

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.)
)
Petitioner,)
) PCB No. 14-99
v.) (Pollution Control Facility
) Siting Appeal)
VILLAGE OF ROUND LAKE PARK,)
ROUND LAKE PARK VILLAGE BOARD)
And GROOT INDUSTRIES, INC.)
)
Respondents.)

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

Please take notice that on April 25, 2014 the undersigned caused to be filed electronically with the clerk of the Illinois Pollution Control Board **VILLAGE OF ROUND LAKE PARK's FIRST SUPPLEMENTAL RESPONSE TO PETITIONER'S FIRST SET OF INTERROGATORIES TO VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD**, a copy of which is attached hereto.

Respectfully Submitted,

On behalf of Round Lake Park Village Board

Peter S. Karlovics
Peter S. Karlovics

Peter S. Karlovics #6204536
The Law Offices of Rudolph F. Magna #110560
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
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Petitioner)	
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v.)	No. PCB 2014-099
)	
VILLAGE OF ROUND LAKE PARK,)	(Pollution Control Facility Siting Appeal)
ROUND LAKE PARK VILLAGE BOARD)	
and GROOT INDUSTRIES, INC.,)	
)	
Respondents)	

VILLAGE OF ROUND LAKE PARK'S FIRST SUPPLEMENTAL RESPONSE TO PETITIONER'S FIRST SET OF INTERROGATORIES TO VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD

Now comes Round Lake Park Village Board by its attorneys, The Law Offices of Rudolph F. Magna and hereby provides its First Supplemental Response to the First Set of Interrogatories of Petitioner, Timber Creek Homes, Inc. ("TCH") as follows:

General Response: The Hearing Officer originally limited TCH discovery requests to the dates between the date on which Village of Round Lake Park's ("VRLP") Appraiser was retained and the date on which siting was granted. VRLP's Appraiser was retained on June 20, 2013 when the Mayor signed the fee letter or contract of VRLP's Appraiser. The Round Lake Park Village Board ("RLPVB") granted siting on December 12, 2013. RLPVB attempted in good faith to comply with that order in its original answer to TCH's interrogatories.

In a April 7, 2014 order affirmed by the PCB, the Hearing Officer ruled that "TCH may pursue discovery regarding entries reflected in the Village Board's minutes" which were the subject of the TCH Request to Admit, but limited that discovery to information pertaining to the subject waste transfer station.

TCH did not propound new discovery requests to incorporate the provisions of the Hearing Officer's April 7, 2014 order, which has created confusion. It is unclear exactly what additional discovery RLPVB should provide to TCH. In a good faith attempt to supplement discovery in a manner consistent with TCH's original discovery requests, the Hearing Officer's original limitation, and the Hearing Officer's April 7, 2014 order, RLPVB is providing non-privileged discovery information prior to June 20, 2013, only to the extent that it pertains to: 1) the subject transfer station itself; and 2) an entry in the Village Board's meeting minutes which were the subject of Petitioner's Requests to Admit. The relevant exhibits to Petitioner's Requests to Admit that are related to the transfer station are: Exhibits 2, 3, 4, 7, 24, 25, 26, 27 and 28. Since information provided at Village Board meetings are essentially updates from prior Village

Board meetings, RLPVB limits its production to update information provided up to 14 days prior to the subject Village Board meeting.

RLPVB has attempted in good faith to respond to the requests as written, as further limited by the hearing officer orders, and does not, by its responses to Petitioner's discovery set forth herewith, waive its objection to discovery outside the limits set by the hearing officer. Any information provided herewith that is outside the scope of the Hearing Officer orders is inadvertent and should not be construed as a waiver of the limitations set by the hearing officer. Thus, such things as those related to zoning, land planning, building permits, solid waste planning, hauling contracts, office buildings, contractor equipment storage yards, and recycling, including, but not limited to, construction and demolition debris, are outside the scope of this response. Any privileged material produced is accidentally produced without waiver. Any documents withheld under a claim of privilege will appear in a privilege log and/or be provided to the Hearing Officer for his review in the nature of an in camera inspection.

Prior to the filing of the Application and subsequent to the grant of siting, VRLP and the Village Board functioned together as a unit of government. Upon the filing of the Application and until the grant of siting, Counsel for the Village of Round Lake Park and the Village Board and its counsel had no contact outside of the public hearing.

The RLPVB incorporates as part of its response to these interrogatories, the responses of all other parties to this case. The responses herein are limited to the proposed transfer station at issue and things not subject to a claim of privilege. Any privileged material produced is without waiver. Further, there is an agreement with TCH precluding the application of any claim of waiver.

RLPVB Counsel has no independent recollection related to any single request or the time frame related thereto, other than that specifically noted in an individual response. A number of documents may be produced by RLPVB. Some of those documents may refer to communications and provide a guide as to when other communications may have occurred and various details related to each.

Further, RLPVB incorporates the response of VRLP to its interrogatories as a supplement to its answer to these interrogatories.

A response to one discovery request may be relevant to another request, in part due to the nature of the TCH requests. A response to a one request may well include things that are relevant to other requests but may not be included in more than one response. Pursuant to 101 IL Admin Code 616 (h) RLP's responses will be amended as required. Accordingly, as to each request, investigation continues.

INTERROGATORIES

1. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 2 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

ANSWER: RLPVB does not have any further detailed information, other than information provided below and provided in Exhibit 2 of the TCH Request to Admit Facts and Genuineness of Documents, as to the meeting that Jean McCue had “with a company named Groot who is interested in putting a Transfer Station” in VRLP, and does not have any further information as to who attended the meeting or the date of the meeting. RLPVB incorporates its admission to Petitioner’s Request to Admit as to the list of Village Board meeting minutes, its response to Petitioner’s Request to Produce, the above General Response, and the answers of VRLP into its answer for this interrogatory.

2. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 3 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

ANSWER: RLPVB does not have any further detailed information, other than information provided below and provided in Exhibit 3 of the TCH Request to Admit Facts and Genuineness of Documents, as to the presentation that Devin Moose made at the September 16, 2008 Village Board Meeting. RLPVB incorporates its admission to Petitioner’s Request to Admit as to the list of Village Board meeting minutes, its response to Petitioner’s Request to Produce, the above General Response, and the answers of RLP into its answer for this interrogatory.

3. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 4 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

ANSWER: RLPVB does not have any further detailed information, other than information provided below and provided in Exhibit 4 of the TCH Request to Admit Facts and Genuineness of Documents, as to the conversation that Jean McCue had with Lee Brandsma. RLPVB incorporates its admission to Petitioner’s Request to Admit as to the list of Village Board meeting minutes, its response to Petitioner’s Request to Produce, the above General Response, and the answers of RLP into its answer for this interrogatory.

4. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 7 of the TCH Request to

Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

ANSWER: RLPVB does not have any further detailed information, other than information provided below and provided in Exhibit 7 of the TCH Request to Admit Facts and Genuineness of Documents, as to the Public Hearing meeting with SWALCO. RLPVB incorporates its admission to Petitioner's Request to Admit as to the list of Village Board meeting minutes, its response to Petitioner's Request to Produce, the above General Response, and the answers of RLP into its answer for this interrogatory.

5. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 24 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

ANSWER: RLPVB does not have any further detailed information, other than information provided below and provided in Exhibit 24 of the TCH Request to Admit Facts and Genuineness of Documents, as to the update on the negotiation for the Host Agreement between VRLP and Groot. RLPVB incorporates its admission to Petitioner's Request to Admit as to the list of Village Board meeting minutes, its response to Petitioner's Request to Produce, the above General Response, and the answers of RLP into its answer for this interrogatory. The RLPVB incorporates all of the relevant communications in the list attached as Exhibit "A" as its answer to this interrogatory and the list attached hereto as Exhibit "B" for those communications for which attorney client privilege is claimed. RLPVB objects to the disclosure of communications listed in Exhibit "B" on the basis of attorney client privilege.

6. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 25 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

ANSWER: RLPVB does not have any further detailed information, other than information provided below and provided in Exhibit 25 of the TCH Request to Admit Facts and Genuineness of Documents, as to the adoption of the "Siting Ordinance." RLPVB incorporates its admission to Petitioner's Request to Admit as to the list of Village Board meeting minutes, its response to Petitioner's Request to Produce, the above General Response, and the answers of RLP into its answer for this interrogatory. The RLPVB incorporates all of the relevant communications in the list attached as Exhibit "A" as its answer to this interrogatory and the list

attached hereto as Exhibit "B" for those communications for which attorney client privilege is claimed. RLPVB objects to the disclosure of communications listed in Exhibit "B" on the basis of attorney client privilege.

7. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 27 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

ANSWER: RLPVB does not have any further detailed information, other than information provided below and provided in Exhibit 27 of the TCH Request to Admit Facts and Genuineness of Documents, as to the which persons that Jean McCue had contact with Shaw Environmental, the date of the contact, or how the contact was made. RLPVB incorporates its admission to Petitioner's Request to Admit as to the list of Village Board meeting minutes, its response to Petitioner's Request to Produce, the above General Response, and the answers of RLP into its answer for this interrogatory. The RLPVB incorporates all of the communications made by any member of the RLP Board or Devin Moose, if any, in the list attached hereto as Exhibit "A" as its answer list of all communications identified and the list attached hereto as Exhibit "B" for those communications for which attorney client privilege is claimed. RLPVB objects to the disclosure of communications listed in Exhibit "B" on the basis of attorney client privilege.

8. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 28 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

ANSWER: RLPVB does not have any further detailed information, other than information provided below and provided in Exhibit 28 of the TCH Request to Admit Facts and Genuineness of Documents, as to the SWALCO vote to oppose the Groot Transfer Station, or the people that Robert Cerretti might have had contact with in the course of that vote. RLPVB incorporates its admission to Petitioner's Request to Admit as to the list of Village Board meeting minutes, its response to Petitioner's Request to Produce, the above General Response, and the answers of RLP into its answer for this interrogatory. The RLPVB incorporates all of the communications made by any member of the RLP Board or the Chicago Bridge & Iron Company, if any, in the list attached hereto as Exhibit "A" as its answer list of all communications identified and the list attached hereto as Exhibit "B" for those communications for which attorney client privilege is claimed. RLPVB objects to the disclosure of communications listed in Exhibit "B" on the basis of attorney client privilege.

CERTIFICATON

The Round Lake Park Village Board advises that its investigation is continuing and that it reserves the right to supplement its responses hereto. However, the undersigned certifies that he verily believes the forgoing response is, at this time, true, complete and accurate to the best of his knowledge. Dated April 25, 2014.

Respectfully Submitted,
On behalf of Round Lake Park Village
Board

Peter S. Karlovics

Peter S. Karlovics #6204536
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Gurnee, IL 60031

EXHIBIT "A"

(See Communications tendered pursuant to **ROUND LAKE PARK VILLAGE BOARD'S FIRST SUPPLEMENTAL RESPONSE TO PETITIONER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS FROM VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD**

Click the following link for list of documents tendered to Petitioner Timber Creek Homes, Inc.: https://drive.google.com/#folders/0ByHIjg_2La_iVmd4Y0ZMQmdPd00

EXHIBIT "B"
ATTORNEY CLIENT-PRIVILEGED

1. Karlovics email to Mayor dated November 2, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
2. Karlovics email to Sechen dated October 29, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
3. Karlovics email to Sechen dated October 29, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
4. Karlovics Sechen email Exchange dated October 31, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
5. Karlovics to Sechen email dated September 28, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
6. Karlovics Email to Mayor dated October 26, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
7. Draft of Document presented to Village Board at Village Board Meeting on October 30, 2012
8. Sechen Email to Karlovics dated September 28, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
9. Sechen email to Karlovics dated October 28, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
10. Sechen Email to Karlovics dated October 29, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
11. Sechen Email to McCue dated October 8, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
12. Sechen Email to McCue dated October 4, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
13. Sechen Email to McCue dated October 6, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
14. Sechen Email to McCue dated October 8, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
15. Sechen Email to Karlovics dated October 28, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
16. Sechen Email to Karlovics dated October 29, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
17. Sechen Email to Karlovics dated October 28, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)
18. Sechen Email to Karlovics dated October 29, 2012 (re: Attorney-Client Privileged Material – Groot Lake Waste Transfer Station)

AFFIDAVIT OF SERVICE

The undersigned certifies that on April 25, 2014 a copy of the foregoing **Notice of Filing** and **VILLAGE OF ROUND LAKE PARK's FIRST SUPPLEMENTAL RESPONSE TO PETITIONER'S FIRST SET OF INTERROGATORIES TO VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD** were served upon the following:

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