

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROXANA LANDFILL, INC.

Petitioner,

vs.

VILLAGE BOARD OF THE VILLAGE OF CASEYVILLE, ILLINOIS;
VILLAGE OF CASEVILLE, ILLINOIS; and
CASEYVILLE TRANSFER STATION, L.L.C.

No. PCB 15-65

(Pollution Control Facility Siting Application)

Respondents.

VILLAGE OF FAIRMONT CITY, ILLINOIS,
Petitioner,

No. PCB 15-69

(Pollution Control Facility Siting Application)

vs.

VILLAGE OF CASEYVILLE, ILLINOIS BOARD OF TRUSTEES and CASEYVILLE TRASFER STATION, L.L.C.

Respondents.

NOTICE OF FILING

| | | |
|---|---|--|
| TO: J. Brian Manion Weilmuenster Law Group, P.C. 3201 West Main Street Belleville IL 62226 (jbm@weilmuensterlaw.com) | Donald J. Moran Pedersen & Houpt 161 N. Clark Street, Ste 2700 Chicago, Illinois 60601 (dmoran@pedersenhaupt.com) | Robert J. Sprague Sprague & Urbana 26 E. Washington Street Belleville, Illinois 62220 |
| Hearing Officer Carol Webb (Carol.Webb@illinois.gov) | Penni S. Livingston 5701 Perrin Rd. Fairview Heights, IL 62208 (penni@livingstonlaw.biz) | |

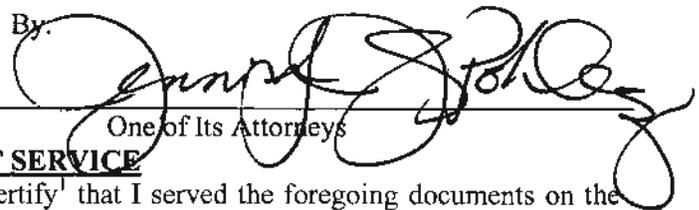
PLEASE TAKE NOTICE that on October 15, 2014, we filed with the Illinois Pollution Control Board, (1) this Notice of Filing; and the attached (2) Motion to Hearing Officer to Clarify the September 30, 2014 Order a copy of each is attached and served upon you.

Dated: October 15, 2014

Jennifer J. Sackett Pohlenz (Atty # 6225990)
CLARK HILL PLC
150 N Michigan Ave | Suite 2700 | Chicago, Illinois 60601 | 312.985.5912 (direct) | 312.985.5971 (fax) | jpohlenz@clarkhill.com

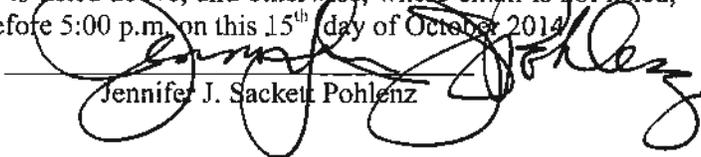
Respectfully submitted,

ROXANA LANDFILL, INC.

By: 
One of Its Attorneys

PROOF OF SERVICE

I, Jennifer J. Sackett Pohlenz an attorney, certify¹ that I served the foregoing documents on the persons identified above by e-mail, where email is listed above, and otherwise, where email is not listed, by U.S. Mail sent from 150 N. Michigan Ave. before 5:00 p.m. on this 15th day of October 2014.


Jennifer J. Sackett Pohlenz

¹ Under penalties as provided by law pursuant to Illinois Rev. Stat. Chap. 110-, Sec. 1-109, I do certify that the statements set forth herein are true and correct.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROXANA LANDFILL, INC.

Petitioner,

vs.

VILLAGE BOARD OF THE VILLAGE OF
CASEYVILLE, ILLINOIS;
VILLAGE OF CASEVILLE, ILLINOIS; and
CASEYVILLE TRANSFER STATION, L.L.C.

Respondents.

No. PCB 15-65

(Pollution Control Facility Siting Application)

VILLAGE OF FAIRMONT CITY, ILLINOIS,

Petitioner,

vs.

VILLAGE OF CASEYVILLE, ILLINOIS BOARD
OF TRUSTEES and CASEYVILLE TRASFER
STATION, L.L.C.

Respondents.

No. PCB 15-69

(Pollution Control Facility Siting Application)

MOTION TO HEARING OFFICER TO CLARIFY THE SEPTEMBER 30, 2014 ORDER

NOW COMES Petitioners ROXANA LANDFILL, INC., by and through its attorney, and move Hearing Officer to clarify her September 30, 2015 Order, and in support, states as follows:

1. On September 30, 2014, the parties held a telephonic status call with the Hearing Officer in this matter to discuss setting case management dates in this expedited review for which the Respondent Caseyville Transfer Station, L.L.C. has not filed a waiver of the statutory decision dcadline.

2. As a result of the September 30, 2014, telephone status conference, the Hearing Officer entered a "Hearing Officer Order" also on September 30, 2014 ("Order"). A true and correct copy of that Order is attached as **Exhibit A**.

3. That Order identifies a number of items that were discussed at the telephonic status and dates that were set or to be scheduled.

4. First at the telephonic status conference between the Hearing Officer and parties in this matter on September 25, 2014, and again at the telephonic on September 30, 2014, Petitioner Roxana Landfill, Inc. identified persons whom it wanted to depose. At the September

30, 2014, telephonic status, counsel for Petitioner Roxana Landfill, Inc. identified proposed dates for those depositions of October 16-17. At that time, the parties advised the check availability of witnesses and respond.

5. The proposed deposition dates were based on the filing of the Record on Appeal on October 9 and the response or objections by Respondents to discovery by October 6, 2014, with responses then completed by October 10, if objections were made. The October 10 date is not reflected in the September 30, 2014 Order.

6. The Record on Appeal was not filed on October 9, 2014, as required by the Pollution Control Board's September 18, 2014 ,Order. A true and correct copy of the Pollution Control Board's September 30, 2014, Order is attached as **Exhibit B**. Illinois Pollution Control Board Rule Section 101.300 states that if a filing is made by U.S. Mail subsequent to the filing dcadline, "yet the postmark date precedes the filing dcadline, the document will be deemed filed on the postmark date. . ." On information and believe, and notwithstanding the expedited schedule in this matter, the Village Board of the Village of Caseyville sent the Record on Appeal by U.S. Mail on October 9 – the filing deadline – and not prior. Indeed, the Village Board of the Village of Caseyville could have filed the Record on Appeal electronically or by overnight courier, but choose instead to send it *via* U.S. Mail over a time frame that includes a federal holiday (Columbus Day) that would delay the filing even further.

7. It is counsel for Petitioner Roxana Landfill, Inc.'s understanding, based on the context and full discussion of the September 30, 2014 telephonic status and past experience with the Pollution Control Board and Hearing Officer's Orders, that the October 16-17 date reflected in the Order for depositions was a date for scheduling, not an exclusive Order to hold the depositions only on those dates.

8. In addition, it was counsel for Petitioner Roxana Landfill, Inc.'s understanding that the Respondents were to speak with the listed deponents and respond to Petitioner with availability for the October 16-17 dates.

9. Indeed, on October 8, 2014, counsel for Petitioner emailed the parties proposing October 21-22 as alternative deposition dates, since confirmation from the Village Board of the Village of Caseyville and Village of Caseyville had not been received. A true and correct copy of that email chain, with responses, is attached as **Exhibit C**.

10. Given the unavailability of the Record on Appeal, incomplete written discovery, and the Respondents cancelation due to unavailability of the Hearing Officer call scheduled for October 9, 2014, on October 15, 2014, Petitioner sent subpoenas for depositions for the October 21-22 dates. A true and correct copy of the subpoenas are attached as **Exhibit D**.

11. In response, Petitioner received an email from counsel from the Village Board of the Village of Caseyville and the Village of Caseyville, threatening sanctions if depositions are not held on October 16-17. A true and correct copy of his email is attached as **Exhibit E**. The basis for his assertion appears to be his belief that the Order was a mandate to all parties that the depositions take place on October 16-17, which is not, from the plain reading of the Order, what it states.

12. Therefore, Petitioner seeks clarification of the Hearing Officer's September 30, 2014, Order and leave to proceed with depositions on October 21-22, 2014, or such other date/times the week of October 20th as the identified witnesses are available.

13. This matter is an emergency as the Village Board for the Village of Caseyville and Village of Caseyville argue the Order requires the depositions to be taken on October 16-17, therefore, an expedited ruling is respectfully requested.

WHEREFORE, Petitioners ROXANA LANDFILL, INC. respectfully request the Hearing Officer to grant this Motion, clarify that her September 30, 2014 Order was not a mandate on the dates for taking depositions, and allow leave for the depositions to be scheduled on October 21-22 (or as otherwise can be agreed by the parties the week of October 20th).

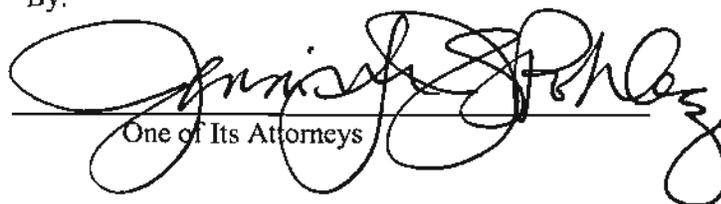
Dated: October 15, 2014

Jennifer J. Sackett Pohlenz
CLARK HILL PLC
150 N Michigan Ave | Suite 2700 |
Chicago, Illinois 60601
312.985.5912 (direct) | 312.985.5971 (fax) |
Attorney Registration No. 6225990

Respectfully submitted,

ROXANA LANDFILL, INC.

By:



One of Its Attorneys

RECEIVED
CLERK'S OFFICE

SEP 30 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

September 30, 2014

| | | |
|-------------------------------------|---|---|
| ROXANA LANDFILL, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 15-65 |
| |) | (Third-Party Pollution Control Facility |
| VILLAGE BOARD OF THE VILLAGE OF |) | Siting Appeal) |
| CASEYVILLE, ILLINOIS; VILLAGE OF |) | |
| CASEYVILLE ILLINOIS; and CASEYVILLE |) | |
| TRANSFER STATION, L.L.C., |) | |
| |) | |
| Respondents. |) | |

 ORIGINAL

HEARING OFFICER ORDER

On September 30, 2014, the parties participated in a telephone status conference with the hearing officer. Respondents agree with the motion to consolidate, and do not plan to file responses. Petitioner will serve written discovery requests today. Respondents' responses or objections to the discovery requests are due by October 6, 2014. Respondents' written discovery requests, if any, are due by October 6, 2014. Depositions will be scheduled for October 16-17, 2014.

The parties are directed to participate in a telephone status conference with the hearing officer at 2:30 p.m. on October 9, 2014. Petitioner will circulate a conference call-in number.

The decision deadline is December 18, 2014.

IT IS SO ORDERED.

Carol Webb

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
Carol.Webb@illinois.gov

EXHIBIT
 A

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on September 30, 2014, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on September 30, 2014:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

Carol Webb

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
Carol.Webb@illinois.go

PCB 2015-065
Rob Watt, Village Clerk
Village of Caseyville
909 S. Main Street
Caseyville, IL 62232

PCB 2015-065
Jennifer J. Sackett Pohlenz
Clark Hill, PLC
150 N. Michigan Avenue
Suite 2700
Chicago, IL 60601

PCB 2015-065
Caseyville Transfer Station, L.L.C.
John P. Siemsen, R. A.
290 South Main Place
Suite 101
Carol Stream, IL 60188

PCB 2015-065
Leonard Black, Mayor
Village of Caseyville
909 S. Main Street
Caseyville, IL 62232

PCB 2015-065
Penni S. Livingston
Livingston Law Firm
5701 Perrin Road
Fairview Heights, IL 62208

ILLINOIS POLLUTION CONTROL BOARD

September 18, 2014

VILLAGE OF FAIRMONT CITY, ILLINOIS,)

Petitioner,)

v.)

VILLAGE OF CASEYVILLE, ILLINOIS,)

BOARD OF TRUSTEES and CASEYVILLE)

TRANSFER STATION, L.L.C.,)

Respondents.)

PCB 15-69
(Third-Party Pollution Control Facility
Siting Appeal)

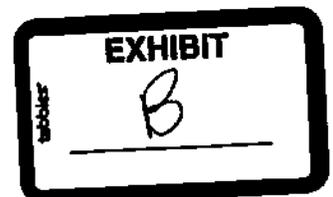
ORDER OF THE BOARD (by J.A. Burke):

On September 8, 2014, the Village of Fairmont City (Fairmont City) timely filed a petition (Pet.) asking the Board to review an August 6, 2014, decision of the Village of Caseyville Board of Trustees (Village). See 415 ILCS 5/40.1(b) (2012); 35 Ill. Adm. Code 101.300(b), 107.204. The Village granted a Caseyville Transfer Station, L.L.C. (Station) application to site a municipal solid waste transfer station on a five acre site at the southwest corner of the intersection of Bunkum Road and the Harding Ditch in Caseyville, St. Clair County. Pet. at 1.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), before the Illinois Environmental Protection Agency can issue a permit to develop or construct a new or expanding pollution control facility, the permit applicant must obtain siting approval for the facility from the local government (i.e., the county board if in an unincorporated area or the governing body of the municipality if in an incorporated area). If the local government approves siting, certain third parties may appeal the local government's decision to the Board. See 415 ILCS 5/40.1(b) (2012); 35 Ill. Adm. Code 107.

In this case, Fairmont City appeals on the grounds that the siting process and procedures used by the Village Board in making its decision were not fundamentally fair. Pet. at 2. Fairmont City also appeals on the ground that the written material and public comment presented by the Station did not establish that the Station met criteria (i), (iii), (vi), and (viii) as required by Section 39.2(a) of the Act (415 ILCS 5/39.2(a)(i), (iii), (vi), (viii) (2012)):

- (i) that the Station is necessary to accommodate the waste needs of the area it is intended to serve;
- (iii) that the Station is located to minimize incompatibility with the character of the surrounding area and the effect on the value of surrounding property;



if relevant, evidence may be introduced on (1) the local government's jurisdiction over the siting application and (2) the fundamental fairness of the procedures used by the local government in reaching its decision. *See* 415 ILCS 5/40.1(b) (2012); *Land & Lakes Co. v. IPCB*, 319 Ill. App. 3d 41, 48, 743 N.E.2d 188, 194 (3d Dist. 2000). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40.1(a), (b) (2012)), which only the Station may extend by waiver (35 Ill. Adm. Code 107.504; *see also* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, the Station "may deem the site location approved." 415 ILCS 5/40.1(a) (2012). Currently, the decision deadline is January 6, 2015, which is the 120th day after the Board received the petition. *See* 35 Ill. Adm. Code 107.504. The Board meeting immediately before the decision deadline is scheduled for December 18, 2014.

VILLAGE'S RECORD

The Village must file the entire record of its proceedings within 21 days after the date of this order. *See* 35 Ill. Adm. Code 107.302. The record must comply with the content and certification requirements of 35 Ill. Adm. Code 107.304, 107.308. Fairmont City must pay to the Village the cost of preparing and certifying the record. 415 ILCS 5/39.2(n) (2012); 35 Ill. Adm. Code 107.306.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 18, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board

Pohlenz, Jennifer Sackett

From: Penni Livingston <penni@livingstonlaw.biz>
Sent: Wednesday, October 08, 2014 6:44 PM
To: J. Brian Manion; Pohlenz, Jennifer Sackett
Cc: Donald J. Moran; Carol Webb
Subject: can we change the time of our call tomorrow????

On the issue of depositions, I am available for depositions both days. I have forwarded your schedule to John to see his availability. My office is available for depositions and can accommodate about 6 people at the table and another two on the sidelines and I imagine Bryan's office is also available for taking of depositions. I am in Fairview and Bryan is in Belleville. If you want an independent court reporter I can send you information on that too.

As long as we are talking about the hearing officer call tomorrow, did anyone notice my request to **move the call up to 1:30?**

I wrote down the time on a scratch of paper in the middle of my energy summit and did not get the order to say otherwise and my brain remembered 1:30. I have a meeting I set at 2:15 to accommodate that I thought the conference call was 1:30. The meeting involves at least ten people and a preliminary injunction. Not trying to be a pain in the ass here but I am swamped and trying to accommodate this case and the work- ie I got responses to discovery out right away before the deadline as well as meeting deadlines I just learned about on getting our discovery out and on the motions filed.

Can we do the call earlier in the day? Carol seemed to have anytime open tomorrow. I can do it as early as **10AM** or anytime up to 2:15. I have a conference call at 9 but can be done by 10. Otherwise- any chance we can move the call to Friday if Carol is available? I really cannot leave engineers and clients in a room right after starting a meeting to do a call for more than 5 minutes and I have a feeling we need more than that and the other matter has been pending for three months in need of injunction now to save a lake from sediment. Thanks. Penni

----- Original Message -----

From: "Pohlenz, Jennifer Sackett"
To: "J. Brian Manion"
Sent: 10/08/2014 5:01PM
Subject: Re: Depositions

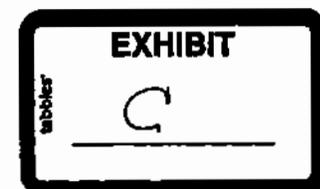
I asked about 10/15 and 10/17, but no one responded. Now I am asking for 10/21-10/22. Given when the record will be disclosed and discovery, I would like to push the depositions back to the 10/21-10/22 dates. If the deponents aren't available on the dates or at the times, please let me know. If you have objections, let's hear them so we can schedule that with the Hearing Office tomorrow.

Regards,

Jennifer

Jennifer J. Sackett Pohlenz
CLARK HILL PLC
150 N Michigan Ave | Suite 2700 | Chicago, Illinois 60601
312.985.5912 (direct) | 312.985.5971 (fax) | 312.802.7810 (cell)
jpohlenz@clarkhill.com | www.clarkhill.com

On Oct 8, 2014, at 4:35 PM, "J. Brian Manion" <jbm@weilmuensterlaw.com> wrote:



I believe that we all agreed that depositions would be on Friday October 17th, if any are allowed.

J. Brian Manion
Attorney at Law
Weilmuenster Law Group, P.C.
3201 West Main Street
Belleville IL 62226
(618) 257-2222 - phone
(618) 257-2030 - fax
E-mail: jbm@weilmuensterlaw.com
Website: www.weilmuensterlaw.com

This e-mail is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or protected from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please notify the sender at 618-257-2222 and delete this message from your computer. Thank you.

From: Pohlenz, Jennifer Sackett [<mailto:JPohlenz@ClarkHill.com>]
Sent: Wednesday, October 08, 2014 4:33 PM
To: penni@livingstonlaw.biz; J. Brian Manion <jbm@weilmuensterlaw.com>
(jbm@weilmuensterlaw.com); Donald J. Moran (dmoran@pedersenhoupt.com)
Subject: Depositions

I have not heard back from the Village or Caseyville Transfer Station, LLC concerning deposition dates. I would like to suggest a slight change in the scheduling and ask you to consider it and respond so we can finalize dates on our call tomorrow.

| | | |
|--------|------------|-------------------|
| 10/21: | 9:00 a.m. | Wally Abernathy |
| | 11:00 am | Kerry Davis |
| | 1:00 p.m. | John Siemsen |
| 10/22 | 9:00 a.m. | Robb Watt |
| | 11:00 a.m. | Leslie McReynolds |

I will confirm that I am able to expedite transcripts. The location of the depositions is also "open" at this time. Does the Village want to host and use a conference room? If not, I can locate a space with the court reporter. Please let me know your response.

Regards,
Jennifer

Jennifer J. Sackett Pohlenz

CLARK HILL PLC

150 N Michigan Ave | Suite 2700 | Chicago, Illinois 60601
312.985.5912 (direct) | 312.985.5971 (fax) | 312.802.7810 (cell)
jpohlenz@clarkhill.com | www.clarkhill.com

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Before the Illinois Pollution Control Board

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| ROXANNA LANDFILL, INC. |) | |
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| Complainant/Petitioner, |) | PCB PCB 15-65 |
| |) | |
| v. |) | |
| |) | |
| VILLAGE BOARD OF THE VILLAGE OF |) | |
| CASEYVILLE, ILLINOIS; VILLAGE OF |) | |
| CASEYVILLE ILLINOIS; and CASEYVILLE |) | |
| TRANSFER STATION, LLC |) | |
| |) | |
| Respondent. |) | |

SUBPOENA FOR DEPOSITION & DOCUMENTS

TO: Via Personal Service
 Kerry Davis, Village Board Member, Village of Caseyville
 Village of Caseyville
 909 South Main Street
 Caseyville, Illinois 62232

AND

Counsel for the Village Board and Village of Caseyville- via email
(jbm@weilmuensterlaw.com)
 J. Brian Manion
 Weilmuenster Law Group, P.C
 3201 West Main Street
 Belleville IL 62226

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2006)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give testimony at the deposition in the above-captioned matter at **11:00 a.m., on October 21, 2014, or at such other time and date as can be agreed to between the parties, at The Village Hall, Village of Caseyville, 909 South Main Street, Caseyville, Illinois 62232.**



You are also ordered to bring with you documents relevant to the matter under consideration and designated herein, books, papers, documents, or other tangible things concerning the Caseyville Transfer Station, L.L.C. pollution control facility siting application that are not contained the Record on Appeal filed with the Pollution Control Board by the Village of Caseyville.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101.802.

ENTER:



John T. Therriault, Clerk
Pollution Control Board
Date: October 14, 2014

I served this subpoena by handing a copy to _____
_____ on _____, 20____.

Subscribed and sworn to before me this _____ day of _____,
20____.

Notary Public

Before the Illinois Pollution Control Board

| | | |
|-------------------------------------|---|---------------|
| ROXANNA LANDFILL, INC. |) | |
| |) | |
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| Complainant/Petitioner, |) | PCB PCB 15-65 |
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| VILLAGE BOARD OF THE VILLAGE OF |) | |
| CASEYVILLE, ILLINOIS; VILLAGE OF |) | |
| CASEYVILLE ILLINOIS; and CASEYVILLE |) | |
| TRANSFER STATION, LLC |) | |
| |) | |
| Respondent. |) | |

SUBPOENA FOR DEPOSITION & DOCUMENTS

TO: **Via Email (rwatt@caseyville.org) and**
Via Personal Service
 Rob Watt, Village Clerk
 Village of Caseyville
 909 South Main Street
 Caseyville, Illinois 62232

AND

Via email (jbm@weilmuensterlaw.com)
 J. Brian Manion
 Weilmuenster Law Group, P.C.
 3201 West Main Street
 Belleville IL 62226

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2006)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give testimony at the deposition in the above-captioned matter at **9:00 a.m., on October 22, 2014, or at such other time and date as can be agreed to between the parties, at The Village Hall, Village of Caseyville, 909 South Main Street, Caseyville, Illinois 62232.**

You are also ordered to bring with you documents relevant to the matter under consideration and designated herein, books, papers, documents, or other tangible things concerning the Caseyville Transfer Station, L.L.C. pollution control facility siting application that are not contained the Record on Appeal filed with the Pollution Control Board by the Village of Caseyville.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101.802.

ENTER:



John T. Therriault, Clerk
Pollution Control Board
Date: October 14, 2014

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_____ on _____, 20____.

Subscribed and sworn to before me this _____ day of _____,
20____.

Notary Public

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| v. |) | |
| |) | |
| VILLAGE BOARD OF THE VILLAGE OF |) | |
| CASEYVILLE, ILLINOIS; VILLAGE OF |) | |
| CASEYVILLE ILLINOIS; and CASEYVILLE |) | |
| TRANSFER STATION, LLC |) | |
| |) | |
| Respondent. |) | |

SUBPOENA FOR DEPOSITION & DOCUMENTS

TO: **Via Email (lmcreynolds@caseyville.org) and**
Via Personal Service
 Leslie McReynolds
 Village of Caseyville
 909 South Main Street
 Caseyville, Illinois 62232

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2006)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give testimony at the deposition in the above-captioned matter at **11:00 a.m., on October 22, 2014, or at such other time and date as can be agreed to between the parties, at The Village Hall, Village of Caseyville, 909 South Main Street, Caseyville, Illinois 62232.**

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Failure to comply with this subpoena will subject you to sanctions under 35 Ill.

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ENTER:



John T. Therriault, Clerk
Pollution Control Board
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_____ on _____, 20__.

Subscribed and sworn to before me this _____ day of _____,

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Notary Public

Before the Illinois Pollution Control Board

| | | |
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| ROXANNA LANDFILL, INC. |) | |
| |) | |
| Complainant/Petitioner, |) | PCB PCB 15-65 |
| |) | |
| v. |) | |
| |) | |
| VILLAGE BOARD OF THE VILLAGE OF |) | |
| CASEYVILLE, ILLINOIS; VILLAGE OF |) | |
| CASEYVILLE ILLINOIS; and CASEYVILLE |) | |
| TRANSFER STATION, LLC |) | |
| |) | |
| Respondent. |) | |

SUBPOENA FOR DEPOSITION & DOCUMENTS

TO: **Via Personal Service**
Walter Abernathy, Village Board Member, Village of Caseyville
Village of Caseyville
909 South Main Street
Caseyville, Illinois 62232

Counsel for the Village Board and Village of Caseyville- via email
(jbm@weilmuensterlaw.com)
J. Brian Manion
Weilmuenster Law Group, P.C
3201 West Main Street
Belleville IL 62226

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2006)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give testimony at the deposition in the above-captioned matter at **9:00 a.m., on October 21, 2014, or at such other time and date as can be agreed to between the parties, at The Village Hall, Village of Caseyville, 909 South Main Street, Caseyville, Illinois 62232.**

You are also ordered to bring with you documents relevant to the matter under consideration and designated herein, books, papers, documents, or other tangible things

concerning the Caseyville Transfer Station, L.L.C. pollution control facility siting application that are not contained the Record on Appeal filed with the Pollution Control Board by the Village of Caseyville.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101.802.

ENTER:



John T. Therriault, Clerk
Pollution Control Board
Date: October 14, 2014

I served this subpoena by handing a copy to _____
_____ on _____, 20____.

Subscribed and sworn to before me this _____ day of _____,
20____.

Notary Public

Before the Illinois Pollution Control Board

| | | |
|-------------------------------------|---|---------------|
| ROXANNA LANDFILL, INC. |) | |
| |) | |
| |) | |
| Complainant/Petitioner, |) | PCB PCB 15-65 |
| |) | |
| v. |) | |
| |) | |
| VILLAGE BOARD OF THE VILLAGE OF |) | |
| CASEYVILLE, ILLINOIS; VILLAGE OF |) | |
| CASEYVILLE ILLINOIS; and CASEYVILLE |) | |
| TRANSFER STATION, LLC |) | |
| |) | |
| Respondent. |) | |

SUBPOENA FOR DEPOSITION & DOCUMENTS

TO: *Via email (John Siemsen jsiemsen@mcminc.net)*
 John Siemsen, Manager
 Caseyville Transfer Station L.L.C.
 290 South Main Place #101
 Carol Stream, Illinois 60188

AND

Counsel for Caseyville Transfer Station, L.L.C.
via email (penni@livingstonlaw.biz)
 Penni S. Livingston
 5701 Perrin Rd.
 Fairview Heights, IL 62208

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2006)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give **testimony at the deposition in the above-captioned matter at 1:00 p.m., on October 21, 2014, or at such other time and date as can be agreed to between the parties, at The Village Hall, Village of Caseyville, 909 South Main Street, Caseyville, Illinois 62232.**

You are also ordered to bring with you documents relevant to the matter under consideration and designated herein, books, papers, documents, or other tangible things

concerning the Caseyville Transfer Station, L.L.C. pollution control facility siting application that are not contained the Record on Appeal filed with the Pollution Control Board by the Village of Caseyville.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101.802.

ENTER:



John T. Therriault, Clerk
Pollution Control Board
Date: October 14, 2014

I served this subpoena by handing a copy to _____
_____ on _____, 20__.

Subscribed and sworn to before me this _____ day of _____,
20__.

Notary Public

Pohlenz, Jennifer Sackett

From: J. Brian Manion <jbm@weilmuensterlaw.com>
Sent: Wednesday, October 15, 2014 7:48 AM
To: Pohlenz, Jennifer Sackett; rwatt@caseyville.org; leslie01@caseyville.org
Cc: penni@livingstonlaw.biz; 'Donald J. Moran'
Subject: RE: Subpoenas for Deposition and Public Hearing

Ms. Pohlenz:

Please confirm by noon that you are withdrawing your subpoenas for discovery depositions. If I do not receive confirmation by noon that the subpoenas are withdrawn, I will be filing a motion for sanctions for your willful and intentional violation of the Hearing Officer's Order and the Board's Rules.

Thank you for immediate attention to this.

J. Brian Manion
Attorney at Law
Weilmuenster Law Group, P.C.
3201 West Main Street
Belleville IL 62226
(618) 257-2222 - phone
(618) 257-2030 - fax
E-mail: jbm@weilmuensterlaw.com
Website: www.weilmuensterlaw.com

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From: Pohlenz, Jennifer Sackett [<mailto:JPohlenz@ClarkHill.com>]
Sent: Tuesday, October 14, 2014 8:49 PM
To: rwatt@caseyville.org; leslie01@caseyville.org
Cc: penni@livingstonlaw.biz; J. Brian Manion <jbm@weilmuensterlaw.com> (jbm@weilmuensterlaw.com); Donald J. Moran (dmoran@pedersenhoupt.com)
Subject: FW: Subpoenas for Deposition and Public Hearing

Please see attached subpoenas for Mr. Watt and Ms. McReynolds.

Regards,

Jennifer

Jennifer J. Sackett Pohlenz

CLARK HILL PLC
150 N Michigan Ave | Suite 2700 | Chicago, Illinois 60601
312.985.5972 (direct) | 312.985.5971 (fax) | 312.802.7810 (cell)
jpohlenz@clarkhill.com | www.clarkhill.com



From: Pohlenz, Jennifer Sackett
Sent: Tuesday, October 14, 2014 4:23 PM
To: penni@livingstonlaw.biz; J. Brian Manion <jbm@weilmuensterlaw.com> (jbm@weilmuensterlaw.com)
Cc: Donald J. Moran (dmoran@pedersenhoupt.com)
Subject: Subpoenas for Deposition and Public Hearing

I am enclosing subpoenas for depositions and, separately, for the public hearing.

Regards,

Jennifer

Jennifer J. Sackett Pohlenz

CLARK HILL PLC

150 N Michigan Ave | Suite 2700 | Chicago, Illinois 60601
312.985.5912 (direct) | 312.985.5971 (fax) | 312.802.7810 (cell)
jpohlenz@clarkhill.com | www.clarkhill.com

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