

COPY

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 10 2003

STATE OF ILLINOIS
Pollution Control Board

THE CITY OF KANKAKEE, an Illinois)
Municipal Corporation,)

Plaintiff,)

vs.)

COUNTY OF KANKAKEE, a body politic and)
corporate; KANKAKEE COUNTY BOARD; and)
WASTE MANAGEMENT OF ILLINOIS, INC.,)

Defendants.)

NO. PCB 03-125

PETITIONER CITY OF KANKAKEE'S INTERROGATORIES

NOW COMES Petitioner, CITY OF KANKAKEE, an Illinois Municipal Corporation, by and through its attorneys, L. Patrick Power and Kenneth A. Leshen, Assistant City Attorneys, pursuant to the Rules of the Illinois Pollution Control Board, and submits the following Interrogatories to the Respondent, WASTE MANAGEMENT OF ILLINOIS, INC., (hereinafter, "WMII").

DEFINITIONS

A. "WMII" refers to Waste Management of Illinois, Inc., and its agents, directors, officers, employees, representatives, attorneys, and all persons or entities who have acted or purported to act on its behalf.

B. "County of Kankakee" refers to the County of Kankakee and the Kankakee County Board and their respective agents, employees, attorneys, and all persons or entities who have acted or purported to act on their respective behalves.

C. "Communication" means, without limiting the generality of its meaning, any form of communication between two or more persons, including, but not limited to, correspondence, e-mails, conversations, phone calls, reports, documents, and memoranda.

D. "Landfill Siting Application" means WMII's Application with the Kankakee County Board seeking approval for a new regional pollution control facility immediately adjacent to its existing landfill located in Kankakee County, Illinois, which is the subject of this matter.

E. "Document" means, without limiting the generality of its meaning, writings, papers, or tangible things of any kind and nature whatsoever in the possession or subject to the control of the Respondent, its agents, experts, witnesses, employees or attorneys, including letters, handwritten notes, calendar pads, appointment books, notepads, notebooks, correspondence of any kind, postcards, memorandum, telegrams, telexes, e-mails, internal communications of any kind, annual or other reports, financial statements, billing statements, payment authorizations, canceled checks, books, records, ledgers, journals, minutes of all meetings, contracts, agreements, appraisals, analysis, charts, graphs, bulletins, speeches, reports, data sheets, data tapes, or readable computer interpretations thereof, computer programs, software or any medium containing computer programs, circulars, pamphlets, notices, statements, stenographic notes, surveys, microfilm, microfiche, tape and disk recordings, photostats, photographs, drawings, transparencies, overlays, periodicals, sketches, illustrations, blueprints, plans, and personal interviews, wherever located, including non-final drafts or earlier versions and non-identical copies of any of the above, and all compilations of the foregoing, including binders, notebooks, folders and files.

F. "Facility" shall refer to the proposed landfill which is the subject of the application filed by WMII with the County of Kankakee.

G. "Refer or relate" means anything which directly or indirectly concerns, consists of, pertains to, reflects, evidences, describes, sets forth, constitutes, contains, shows, underlies, supports, or refers to in any way, or was used in the preparation of, appended to, legally, logically, or factually connected with, proves, disproves, or tends to prove or disprove.

H. The singular and plural form shall be construed interchangeably so as to bring within the scope of these requests any documents which might otherwise be construed outside their scope.

I. The words "and" and "or" shall be construed conjunctively and disjunctively as necessary to bring within this document request all information that might otherwise be construed as outside their scope.

INSTRUCTIONS

1. *Continuing Responses.* This document request shall be deemed to be continuing in nature and if, after serving your responses, additional information becomes known or available to you that is responsive to this document request, then you are required to reasonably supplement or amend your responses.

2. *Work Product or Privileges.* With respect to each document, oral statement, or communication which you claim is privileged or subject to the work product doctrine, identify the document, statement or communications to the fullest extent, including the date, maker, and recipient, the general subject matter, and the basis of the claim of privilege or work product.

In accordance with the foregoing definitions and instructions, please answer the following:

INTERROGATORIES

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

ANSWER:

INTERROGATORY NO. 2: Please identify all persons related in any way to WMII who met, talked, or communicated with the County of Kankakee, County of Kankakee department heads, professional and technical staff, County employees, and its attorneys, including Edward D. Smith and his assistants in the office of the Kankakee County State's Attorney's Office, prior to the filing of the landfill Siting Application on August 16, 2002 relating to the planning, development and siting of the Facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:

(a)

(b)

(c)

(d)

(e)

(f)

INTERROGATORY NO. 3: Please identify all persons related in any way to WMII who met, talked, or communicated with any members of the Kankakee County Board, County of Kankakee department heads, professional and technical staff, County employees, and its attorneys, including Edward D. Smith and his assistants in the office of the Kankakee County State's Attorney's Office, prior to the filing of the Landfill Siting Application on August 16, 2002 relating to the planning, development and siting of the Facility, and for each such individual, please:

(a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);

(b) the subject matter of each such communication;

(c) describe and delineate the exact statements made during the course of each such communication;

(d) identify date, time and duration of each such communication;

(e) identify the location of each such communication; and

(f) identify all persons present at such communication.

ANSWER:

(a)

(b)

(c)

(d)

(e)

(f)

INTERROGATORY NO. 4: Identify all persons related in any way to WMII who met, talked, or otherwise communicated with the County of Kankakee and/or the Kankakee County Board, County of Kankakee department heads, professional and technical staff, County employees, and its attorneys, including Edward D. Smith and his assistants in the office of the Kankakee County State's Attorney's Office, after the filing of the Landfill Siting Application on August 16, 2002, relating to the planning, development and siting of a solid waste management facility, and for each such individual, please:

(a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);

(b) identify the subject matter of each such communication;

(c) describe and delineate the exact statements made during the course of each such communication;

(d) identify date, time and duration of each such communication;

(e) identify the location of each such communication; and

(f) identify all persons present at such communication.

ANSWER:

(a)

(b)

(c)

(d)

(e)

(f)

INTERROGATORY NO. 5: Identify any persons related in any way to WMII who communicated with each other regarding the, planning and siting of the facility.

ANSWER:

(a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);

(b) identify the subject matter of each such communication;

(c) describe and delineate the exact statements made during the course of each such communication;

(d) identify date, time and duration of each such communication;

(e) identify the location of each such communication; and

(f) identify all persons present at such communication.

ANSWER:

(a)

(b)

(c)

(d)

(e)

(f)

INTERROGATORY NO. 6: Please identify each witness you expect to present to testify at hearing, and state the subject of each witness's testimony and identify any document any witness will utilize in his or her testimony.

ANSWER:

INTERROGATORY NO. 7: Please identify each and every document relied upon in the preparation of your answers to these interrogatories.

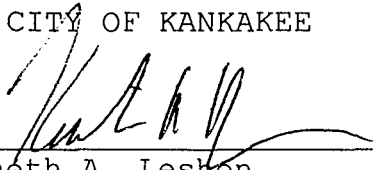
ANSWER:

DATED: March 6, 2003.

Respectfully submitted,

THE CITY OF KANKAKEE

BY:



Kenneth A. Leshen
One of Its Attorneys

PREPARED BY:

L. Patrick Power
Assistant City Attorney
956 North Fifth Avenue
Kankakee, IL 60901
815/937-6937

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One Dearborn Square, Suite 550
Kankakee, IL 60901
815/933-3385

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on March 6, 2003, a copy of the foregoing Petitioner City of Kankakee's Interrogatories was served upon:

Karl Kruse, Chairman
Kankakee County Board
189 East Court Street
Kankakee, IL 60901

Donald J. Moran
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Rockford, IL 61105-1389

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Kankakee County Clerk
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Ottawa, IL 61350

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1165 Plum Creek Drive
Bourbonnais, IL 60914

by depositing a copy thereof, enclosed in an envelope in the United States Mail at Kankakee, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.

Paula J. Jauer

SUBSCRIBED AND SWORN TO before me this 6th day of March, 2003.

Taryn L. Mills
Notary Public



L. Patrick Power
Assistant City Attorney
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815/937-6937

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