Facts.

25. The Respondent admits Paragraph 25 of the Request to Admit Facts.

26. The Respondent denies Paragraph 26 of the Request to Admit Facts.

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

By



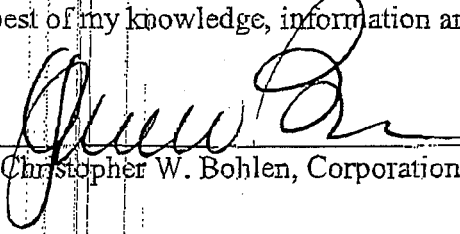
Christopher W. Bohlen, Corporation Counsel

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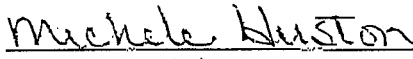
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Christopher W. Bohlen, Corporation Counsel

Subscribed and Sworn to before me this

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Notary Public

"OFFICIAL SEAL"  
Michele Huston  
Notary Public, State of Illinois  
My Commission Expires March 16, 2007

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