

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STOP THE MEGA-DUMP,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 2010-103 cons. PCB 2010-104
	)	(Pollution Control Facility Siting Appeal)
COUNTY BOARD OF DEKALB	)	
COUNTY, ILLINOIS AND	)	
WASTE MANAGEMENT OF	)	
ILLINOIS, INC.,	)	
	)	
Respondents.	)	
<hr/>		
WASTE MANAEMENT OF	)	
ILLINOIS, INC.	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
DEKALB COUNTY BOARD,	)	
	)	
Respondent.	)	

**FIRST SET OF INTERROGATORIES OF PETITIONER, DIRECTED TO RESPONDENTS**

**NOW COMES** Petitioner, Stop the Mega-Dump, by and through its attorney George Mueller, P.C., and hereby requests that Respondents, County Board of DeKalb County (the County) and Waste Management of Illinois, Inc. (WMII) answer under oath, in accordance with 35 IAC 101.620, the following Interrogatories, within twenty-eight (28) days from the date upon which these Interrogatories were served:

**DEFINITIONS**

1. **Identify.**
  - a. When used with reference to an individual (or multiple individuals) shall require a statement of the individual's full name; present and/or last known

position, employment, job title and/or business affiliation; business address and telephone number; present or last known residential address and telephone number; and the individual's relationship, if any, to or with the parties hereto.

b. When used with reference to a business or corporation (or multiple businesses or corporations) shall mean to state the business's or corporation's legal name, the names under which it does business, its form (proprietorship, corporation, partnership, association or business trust, etc.), the date and place of its inception and/or incorporation, identification of its principal proprietors, partners or officers, its present address, its principal place of business and its relationship, if any, to or with the parties hereto.

c. When used with reference to documents shall require a statement of the date thereof, the type of document, the author or speaker, and if different, the signer or signers, the addressee, the substance thereof, their present or last known location or custodian, and all other means of identifying them with sufficient particularity to satisfy the requirements for their identification in a request for their production pursuant to the possession or subject to control of the County or WMII, state the disposition that was made of it, the reason for such disposition, and the date thereof.

d. When used with reference to any communication, meeting, act, occurrence, statement or conduct (hereinafter collectively "act") requires you to:

- (i) describe the substance of the event or events constituting such act, and state the date when such act occurred;
- (ii) identify each and every person participating in such act;
- (iii) identify all other persons present when such act occurred;
- (iv) state whether any minutes, notes, memoranda, accounts, statements, agreements, or documents relating to the act was made;
- (v) state whether such record now exists; and
- (vi) identify the person presently having possession, custody or control of such record.

2. Relating To. "Relating to" as used herein with reference to a subject shall mean both of the following:

a. Containing, comprising, consisting of, constituting, composed of, stating, setting forth or recording, contradicting, referring to, relating to or in any way pertaining to, in whole or in part, that subject; and

b. Describing, discussing, reflecting, interpreting, identifying, concerning, contradicting, referring to, relating to, or in any way pertaining to, in whole or in part, that subject.

3. Document. "Document" shall mean all documents, objects and tangible things contemplated by the Illinois Code or the Illinois Administrative Code, including every original (and any copy of any original and any copy which differs in any way from any original) of every writing of every kind or description, whether handwritten, typed, drawn, sketched, or printed, including, without limitation, computer-generated or maintained data or reports, books, records, papers, pamphlets, brochures, circulars, plans, correspondence, emails, communications, telegrams, memoranda, notes, logs, notebooks, worksheets, reports, lists, analysis, appointment books, diaries, telephone bills and toll call records, expense reports, commission statements, confirmation statements, checkbooks, cancelled checks, receipts, contracts, agreements, instruments, assignments, applications, offers, acceptances, written memorials of oral communications, photographs, photographic slides or negative films, digital images, digital moving images, and film strips to which the County WMII now has or has had access to in the past.

4. Communication. "Communication" includes all discussions, conversations, interviews, meetings, negotiations, emails, instant messaging, cablegrams, mailgrams, telegrams, telexes, cables, or other forms of written or verbal intercourse, however transmitted, including reports, notes, memoranda, lists, agendas, and other documents and records of communication, the identity of person(s) to whom and by whom it was made (see "1" above), the date it was made, the circumstances under which it was made, including but not limited to the location where it was made, the date it was made, the means by which it was made, and the form in which it was made.

5. All and Any. As used herein "all" refers to any and all, and the term "any" likewise refers to any and all.

6. And / Or. "And" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Interrogatory any documents, acts or communications which might otherwise be construed to be outside its scope.

7. Application. "Application" shall mean the Application of WMII for site location approval of an expanded solid waste landfill located in DeKalb County, Illinois.

8. Any and all capitalized terms not defined herein should be ascribed the meanings given them in the Petition for Review.

### **INSTRUCTIONS**

1. Any word written in the singular shall be construed as plural and any word written in the plural shall be construed as singular when necessary to facilitate complete answers.

2. All information requested is from January 1, 2009, to the date of compliance with this request, unless otherwise specifically indicated. If the answer is not uniformly applied to that entire period, each change within the period is to be indicated with the date of such change.

3. Your answer to each interrogatory should include all knowledge within your custody, possession or control. Where facts are set forth in your answers or portions thereof are supplied upon information and belief rather than actual knowledge, so state and specifically describe or identify the source or sources of such information and belief. If any estimate can reasonably be made in place of the unknown information, set forth your best estimate, clearly designated as such, in place of unknown information, and describe the basis upon which the estimate is made. If you cannot answer the interrogatory in full after exercising due diligence to secure the information requested, so state and answer to the fullest extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.

4. To the extent any interrogatory is objected to, set forth all reasons therefore. If you claim privilege as a ground for not answering any interrogatory in whole or in part, describe the factual basis for your claim of privilege, including all relevant dates and persons involved, in sufficient detail so as to permit the PCB to

adjudicate the validity of the claim. If you object in part to any interrogatory, answer the remainder completely.

5. Concerning any and all documents which you are asked to identify in these Interrogatories that you do not identify on the grounds of any type of privilege, or for any other reason, indicate and describe each document withheld by date, author(s), addressee(s), recipient(s) or distribute(s), title, type of document (e.g., memorandum, letter, report), location of its creation, present location of the document, identity of any person to whom it has already been revealed, identity of any person or entity who possesses or has custody of it, identity of any person or entity who possesses or has previously had custody of it, total number of copies created, the basis upon which it is being withheld, and general subject matter.

6. Where an interrogatory calls for the identification of a document, a true and correct copy of such document may be attached to the response in lieu of describing such documents, provided, however, where an interrogatory answer requires specification of particular words, paragraphs, pages, etc., the same be clearly identified. If in response to any interrogatory you exercise your option under the Illinois Supreme Court Rules to produce business records in lieu of a written response, identify and segregate the specific documents from which the answers to the interrogatory may be derived or ascertained with sufficient specificity to permit the answers to be identified in a document request.

7. To the extent required by the Illinois Supreme Court Rules and/or the Illinois Administrative Code or regulations, you are hereby requested and required to supplement your answers if you obtain or become aware of further responsive information after you serve your answers.

#### **INTERROGATORIES**

1. For the period between January 1, 2009, and May 10, 2010, please identify all communications in verbal, written or electronic form made by any County Board Member or made to any County Board Member relating to the Application, excepting therefrom, communications in the form of official filings by WMII, other

registered participants, filed public comments and filing by the County staff or hearing officer, and with respect to each such communication, please identify:

- A. The date said communication took place;
- B. The person or group initiating and/or authoring the communication;
- C. The person or group receiving the communication;
- D. The substance and content of the communication;
- E. The identity of all others present when such communication was made;
- F. The identity of all others present when such communication was received;
- G. The manner of the delivery of the communication; and
- H. Whether any record or memorandum of said communication exists.

**ANSWER:**

2. Between January 1, 2009, and May 10, 2010, please identify any and all meetings between any member of the County Board and any other member of the County Board at any time or place where the Application or the contemplated expansion of the DeKalb County Landfill was considered or discussed, excepting therefrom official meetings of the County Board or its committees and, with respect to each such meeting, identify:

- A. The date and time upon which said meeting took place;
- B. The location at which said meeting took place; and
- C. The names of all individuals who were present at said meeting.

**ANSWER:**

3. Between January 1, 2009, and May 10, 2010, state whether or not any member of the County Board or any employee of the County received anything of value from WMII and/or any of their representatives. If so, please identify:

- A. The name of the person or organization making the gift or transfer;
- B. The name of the person or organization receiving the gift or transfer;
- C. The date upon which the gift or transfer was made; and
- D. The amount of the gift or transfer.

**ANSWER:**

4. Did any members of the County Board or any employees of the County, between January 1, 2009 and May 10, 2010, go to, visit or tour any landfill owned or operated by WMII, and if so, please identify:

- A. The date of the visit or tour;
- B. The name of the facility toured or visited;
- C. The names of all persons present;
- D. The means by which County Board members or County employees traveled to and from the facility.

**ANSWER:**

5. Please identify any document or other writing relating to the Application, other than newspaper articles, editorials or letters to the editor, which document or writing is not part of the record filed by the County Board with the Pollution Control

Board, in the possession or control of any County Board Member. As to each such document or other writing, please identify:

- A. The County Board member having such document or writing;
- B. The nature of the document or writing;
- C. The date upon which said County Board member came into possession of said document or writing.

**ANSWER:**

6. Please identify all sources of materials outside the official public records consulted by, used or considered by any County Board member in evaluating, weighing or deliberating on the Application or any of the evidence submitted regarding the same.

**ANSWER:**

7. With regard to the DeKalb County Pollution Control Facility Siting Ordinance and the Articles of Rules and Procedures supplementary to the provisions of that Ordinance please state:

- A. Who drafted said ordinance and rules and procedures;
- B. What input did WMII have in drafting or revising said ordinance and rules and procedures;
- C. Where did the County get the language for Article III, Section 5 of the Rules and Procedures.

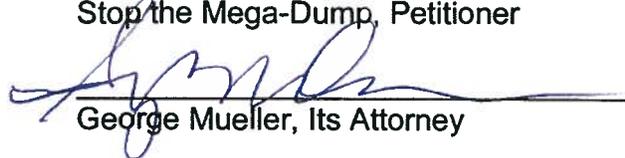
**ANSWER:**

8. Describe in detail the policies and procedures in place for public access to the Application, including public copying of the Application prior to the commencement of the siting hearing, and with respect to all such policies and procedures please identify:

- A. The person or persons who developed such policies and procedures;
- B. Whether there is any document related to or evidencing such policies and procedures; and
- C. What input WMII had into the development or implementation of such policies and procedures.

**ANSWER:**

Respectfully submitted,  
Stop the Mega-Dump, Petitioner



George Mueller, Its Attorney

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF LASALLE    )     SS

**AFFIDAVIT OF SERVICE**

The undersigned, a non-attorney, being first duly sworn upon oath, states that a copy of the **First Set of Interrogatories of Petitioner, Directed to Respondents**, was served upon the following persons by enclosing such documents in separate envelopes, addressed as follows, and depositing said envelopes in a U.S. Postal Service mail box at Ottawa, Illinois on the 8<sup>th</sup> day of July, 2010, before 5:00 p.m., with all fees thereon fully prepaid and addressed as follows:

See attached Service List

**Service List**

Donald Moran  
Attorney for WMII  
Pederson & Houpt  
161 N. Clark St., Suite 3100  
Chicago, IL 60601-3242

Renee Cipriano  
Amy Antonioli  
Special Counsel for DeKalb County  
Schiff Hardin, LLP  
233 S. Wacker Drive, Suite 6600  
Chicago, IL 60606-6306

Sharon L. Holmes  
DeKalb County Clerk  
110 E. Sycamore St.  
Sycamore, IL 60178

Ruth Anne Tobias  
DeKalb County Board Chairman  
200 N. Main St.  
Sycamore, IL 60178

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

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

John Farrell  
DeKalb County State's Attorney  
Legislative Center  
200 N. Main Street  
Sycamore, IL 60178

  
\_\_\_\_\_  
Jill Thorp, Legal Assistant

**George Mueller**  
**Atty. No. 1980947**  
**MUELLER ANDERSON, P.C.**  
**609 East Etna Road**  
**Ottawa, Illinois 61350**  
**Telephone (815) 431-1500**  
**Facsimile (815) 431-1501**  
**george@muelleranderson.com**