

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROXANA LANDFILL, INC.

Petitioner,

vs.

No. PCB 15-65

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

(Pollution Control Facility Siting Application)

Respondents.

VILLAGE OF FAIRMONT CITY, ILLINOIS,

No. PCB 15-69

Petitioner,

vs.

(Pollution Control Facility Siting Application)

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

Respondents.

**PETITIONER ROXANA LANDFILL, INC.'S OBJECTIONS TO CASEYVILLE
TRANSFER STATION, L.L.C.'S INTERROGATORIES**

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)	

The Petitioner Roxana Landfill, Inc., by and through its attorney, Jennifer J. Sackett Pohlenz, at Clark Hill, PLC, objects to the following Interrogatories propounded by Respondent Caseyville Transfer Station *via email* on October 6, 2014.

Dated: October 16, 2014

PETITIONER ROXANA LANDFILL, INC.

Clark Hill PLC
150 N. Michigan Ave., Suite 2700
Chicago, Illinois 60601
Phone: 312-985-5912

BY: /s/ Jennifer J. Sackett Pohlenz
One of its attorneys

PROOF OF SERVICE

I, Jennifer J. Sackett Pohlenz an attorney, certify¹ that I served the foregoing OBJECTIONS TO RESPONDENT CASEYVILLE TRANSFER STATION, L.L.C.'s INTERROGATORIES 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 16th day of October 2014.

 /s/ Jennifer J. Sackett Pohlenz
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.

OBJECTIONS TO CASEYVILLE TRANSFER STATION, L.L.C.'s
INTERROGATORIES

Interrogatory No. 3: State the facts or the factual basis supporting or tending to support your allegation that the entity “Roxana Landfill, Inc.” is a person who may file a petition for review under Section 107.200(b) of the Pollution Control Board Rules and Section 40.01 of the Act including how the entity “Roxana Landfill, Inc.” is “so located as to be affected by the proposed facility.” Without limiting the generality of the foregoing, identify and describe the following:

(a) The contracts for waste collection or disposal services between the entity “Roxana Landfill, Inc.” and customers located with [sic] the Village of Caseyville or in the vicinity of the proposed facility.

(b) The solid waste collection vehicles owned and operated by the entity “Roxana Landfill, Inc.” serving customers in the Village of Caseyville or in the vicinity of the proposed facility.

(c) The solid waste roll-off boxes, dumpsters or other waste collection containers owned and operated by the entity “Roxana Landfill, Inc.” serving customers in the Village of Caseyville or in the vicinity of the proposed facility.

(d) The precise location of the landfill operated by Roxana Landfill, Inc and the distance from such landfill to the proposed facility.

(e) The names of all persons or entities for which you claim to have any contractual relationship in Caseyville, Illinois.

OBJECTION TO INTERROGATORY NO. 3: Petitioner objects to Interrogatory No. 3 and all of its subparts as not being calculated to lead to admissible evidence, seeks information not relevant to this proceeding; seeks confidential, trade secret, privileged, and proprietary information; is vague and ambiguous; and is overly broad and unduly burdensome.

Notwithstanding and without waiving these objections, Petitioner will answer Interrogatory 3(d).

Interrogatory No. 4: Identify all communications of or by RLF or any of its agents including [sic] but not limited to its legal counsel that refer or relate to the Application for Local Siting or the Proposed Facility with the following persons and for each state with specificity the date, time, subject matter, who else was present, and who state what to who:

- (f) [sic] Caseyville Village President Leonard Black;
- (g) [sic] Any member of the Village of Caseyville Board of Trustees;
- (h) [sic] Caseyville Village Clerk Robert Watt;
- (i) [sic] Caseyville Deputy Village Clerk Leslie McReynolds;
- (j) [sic] Caseyville employee Keri Davis Cary; and
- (k) [sic] any other employees of the Village of Caseyville, Illinois.

OBJECTION TO INTERROGATORY NO. 4: Petitioner objects to Interrogatory No. 4 as the terms “RLF” and “agent” are not defined, there is no defined scope or time frame to the Interrogatory and it is overly broad and unduly burdensome, it is not calculated to lead to admissible evidence, seeks information not relevant to this proceeding (*e.g.*, “refer or relate to the Application. Notwithstanding and without waiving those objections, and assuming the Respondent meant the Petitioner Roxana Landfill, Inc. by its reference to “RLF” and “agent” as a non-employee business representative, including but not limited to an attorney, the Petitioner will answer this Interrogatory.

Interrogatory No. 5: Identify each member of the Village of Caseyville Board of Trustees who you claim prejudged the Application for Local Siting in this matter, and for each member identified, state the specific facts or factual basis for your claim, and identify any oral statement or act by any member of the Village of Caseyville Board of Trustees indicating bias in favor of CTS or the Application for Local Siting, and for each statement or act:

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

OBJECTION TO INTERROGATORY NO. 5: Petitioner objects to Interrogatory No. 5 as the terms “CTS” and “Application for Local Siting” are not defined, there is no defined scope or time frame to the Interrogatory and it is overly broad and unduly burdensome, it is not calculated to lead to admissible evidence, seeks information not relevant to this proceeding. Notwithstanding and without waiving those objections and assuming the Village of Caseyville meant “Caseyville Transfer Station, L.L.C.” by its reference to “CTS” and the “Application for Local Siting Approval” as the “Application for Local Siting,” the Petitioner will answer this Interrogatory.

Interrogatory No. 6: Identify with specific facts any *ex parte* communication that you alleged to have occurred between CTS and any member of the Village of Caseyville Board of Trustees.

OBJECTION TO INTERROGATORY NO. 6: Based on the objection of the Village of Caseyville to answering Petitioner's Interrogatories and Document Productions Requests, Petitioner reserves its Answer and Objection to this Interrogatory until ruling by the Hearing Officer on the Village's objections.

Interrogatory No. 7: Describe any and all instances in which you claim the proceedings in this matter were fundamentally unfair, and for each instance alleged:

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

OBJECTION to Interrogatory No. 7: Petitioner objects to Interrogatory No. 7 as it is duplicative of Interrogatories 1-2, 4-5, and 8, is vague as it does not define "instance(s)" and seeks information in past tense (*e.g.*, "had") which is overly broad, unduly burdensome, and not calculated to lead to admissible evidence. Further, Interrogatory 7, as currently worded, seeks information that is privileged and confidential, such as attorney-client communication and attorney work-product. To the extent this Interrogatory seeks only facts concerning the fundamental unfairness of the Caseyville Transfer Station, L.L.C. siting proceeding before the Village of Caseyville, this Interrogatory will be answered by Petitioner and those facts are in the process of being discovered. Without the Record on Appeal, complete written discovery answers and responses and depositions of the Respondents, Petitioner cannot complete this Answer.

Interrogatory No. 11: Please identify any and all Corporate Representatives that have knowledge of the answers to Interrogatories 2 and 3 above and for each state their name, job title, and provide their employment history (or attach their resume).

OBJECTION to Interrogatory No. 11: Petitioner repeats and incorporates the objections to Interrogatory Nos. 2 and 3, as and for its objections to Interrogatory No. 11.

Interrogatory No. 13: Please state whether you have any agreement with Waste Management, Fairmount [sic] City or Donald Moran with respect to this matter.

OBJECTION to Interrogatory No. 13: Petitioner objects to Interrogatory No. 13, as it seeks evidence not admissible at the public hearing in this matter, seeks information not relevant to this proceeding, and seeks confidential and privileged information.

Dated: October 16, 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:

/s/ Jennifer J. Sackett Pohlenz
One of Its Attorneys