

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

REPUBLIC SERVICES, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No.: 24-065
	)	
McLEAN COUNTY, ILLINOIS,	)	(Pollution Control Facility Siting Appeal)
McLEAN COUNTY BOARD, and	)	
LAKESHORE RECYCLING	)	
SYSTEMS, LLC,	)	
	)	
Respondents.	)	

**REPUBLIC SERVICES’ RESPONSE TO MOTION TO QUASH NOTICES TO APPEAR**

NOW COMES Petitioner, AMERICAN DISPOSAL SERVICES, INC. d/b/a REPUBLIC SERVICES OF BLOOMINGTON (hereinafter “Republic Services”), by and through its attorneys, Brown, Hay + Stephens, LLP, and for its response to McLean County’s Motion to Strike or Quash Republic Services’ Rule 237(b) Notices to Appear states as follows:

1. On June 17, 2024, the Hearing Officer entered an Order providing that the parties were required to tender a list of witnesses to be called in their respective cases-in-chief on July 22, 2024. The Hearing Officer’s Order further indicated that this matter was set for hearing on July 29 and 30, 2024.

2. On July 22, 2024, Republic Services tendered a list of witnesses to Respondents, indicating that it intended to call the following individuals to testify in its case-in-chief: Mark Bounds (McLean County’s Recording Program Administrator); Connie Clifford (McLean County Assistant Supervisor of Assessments); Rebecca McNeil (McLean County Treasurer/Tax Collector); Joshua Schuster (McLean County GIS Specialist); and Susan Schafer (McLean County Board Member) (the “Republic Witnesses”).

3. On July 23, 2024, Republic Services filed five Notices to Appear, one for each of the Republic Witnesses. Said notices indicated the parties were notified, pursuant to the applicable provisions of the Illinois Administrative Code, the Rules of the Pollution Control Board, and Illinois Supreme Court Rule 237, that the Republic Witnesses were required to appear at the July 29 and 30 hearing to testify and produce originals of the documents or tangible things previously produced during discovery.

4. McLean County now seeks to have said notices quashed or stricken, arguing that they fail to comply with Title 35, Sections 101.100(b) & 101.622 of the Illinois Administrative Code, and Section 5(e) of the Environmental Protection Act (“the Act”).

5. Under Section 101.100(b) of the Board’s Rules, the Board may look to the Illinois Code of Civil Procedure and Supreme Court Rules for guidance when the Board’s procedural rules are silent. 35 Ill. Adm. Code 101.100(b). Section 5(e) of the Act permits the Board to issue subpoenas compelling the attendance of witnesses, and Section 101.622 of the Board rules details the procedure for subpoenaing a witness. *See* 415 ILCS 5/5(e); 35 Ill. Adm. Code 101.622. Neither of these provisions discusses compelling the appearance of an officer, employee, or director of a party to proceedings before the Board, and the Board’s rules are silent on this matter. *See* 415 ILCS 5/5(e); 35 Ill. Adm. Code 101.622; *see also* 35 Ill. Adm. Code 101.100 *et seq.*

6. Illinois Supreme Court Rule 237 dictates how the appearances of witnesses at trial are compelled in the Illinois Circuit Courts. *See* Ill. S. Ct. R. 237(a) & (b). Notably, Rule 237 provides that “[t]he appearance at the trial or other evidentiary hearing of a party or a person who at the time of trial or other evidentiary hearing is an officer, director, or employee of a party may be required by serving the party with a notice designating the person who is required to appear and whether the person shall appear in person or remotely ...” Ill. S. Ct. R. 237(b).

7. Rule 237 additionally contains a provision related to compelling witnesses via subpoena, which does not apply in the present case since the Board's rules are not silent with respect to compelling non-party witnesses. *Compare* Ill. S. Ct. R. 237 (a) *with* 35 Ill. Adm. Code 101.622.

8. McLean County asserts that Republic Services should have issued subpoenas to the five Republic Witnesses prior to the date they were disclosed, and just two days after Republic Services received McLean County's list of thirty-five individuals who contributed to the production of over 2,500 pages of documents in response to Republic Services' discovery requests.

9. As further guidance, the Code of Civil Procedure provides that "any person for whose immediate benefit the action is prosecuted or defended, or the officers, directors, managing agents or foreman of any party to the action, may be called and examined as if under cross-examination at the instance of any adverse party." 735 ILCS 5/2-1102. McLean County is a party to these proceedings and, as a legal entity, can only testify through its officers, agents, and/or directors. As with prior proceedings before the Board and cases litigated in the Circuit Courts of the State of Illinois, Republic Services should not be required to serve a subpoena on McLean County in order to obtain its testimony where McLean County has been a party to these proceedings since their inception.

10. In Pollution Control Board case PCB 03-125 (consolidated with PCB 03-133, 134, & 135), one of the attorneys who represented LRS in the county-level proceedings in the case at bar was permitted to issue notices to appear in order to obtain the testimony of various agents, officers, or directors of the Respondents. *See* Ex. A. In the same proceedings, subpoenas were issued for individuals who were not agents, officers, or directors of any party to the proceedings. *See* Ex. B.

11. McLean County, through counsel, was aware that the hearing in this matter had been scheduled for July 29 and 30, 2024, and that Republic Services' case-in-chief would largely relate to the notice and setback requirements of Section 39.2 of the Illinois Environmental Protection Act. Further, at all times, McLean County had knowledge as to which of its employees were responsible for maintaining its own tax records, as evinced by the fact that McLean County provided responses to Republic Services' discovery requests.

12. Republic Services received McLean County's disclosure of 35 individuals who provided information for its written discovery responses on July 18, 2024, along with over 2,500 pages of records from the County that were received on the afternoon of July 17, 2024. Republic Services reviewed this information and timely disclosed the witnesses it intended to call on July 22, 2024. The next day, July 23, 2024, Republic Services tendered its notices to appear.

13. It would be unduly prejudicial to Republic Services to quash the duly issued notices to appear where Republic Services promptly issued said notices after tendering its witness disclosures. As each of the Republic Witnesses are employees, officers, or directors of McLean County or the McLean County Board, Republic Services was precluded from contacting said witnesses directly while they were providing discovery responses to ensure their availability for hearing where McLean County and the McLean County Board are represented by counsel in these proceedings.

14. McLean County has not alleged that it received untimely notice of the witnesses who will be required to testify, but rather seeks to simply preclude Republic Services from presenting witnesses by asserting that Republic Services must subpoena the opposing party to testify, and it is too late to issue subpoenas. Notably, because each of the individuals Republic

Services intends to call as a witness is an employee, director, or officer of the county, they all have physical work addresses in the same building the hearing will take place in.

15. As provided for by the Illinois Supreme Court Rules, and in the absence of any Board Rules to the contrary, Republic Services should not be required to issue subpoenas to compel the appearance of the opposing party at hearing. Doing so would be improper under Illinois Supreme Court Rule 237, which requires parties to produce their employees, officers, and directors after being duly served with a notice.

WHEREFORE, for the foregoing reasons, Petitioner, American Disposal Services, Inc. d/b/a Republic Services of Bloomington, respectfully requests that the Board deny McLean County's Motion to Quash Republic Services' Notices to Appear, and for such other and further relief the Board deems just and proper.

Dated: July 25, 2024

Republic Services, Inc., Petitioner

By: /s/Lucas J. Hall

One of Its Attorneys

Scott B. Sievers, ARDC No. 6275924  
Lucas J. Hall, ARDC No. 6335982  
Claire D. Meyer, ARDC No. 6346059  
**Brown, Hay + Stephens, LLP**  
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Springfield, IL 62701  
(217) 544-8491  
ssievers@bhslaw.com  
llhall@bhslaw.com  
cmeyer@bhslaw.com  
*Attorneys for Petitioner*

**PROOF OF SERVICE**

The undersigned hereby certifies that on July 25, 2024, a copy of the foregoing instrument was served on the below parties in this matter via email and the Clerk's Office On-Line e-file system. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Richard M. Guerard, Attorney for LRS  
Guerard, Kalina & Butkus  
310 S. County Farm Road, Suite H  
Wheaton, IL 60187  
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Carol Webb, Hearing Officer  
Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
North Grand Avenue East  
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Springfield, IL 62794-9274  
[Carol.webb@illinois.gov](mailto:Carol.webb@illinois.gov)  
[Don.brown@illinois.gov](mailto:Don.brown@illinois.gov)

McLean County Board  
c/o Kathy Michael, McLean County Clerk  
McLean County Government Center  
115 E. Washington Street, Room 102  
Bloomington, IL 61701  
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Trevor Sierra  
Taylor A. Williams  
McLean County State's Attorney  
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[taylor.williams@mcleancountyil.gov](mailto:taylor.williams@mcleancountyil.gov)

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Thompson Coburn, LLP  
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St. Louis, MO 63101-1693  
[schamberlain@thompsoncoburn.com](mailto:schamberlain@thompsoncoburn.com)

/s/Lucas J. Hall

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD RECEIVED  
CLERK'S OFFICE

APR 29 2003

STATE OF ILLINOIS  
Pollution Control Board

CITY OF KANKAKEE, )  
Petitioner, )  
vs. )  
COUNTY OF KANKAKEE, )  
COUNTY BOARD OF KANKAKEE, )  
and WASTE MANAGEMENT OF )  
ILLINOIS, INC. )  
Respondents. )

PCB 03-125  
(Third-Party Pollution Control Facility  
Siting Appeal)

MERLIN KARLOCK, )  
Petitioner, )  
vs. )  
COUNTY OF KANKAKEE, COUNTY )  
BOARD OF KANKAKEE, and WASTE )  
MANAGEMENT OF ILLINOIS, INC. )  
Respondents. )

PCB 03-133  
(Third-Party Pollution Control Facility  
Siting Appeal)

MICHAEL WATSON, )  
Petitioner, )  
vs. )  
COUNTY OF KANKAKEE, COUNTY )  
BOARD OF KANKAKEE, and WASTE )  
MANAGEMENT OF ILLINOIS, INC. )  
Respondents. )

PCB 03-134  
(Third-Party Pollution Control Facility  
Siting Appeal)

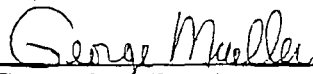
KEITH RUNYON, )  
Petitioner, )  
vs. )  
COUNTY OF KANKAKEE, COUNTY )  
BOARD OF KANKAKEE, and WASTE )  
MANAGEMENT OF ILLINOIS, INC. )  
Respondents. )

PCB 03-135  
(Third-Party Pollution Control Facility  
Siting Appeal)

**NOTICE TO PRODUCE AT TIME OF HEARING**

**TO: WASTE MANAGEMENT OF ILLINOIS**  
c/o Attorney Donald J. Moran  
161 N. Clark St., Suite 3100  
Chicago, IL 60601-3242

Now comes Merlin Karlock, by and through his Attorney, George Mueller, P.C., and pursuant to Illinois Pollution Control Board Rule 101.616 and 101.624, Illinois Supreme Court Rule 237 and Section 2-1102 of the Illinois Code of Civil Procedure, hereby requests Waste Management Of Illinois to produce the person of Donald Moran at the hearing in the instant matter beginning on May 5, 2003 at 1:00 p.m. at City Hall, City Council Chambers, 385 E. Oak St., Kankakee, Illinois.

  
George Mueller, Attorney at Law

**GEORGE MUELLER, P.C.**  
*Attorney at Law*  
501 State Street  
Ottawa, IL 61350  
Phone: (815) 433-4705  
Fax: (815) 433-4913

**Exhibit A**



Electronic Filing: Received, Clerk's Office 07/25/2024

**RECEIVED**  
CLERK'S OFFICE

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

APR 29 2003

STATE OF ILLINOIS  
*Pollution Control Board*

**CITY OF KANKAKEE,** )  
                    **Petitioner,** )  
  
vs. )  
**COUNTY OF KANKAKEE,** )  
**COUNTY BOARD OF KANKAKEE,** )  
**and WASTE MANAGEMENT OF** )  
**ILLINOIS, INC.** )  
                    **Respondents.** )

**PCB 03-125**  
**(Third-Party Pollution Control Facility**  
**Siting Appeal)**

---

**MERLIN KARLOCK,** )  
                    **Petitioner,** )  
  
vs. )  
**COUNTY OF KANKAKEE, COUNTY** )  
**BOARD OF KANKAKEE, and WASTE** )  
**MANAGEMENT OF ILLINOIS, INC.** )  
                    **Respondents.** )

**PCB 03-133**  
**(Third-Party Pollution Control Facility**  
**Siting Appeal)**

---

**MICHAEL WATSON,** )  
                    **Petitioner,** )  
  
vs. )  
**COUNTY OF KANKAKEE, COUNTY** )  
**BOARD OF KANKAKEE, and WASTE** )  
**MANAGEMENT OF ILLINOIS, INC.** )  
                    **Respondents.** )

**PCB 03-134**  
**(Third-Party Pollution Control Facility**  
**Siting Appeal)**

---

**KEITH RUNYON,** )  
                    **Petitioner,** )  
  
vs. )  
**COUNTY OF KANKAKEE, COUNTY** )  
**BOARD OF KANKAKEE, and WASTE** )  
**MANAGEMENT OF ILLINOIS, INC.** )  
                    **Respondents.** )

**PCB 03-135**  
**(Third-Party Pollution Control Facility**  
**Siting Appeal)**

**NOTICE OF FILING**

TO: See Attached Service List

PLEASE TAKE NOTICE that on April 29, 2003 there caused to be filed via U.S. Mail with the Illinois Pollution Control Board an original and a copy of the following document, a copy of which is attached hercto:

**Notice To Produce At Time Of Hearing  
(Directed to Waste Management of Illinois)**

BY: George Mueller  
Attorney for Merlin Karlock

\*\*\*\*\*

**PROOF OF SERVICE**

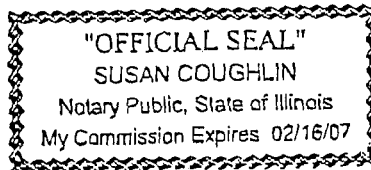
STATE OF ILLINOIS     )  
  )SS.  
COUNTY OF LASALLE    )

The undersigned, being first duly sworn, state that I served a true and correct copy of the foregoing Notice, together with a copy of each document referred to therein, upon the person(s) indicated at their address(es) indicated in the Service List via facsimile (if applicable) and by mailing the same in Ottawa, IL before the hour of 5:00 p.m. on the 29th Day of April, 2003.

Patricia Wheeler

SUBSCRIBED and SWORN TO Before Me This 29th Day of April, 2003.

Susan Coughlin  
Notary Public



**GEORGE MUELLER, P.C.**  
Attorney at Law  
501 State Street  
Ottawa, IL 61350  
Phone: (815) 433-4705  
Fax: (815) 433-4913

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing document were mailed, first class, to each of the following on April 29, 2003:

Bradley P. Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601  
Fax: (312) 814-3669

Dorothy M. Gunn  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601

Richard S. Porter  
Charles F. Helsten  
Hinshaw & Culbertson  
100 Park Avenue, P.O. Box 1389  
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Leland Milk  
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Chebanse, IL 60922

Keith Runyon  
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Donald J. Moran  
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Elizabeth S. Harvey  
Swanson, Martin & Bell  
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Jennifer J. Sackett Pohlenz  
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Suite 1600  
Chicago, IL 60604  
Fax: (312) 540-0578

Karl Krause, Chairman  
Bruce Clark, Kankakee County Clerk  
Kankakee County Board  
189 Court St.  
Kankakee, IL 60901

Kenneth A. Bleyer  
923 W. Gordon Terrace, #3  
Chicago, IL 60613-2013

Edward Smith  
Kankakee County State's Attorney  
450 East Court St.  
Kankakee, IL 60901

Patricia O'Dell  
1242 Arrowhead Drive  
Bourbonnais, IL 60914

L. Patrick Power  
956 North Fifth Avenue  
Kankakee, IL 60901  
Fax: (815) 937-0056

Kenneth A. Leshen  
One Dearborn Square, Suite 550  
Kankakee, IL 60901  
Fax: (815) 933-3397

**Exhibit A**

Electronic Filing: Received, Clerk's Office 07/25/2024

**RECEIVED**

CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APR 29 2003

STATE OF ILLINOIS  
Pollution Control Board

CITY OF KANKAKEE, )  
 Petitioner, )  
 vs. )  
 COUNTY OF KANKAKEE, )  
 COUNTY BOARD OF KANKAKEE, )  
 and WASTE MANAGEMENT OF )  
 ILLINOIS, INC. )  
 Respondents. )

PCB 03-125  
 (Third-Party Pollution Control Facility  
 Siting Appeal)

MERLIN KARLOCK, )  
 Petitioner, )  
 vs. )  
 COUNTY OF KANKAKEE, COUNTY )  
 BOARD OF KANKAKEE, and WASTE )  
 MANAGEMENT OF ILLINOIS, INC. )  
 Respondents. )

PCB 03-133  
 (Third-Party Pollution Control Facility  
 Siting Appeal)

MICHAEL WATSON, )  
 Petitioner, )  
 vs. )  
 COUNTY OF KANKAKEE, COUNTY )  
 BOARD OF KANKAKEE, and WASTE )  
 MANAGEMENT OF ILLINOIS, INC. )  
 Respondents. )

PCB 03-134  
 (Third-Party Pollution Control Facility  
 Siting Appeal)

KEITH RUNYON, )  
 Petitioner, )  
 vs. )  
 COUNTY OF KANKAKEE, COUNTY )  
 BOARD OF KANKAKEE, and WASTE )  
 MANAGEMENT OF ILLINOIS, INC. )  
 Respondents. )

PCB 03-135  
 (Third-Party Pollution Control Facility  
 Siting Appeal)

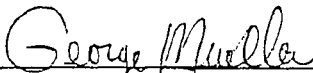
Electronic Filing: Received, Clerk's Office 07/25/2024

NOTICE TO PRODUCE AT TIME OF HEARING

TO: COUNTY OF KANAKEE  
c/o Attorney Charles Helsten  
P.O. Box 1389  
Rockford, IL 61105-1389

Now comes **Merlin Karlock**, by and through his Attorney, George Mueller, P.C., and pursuant to Illinois Pollution Control Board Rule 101.616 and 101.624, Illinois Supreme Court Rule 237 and Section 2-1102 of the Illinois Code of Civil Procedure, hereby requests The County Of Kankakee, Illinois to produce the following persons at the hearing in the instant matter beginning on May 5, 2003 at 1:00 p.m. at City Hall, City Council Chambers, 385 E. Oak St., Kankakee, Illinois:

Brenda Gorski  
Esther Fox  
Bruce Clark  
Charles Helsten  
Ed Smith, the duly elected State's Attorney of Kankakee County  
Elizabeth Harvey

  
George Mueller, Attorney at Law

**GEORGE MUELLER, P.C.**  
*Attorney at Law*  
501 State Street  
Ottawa, IL 61350  
Phone: (815) 433-4705  
Fax: (815) 433-4913

**Exhibit A**

Electronic Filing: Received, Clerk's Office 07/25/2024

**RECEIVED**  
**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD** CLERK'S OFFICE

APR 29 2003

CITY OF KANKAKEE, )  
Petitioner, )  
vs. )  
COUNTY OF KANKAKEE, )  
COUNTY BOARD OF KANKAKEE, )  
and WASTE MANAGEMENT OF )  
ILLINOIS, INC. )  
Respondents. )

STATE OF ILLINOIS  
Pollution Control Board

PCB 03-125  
(Third-Party Pollution Control Facility  
Siting Appeal)

---

MERLIN KARLOCK, )  
Petitioner, )  
vs. )  
COUNTY OF KANKAKEE, COUNTY )  
BOARD OF KANKAKEE, and WASTE )  
MANAGEMENT OF ILLINOIS, INC. )  
Respondents. )

PCB 03-133  
(Third-Party Pollution Control Facility  
Siting Appeal)

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MICHAEL WATSON, )  
Petitioner, )  
vs. )  
COUNTY OF KANKAKEE, COUNTY )  
BOARD OF KANKAKEE, and WASTE )  
MANAGEMENT OF ILLINOIS, INC. )  
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PCB 03-134  
(Third-Party Pollution Control Facility  
Siting Appeal)

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KEITH RUNYON, )  
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BOARD OF KANKAKEE, and WASTE )  
MANAGEMENT OF ILLINOIS, INC. )  
Respondents. )

---

PCB 03-135  
(Third-Party Pollution Control Facility  
Siting Appeal)

**NOTICE OF FILING**

**TO: See Attached Service List**

**PLEASE TAKE NOTICE** that on April 29, 2003 there caused to be filed via U.S. Mail with the Illinois Pollution Control Board an original and a copy of the following document, a copy of which is attached hereto:

**Notice To Produce At Time Of Hearing  
(Directed To County of Kankakee)**

BY: George Mueller  
Attorney for Merlin Karlock

\*\*\*\*\*

**PROOF OF SERVICE**

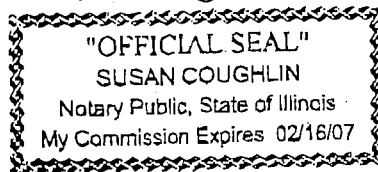
STATE OF ILLINOIS     )  
                                  )SS.  
COUNTY OF LASALLE    )

The undersigned, being first duly sworn, state that I served a true and correct copy of the foregoing Notice, together with a copy of each document referred to therein, upon the person(s) indicated at their address(es) indicated in the Service List via facsimile (if applicable) and by mailing the same in Ottawa, IL before the hour of 5:00 p.m. on the 29th Day of April, 2003.

Patricia Wheeler

**SUBSCRIBED and SWORN TO** Before Me This 29th Day of April, 2003.

Susan Coughlin  
Notary Public



**GEORGE MUELLER, P.C.**  
Attorney at Law  
501 State Street  
Ottawa, IL 61350  
Phone: (815) 433-4705  
Fax: (815) 433-4913

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing document were mailed, first class, to each of the following on April 29, 2003:

Bradley P. Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601  
Fax: (312) 814-3669

Dorothy M. Gunn  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601

Richard S. Porter  
Charles F. Helsten  
Hinshaw & Culbertson  
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Rockford, IL 61105-1389  
Fax: (815) 490-4901

Leland Milk  
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Chebanse, IL 60922

Keith Runyon  
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Bourbonnais, IL 60914  
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Donald J. Moran  
Pedersen & Houpt  
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Elizabeth S. Harvey  
Swanson, Martin & Bell  
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Fax: (312) 321-0990

Jennifer J. Sackett Pohlenz  
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Fax: (312) 540-0578

Karl Krause, Chairman  
Bruce Clark, Kankakee County Clerk  
Kankakee County Board  
189 Court St.  
Kankakee, IL 60901

Kenneth A. Bleyer  
923 W. Gordon Terrace, #3  
Chicago, IL 60613-2013

Edward Smith  
Kankakee County State's Attorney  
450 East Court St.  
Kankakee, IL 60901

Patricia O'Dell  
1242 Arrowhead Drive  
Bourbonnais, IL 60914

L. Patrick Power  
956 North Fifth Avenue  
Kankakee, IL 60901  
Fax: (815) 937-0056

Kenneth A. Leshen  
One Dearborn Square, Suite 550  
Kankakee, IL 60901  
Fax: (815) 933-3397



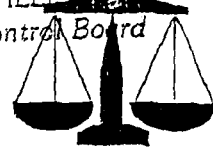
RECEIVED  
CLERK'S OFFICE

**LAW OFFICES OF  
GEORGE MUELLER, P.C.**

APR 29 2003

501 State Street  
Ottawa, IL 61350  
Phone: (815) 433-4705  
Fax: (815) 433-4913

STATE OF ILLINOIS  
Pollution Control Board



**FACSIMILE TRANSMITTAL COVER SHEET**

DATE: 4/29/03

PAGES SENT (Including This One): 11

TO: Bradley P. Halloran  
PCB Hearing Officer

FROM: George Mueller, P.C.  
501 State Street  
Ottawa, IL 61350

FAX: (812) 814-3669

FAX: (815) 433-4913

RE: \_\_\_\_\_

MESSAGE: \_\_\_\_\_

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**CONFIDENTIALITY NOTICE:** The document(s) accompanying this FAX contain confidential information which is legally privileged. The information is intended only for the use of the intended recipient named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information, except its direct delivery to the intended recipient named above, is strictly prohibited. If you have received this FAX in error, please notify us immediately by telephone to arrange for return of the original documents to us.  
If you do not receive all pages, please contact us as soon as possible. Thank you!

**Exhibit A**

65448-POH

RECEIVED

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLERK'S OFFICE

APR 30 2003

MICHAEL WATSON,

ORIGINAL

Petitioner,

No. PCB 03-134

STATE OF ILLINOIS  
Pollution Control Board

vs.

(Pollution Control Facility Siting Appeal)

COUNTY BOARD OF KANKAKEE COUNTY,  
ILLINOIS, and WASTE MANAGEMENT OF  
ILLINOIS, INC.,

Consolidated With PCB 03-125, 03-133,  
03-135, 03-144)

Respondent.

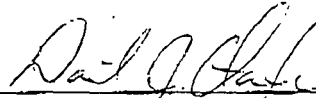
NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on April 30, 2003, we filed, with the Illinois Pollution Control Board, the following: (1) Subpoena for Testimony at Public Hearing of Sandra Listenbee; (2) Subpoena for Testimony at Public Hearing of Mary Ann Powers.

PLEASE TAKE FURTHER NOTICE that the above-described document will also be filed directly with the Illinois Pollution Control Board on May 1, 2003, copies of which are attached hereto and served upon you in the manner specified on the attached Service List.

PETITIONER MICHAEL WATSON



One of his attorneys

Jennifer J. Sackett Pohlenz  
**QUERREY & HARROW, LTD.**  
175 West Jackson Boulevard, Suite 1600  
Chicago, Illinois 60604  
(312) 540-7000  
Attorney Registration No. 6225990  
Attorneys for Petitioner Michael Watson

Printed on Recycled Paper

Exhibit B

7

**PROOF OF SERVICE**

Daniel J. Hartweg, under penalties of perjury, certifies that she served the foregoing Notice of Filing and document(s) set forth in said Notice, on the following parties and persons at their respective addresses/fax numbers, this 30th day of April, 2003, by or before the hour of 4:30 p.m. in the manners stated below:

**Via Facsimile**

Donald Moran  
Pedersen & Houpt  
161 North Clark Street  
Suite 3100  
Chicago, IL 60601-3242

Fax: (312) 261-1149

Attorney for Waste Management of Illinois, Inc.

**Via U. S. Mail**

Patricia O'Dell  
1242 Arrowhead Drive  
Bourbonnais, IL 60914

Interested Party

**Via Facsimile**

Kenneth A. Leshen  
One Dearborn Square  
Suite 550  
Kankakee, IL 60901

Fax: (815) 933-3397

Representing Petitioner in PCB 03-125

**Via Facsimile**

Keith Runyon  
1165 Plum Creek Drive  
Bourbonnais, IL 60914

Fax: (815) 937-9164

Petitioner in PCB 03-135

**Via Facsimile**

George Mueller  
George Mueller, P.C.  
501 State Street  
Ottawa, IL 61350

Fax: (815) 433-4913

Representing Petitioner in PCB 03-133

**Via Facsimile**

L. Patrick Power  
956 North Fifth Avenue  
Kankakee, IL 60901

Fax: (815) 937-0056

Representing Petitioner in PCB 03-125

**Via U. S. Mail**

Leland Milk  
6903 S. Route 45-52  
Chebanse, IL 60922-5153

Interested Party

**Via Facsimile**

Elizabeth S. Harvey, Esq.  
Swanson, Martin & Bell  
One IBM Plaza, Suite 2900  
330 North Wabash  
Chicago, IL 60611

Fax: (312) 321-0990

Representing Kankakee County Board

**Via Facsimile**

Charles Helston  
Richard Porter  
Hinshaw & Culbertson  
100 Park Avenue  
P.O. Box 1389  
Rockford, Illinois 61105-1389


Fax: (815) 490-4901

Representing Kankakee County Board

**Via Facsimile (04/30/03) & Hand Delivery (05/01/03)**

Bradley P. Halloran  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 W. Randolph Street  
Chicago, IL 60601

Hearing Officer

  
Daniel J. Hartweg

Before the Illinois Pollution Control Board

MICHAEL WATSON, )  
 )  
 )  
 )  
 )  
 )  
 Complainant/Petitioner, )  
 v. )  
 )  
COUNTY BOARD OF KANKAKEE COUNTY, )  
 )  
ILLINOIS, and WASTE MANAGEMENT OF )  
 )  
ILLINOIS, INC., )  
 )  
 Respondent. )

PCB 03-134  
 (Pollution Control Facility Siting Appeal)  
 (Consolidated With PCB 03-125, 03-133, 03-134)

SUBPOENA/SUBPOENA DUCES TECUM

TO: Richard J. Daley College / Sandra Listenbee, Registrar  
7500 South Pulaski Road  
Chicago, Illinois 60652

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2002)) and 35 Ill. Adm. Code 101.622, you are ordered to attend and give testimony at the hearing/deposition in the above-captioned matter at \_\_\_\_\_  
1:00 p.m. on May 6, 2003, at  
City of Kankakee City Hall, Council Chambers, 385 East Oak Street,  
Kankakee, Illinois

You are also ordered to bring with you documents relevant to the matter under consideration and designated herein: The entire contents of the Richard J. Daley College file for Ms. Patricia Beaver-McGarr (formerly Patricia Beaver).

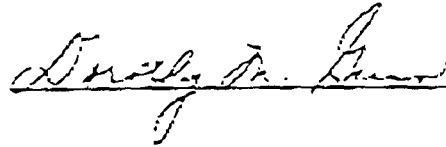
\_\_\_\_\_

\_\_\_\_\_

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

Adm. Code 101.622(g), 101.800, and 101.802.

ENTER:



Dorothy M. Gunn, Clerk  
Pollution Control Board

Date: April 30, 2003

CERTIFICATE OF SERVICE

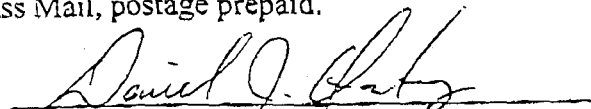
I, Daniel J. Hartweg, certify that on this 30th day of April 2003, I caused copies of the SUBPOENA/SUBPOENA DUCES TECUM to be served upon the following:

See Attached Notice of Filing and Service List

\_\_\_\_\_

\_\_\_\_\_

by depositing same in United States First Class Mail, postage prepaid.



(Signature)

Before the Illinois Pollution Control Board

<u>MICHAEL WATSON,</u>	)	
_____	)	
_____	)	
_____	)	
	)	
Complainant/Petitioner,	)	PCB <u>03-134</u>
	)	(Pollution Control Facility Siting Appeal)
v.	)	(Consolidated With PCB 03-125, 03-133, 03-1
	)	
<u>COUNTY BOARD OF KANKAKEE COUNTY,</u>	)	
_____	)	
<u>ILLINOIS, and WASTE MANAGEMENT OF</u>	)	
_____	)	
<u>ILLINOIS, INC.,</u>	)	
_____	)	
	)	
Respondent.	)	

SUBPOENA SUBPOENA DUCES TECUM

TO: Richard J. Daley College / Mary Ann Powers  
7500 South Pulaski Road  
Chicago, Illinois 60652

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2002)) and 35 Ill. Adm. Code 101.622, you are ordered to attend and give testimony at the hearing/deposition in the above-captioned matter at \_\_\_\_\_

1:00p.m. on May 6 2003, at  
City of Kankakee City Hall, Council Chambers, 385 East Oak Street,  
Kankakee, Illinois

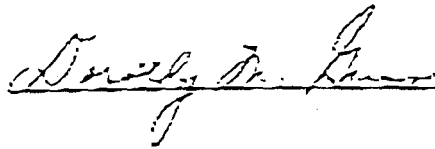
You are also ordered to bring with you documents relevant to the matter under consideration and designated herein: The entire contents of the Richard J. Daley College file for Ms. Patricia Beaver-McGarr (formerly Patricia Beaver).

\_\_\_\_\_  
\_\_\_\_\_

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

Adm. Code 101.622(g), 101.800, and 101.802.

ENTER:



Dorothy M. Gunn, Clerk  
Pollution Control Board

Date: April 30, 2003

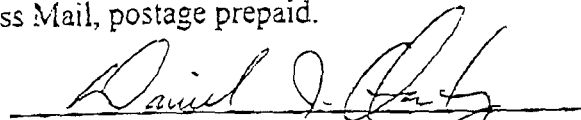
CERTIFICATE OF SERVICE

I, Daniel J. Hartweg, certify that on this 30th day of April 2003, I caused copies of the SUBPOENA/SUBPOENA DUCES TECUM to be served upon the following:

See Attached Notice of Filing and Service List

\_\_\_\_\_  
\_\_\_\_\_

by depositing same in United States First Class Mail, postage prepaid.

  
(Signature)

**Exhibit B**

# Querrey & Harrow

Querrey & Harrow, Ltd.  
175 West Jackson Boulevard  
Suite 1600  
Chicago, IL 60604-2827

TEL (312)540-7000  
FAX (312)540-0578

Jennifer J. Sackett Pohlenz  
Direct Dial: (312) 540-7540  
E-mail: [jpohlenz@querrey.com](mailto:jpohlenz@querrey.com)  
Assistant: Alesia Mansfield

*Other Offices:*  
Crystal Lake, IL  
Joliet, IL  
Merrillville, IN  
New York, NY  
Waukegan, IL  
Whicaton, IL

*Representative  
U.K. Office:*  
London

## FAX TRANSMISSION SHEET

DATE: April 30, 2003

TO:	NAME / COMPANY:	FAX NUMBER:
	Donald Moran / Pedersen & Houpt	(312) 261-1149
	Bradley Halloran / IPCB	(312) 814-3669
	Kenneth A. Leshen	(815) 933-3397
	George Mueller	(815) 433-4913
	L. Patrick Power	(815) 937-0056
	Elizabeth S. Harvey / Swanson, Martin & Bell	(312) 321-0990
	Richard Porter / Hinshaw & Culbertson	(815) 490-4901
	Keith Runyon	(815) 937-9164

FROM: Jennifer J. Sackett Pohlenz

USER NO.: 9328

CMR NO.: 65448

NUMBER OF PAGES BEING SENT (INCLUDING COVER SHEET): 7

**IF YOU HAVE ANY DIFFICULTY IN RECEIVING THIS TRANSMISSION  
PLEASE CALL 312-540-7065 IMMEDIATELY**

RETURN TO: POH

SENT BY: \_\_\_\_\_

COMMENTS/MULTIPLE SEND: See Attached Notice of Filing, Subpoenas for Testimony at Public Hearing for Sandra Listenbee and Mary Ann Powers.

The information contained in this facsimile communication is attorney privileged and confidential information intended only for the use of the individual or entity to whom or to which it is addressed. If the recipient of this transmission is not the intended recipient, the recipient is hereby notified that any dissemination, distribution, or reproduction of this communication is strictly prohibited. If you have received this communication in error, please notify **QUERREY & HARROW, LTD.** at the above telephone number and return the communication to **QUERREY & HARROW, LTD.** at the above address. **Exhibit B** as a Service. Thank you.