

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STOP THE MEGA-DUMP,)	
)	
Petitioner,)	
)	
v.)	PCB 10-103
)	(Third-Party Pollution Control Facility
COUNTY BOARD OF DEKALB COUNTY)	Siting Appeal)
ILLINOIS and WASTE MANAGEMENT OF)	
ILLINOIS, INC.,)	
)	
Respondents)	
_____)	
)	
WASTE MANAGEMENT OF ILLINOIS,)	
INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 10-104
)	(Pollution Control Facility Siting
DEKALB COUNTY BOARD,)	Appeal)
)	(Consolidated)
Respondent.)	

RESPONDENT'S INTERROGATORIES

Respondent, Waste Management of Illinois, Inc. ("WMII"), pursuant to Section 101.620 of the Pollution Control Board Procedural Rules and Supreme Court 213, submits the following Interrogatories to the Petitioner Stop the Mega-Dump ("STMD").

DEFINITIONS

A. "STMD" refers to Stop the Mega-Dump, a voluntary association of citizens formed to contest the proposed expansion of the DeKalb County Landfill, and its members, agents, directors, administrators, officers, employees, attorneys, representatives and all persons or entities who have acted or purported to act on its behalf.

B. "Communication" refers to transmission or exchange of information, facts, opinions, questions, requests, suggestions, results or conclusions between two or more persons or entities, orally or in writing, by any means, including but not limited to meetings, discussions, correspondence, e-mails and any attachments, facsimiles, conversations, phone calls, letters, fact sheets, informational material, documents, memoranda or postings to any and all web-based social media (e.g. Facebook entries, Web page entries, Web site entries, Blog site entries, instant messaging).

C. "Document" or "documents" means the original or any copy of such original and any non-identical copy of such original, or any written, recorded or graphic material of any kind (including handwritten, printed, lithographed, duplicated, typed or other graphic, photographic, electronic or computer-generated matter), and shall include, but not be limited to, all letters, e-mails and any attachments, correspondence, contracts, agreements, notes, reports, video or photographic memory cards or DVD copies of such cards or files, diagrams, mechanical or electrical sound records or transcripts thereof, memoranda or any notes of telephone, cell phone, or personal conversations or of meetings or conferences (i.e. rallies, town hall meetings, planning meetings), minutes, transcripts, studies, work sheets and receipts.

D. "Facility" refers to the proposed expansion of the DeKalb County Landfill located in Cortland Township, DeKalb County, Illinois, which is the subject of the Site Location Application for the DeKalb County Landfill Expansion filed November 30, 2009, with the DeKalb County Board ("Site Location Application").

E. "Existing landfill" refers to the existing DeKalb County Landfill located in Cortland Township, DeKalb County, Illinois, at 18370 Somonauk Road.

F. "Proceedings" refers to the process and procedures conducted by the DeKalb County Board to consider, review and decide the Site Location Application pursuant to Section 39.2 of the Illinois Environmental Protection Act. 415 ILCS 5/39.2 (2006).

G. "Identify," when referring to a communication, means (1) to state the nature of the communication (*e.g.*, telephone call, letter, meeting, e-mail), (2) to state the date and time on which the communication occurred, (3) to state each person who participated in the communication, (4) to state each person who did not participate in the communication, but was present during (or otherwise heard) any part of the communication, and (5) to summarize the statements made by each participant in or during the communication.

H. The relevant time period for answering the interrogatories is from March 1, 2009 to the present.

INSTRUCTION

Continuing Responses. These interrogatories shall be deemed to be continuing in nature and if, after serving your responses, additional information becomes known or available to you, that is responsive to these interrogatories, then you are required to reasonably supplement or amend your responses.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all persons who provided information regarding or who assisted in answering these interrogatories.

ANSWER:

INTERROGATORY NO. 2: Identify all communications of or by STMD that refer or relate to the Site Location Application or the existing landfill with the following persons:

- (a) Any members of the DeKalb County Board;
- (b) Sharon Holmes; and
- (c) Robert Seyller.

ANSWER:

INTERROGATORY NO. 3: Identify each member of the DeKalb County Board who you claim prejudged the Site Location Application, and for each member identified, state the facts or basis for your claim.

ANSWER:

INTERROGATORY NO. 4: Identify any oral statement or act by any member of the DeKalb County Board indicating bias in favor of WMII or the Site Location Application, and for each such statement or act:

- (a) Describe the statement or act;
- (b) State when and where it occurred; and
- (c) Identify all persons who witnessed it.

ANSWER:

INTERROGATORY NO. 5: Identify any ex parte communication between any member of the DeKalb County Board and WMII.

ANSWER:

INTERROGATORY NO. 6: Identify any improper communication between any official, employee, agent or representative of DeKalb County and WMII.

ANSWER:

INTERROGATORY NO. 7: Describe any other instances in which you claim the proceedings were fundamentally unfair, and for each instance:

- (a) State the facts or basis for the claim;
- (b) Identify each document or writing that supports or tends to support the claim; and
- (c) Identify each person who has any knowledge of such claim.

ANSWER:

INTERROGATORY NO. 8: Identify each witness you expect to present to testify at hearing, and state the subject of each witness' testimony and identify any document any witness will utilize in his or her testimony.

ANSWER:

INTERROGATORY NO. 9: Identify the name, address, residence, e-mail address(es), cellular phone number(s), home and work landline phone number(s) of each member of STMD.

ANSWER:

INTERROGATORY NO. 10: State the facts or basis supporting or tending to support your allegation that the public hearing was not conducted in accordance with the requirements of Section 39.2 of the Act.

ANSWER:

INTERROGATORY NO. 11: State the facts or basis supporting or tending to support your allegation that the DeKalb County Pollution Control Facility Siting Ordinance and the Articles of Rules and Procedures improperly limited, restricted and discouraged public participation, including the names and addresses of the persons whose participation was limited, restricted or discouraged.

ANSWER:

INTERROGATORY NO. 12: State the facts or basis supporting or tending to support your allegation that the DeKalb County Board improperly limited or restricted public access to the Site Location Application, including the names and addresses of the persons whose access to the Site Location Application was limited or restricted.

ANSWER:

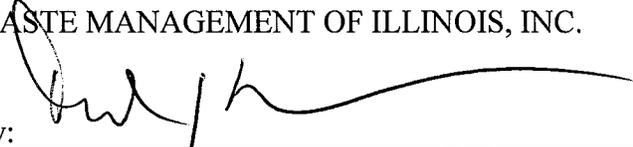
INTERROGATORY NO. 13: State the facts or basis supporting or tending to support your allegation that the DeKalb County Board failed to properly understand the burden of proof, its role in the siting process and the legal effect of siting approval.

ANSWER:

INTERROGATORY NO. 14: Identify each document used or relied upon in preparation of the answers to these interrogatories.

Respectfully submitted,

WASTE MANAGEMENT OF ILLINOIS, INC.

By: 

Donald J. Moran
One of Its Attorneys

Donald J. Moran
PEDERSEN & HOUP
161 North Clark Street
Suite 3100
Chicago, IL 60601
(312) 641-6888

PROOF OF SERVICE

I, Tasha Madray, a non-attorney, on oath states that she served the foregoing Respondent's Interrogatories by enclosing same in an envelope addressed to the following parties as stated below, and by depositing same in the U.S. mail at 161 N. Clark St., Chicago, Illinois 60601, on or before 5:00 p.m. on this 9th day of July, 2010:

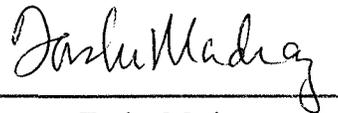
Ms. Renee Cipriano
Ms. Amy Antonioli
Schiff Hardin LLP
233 South Wacker Drive
Suite 6600
Chicago, IL 60606

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

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

Via E-mail and Regular Mail
Mr. George Mueller
Mueller Anderson, P.C.
609 Etna Road
Ottawa, IL 61350

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



Tasha Madray