

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BYRON SANDBERG,

Petitioner,

vs.

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

Respondents.)

Case No. PCB 04-33

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CLERK'S OFFICE

NOV 17 2003

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF DISCOVERY DEPOSITION

On November 14, 2003, at 1:00 p.m., at Marilyn Mrozynski, C.S.R., One Dearborn Square, Suite 510, Kankakee, Illinois, the deposition of Mr. Boyd will be taken before a notary public (Marilyn Mrozynski – 815/439-1390) on oral interrogatories for discovery in this case, and at that time the deponent shall produce all the documents requested on the attached rider.

905

DEPOSITION RIDER

1. Identify and produce any and all documents, letters, or memoranda which were read, reviewed, or examined by you regarding the Town and Country Utilities, Inc. Landfill Siting Application, which either are or are not a part of the public record of the hearing.

2. All communications, reports, correspondence, telephone messages, e-mails, and other documents which you sent to or received from the City of Kankakee or its agents or Town and Country Utilities, Inc. or its agents, including all dates of any reports or documents.

3. All notes, minutes, and other documents of all communications, phone calls and meetings between Town and Country Utilities, Inc. and you or the City of Kankakee, Illinois, the Kankakee City Council or their agents relating to the planning, development, and siting of the facility.

4. Any and all documents relied upon or reviewed by or received by you the concerning or relating to the landfill or siting of the landfill which is not contained in the application or the City of Kankakee public record.

5. Any and all documents, agendas, computer messages, telephone message memos, which reference, mention, memorialize or in any way relate to any communications between you and the City of Kankakee or Town and Country Utilities, Inc.

6. Any and all documents, correspondence, memoranda, e-mail, computer messages, telephone message memos, or other evidence, items, records or things in any way referencing or memorializing any communication of anyone with you concerning the application, which are not part of the public record, or the hearing, including any and all drafts of the Hearing Officer's report or recommendations that were reviewed or amended by the City of Kankakee, or the Applicant.

7. Any and all agendas, documents, correspondence, memos, e-mails, computer messages or the like authored, generated or drafted by any City Council member concerning the Application.

8. Any and all documents, correspondence, exhibits, memoranda, writings or recordings in any way referencing the deliberation or consideration of the Application or any condition upon approval suggested, considered or imposed by Hearing Officer Boyd or the City Council, its members, agents, employees, attorneys and staff.

9. Any and all communications, documents, memoranda, recordings, agendas, notes, or evidence concerning any communication between you or the City of Kankakee and Town and Country Utilities, Inc., which refers or relates to any potential or actual lawsuit, dispute or claim against the County of Kankakee, including, but not limited to any declaratory judgment action filed by the City against the County, any injunctive action filed by the City against the County, any other County siting hearing, any civil action or other lawsuit filed against the County, or an appeal of any of the aforementioned actions or claims.

10. Any and all communications between you or the City of Kankakee or Town and Country Utilities, Inc. and Mr. Michael Watson or Mr. Merlin Karlock, or any agent or employee of said individuals or any agent, employee, consultant or person affiliated with any company that Mr. Watson or Mr. Karlock are affiliated with in any way, concerning the County of Kankakee or an action, suit or proceeding of which the County is a party or participant.

11. All correspondence, contracts or other communications between each opinion witness or other witness and you or the City of Kankakee in connection with the subject matter of this action.

12. All releases, covenants or other agreements, promises or understandings (including any document reflecting or referring to the same) with respect to the subject matter of this action, which are not contained in the Landfill Siting Application nor admitted into evidence at the City of Kankakee hearing on the Application.

13. Any and all communications, documents, reports, recommendations, memoranda, e-mails, evidence or the like in any way referencing authored, received by or sent to Mr. Ralph Yarborough, Ph.D.

14. Any and all communications, documents, e-mails, reports or recommendations between you, the City of Kankakee, the City Council or its agents, attorneys, staff and employees and Hearing Officer Boyd in any way referencing Mr. Ralph Yarborough, Ph.D., or any opinion, recommendation or report of Mr. Yarborough.


15. Any and all documents or evidence in any way memorializing that a report from Mr. Ralph Yarborough, Ph.D. was made part of the City public record at any time.

Dated: 11/12/03

Respectfully Submitted,

On behalf of the COUNTY OF KANKAKEE,
ILLINOIS, and EDWARD D. SMITH,
KANKAKEE COUNTY STATE'S
ATTORNEY,

By: Hinshaw & Culbertson


Richard S. Porter
One of Its Attorneys

HINSHAW AND CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61105-1389
815/490-4900

AFFIDAVIT OF SERVICE

The undersigned hereby under penalty of perjury under the laws of the United States of America, certifies that on 11/12/03, she served a copy of the foregoing upon:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Attorney George Mueller
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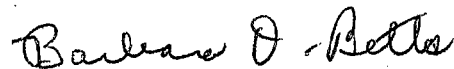
Byron Sandberg
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Anjanita Dumas, Clerk
City of Kankakee
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Claire A. Manning
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Springfield, IL 62705
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Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
(312) 814-8917
(312) 814-3669 FAX

By depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above.



HINSHAW & CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
(815) 490-4900

cc: Marilyn Mrozynski, C.S.R.