

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

SEP 29 2003

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
RIVERDALE RECYCLING, INC., an)
Illinois corporation, and TRI-STATE)
DISPOSAL, INC., an Illinois corporation,)
)
Respondents.)

No. PCB 03-73

NOTICE OF FILING

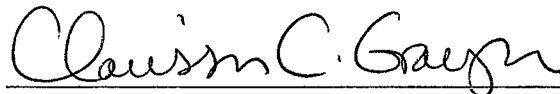
TO: Ms. Dorothy Gunn, Clerk, Pollution Control Board, 100 W. Randolph, Suite 11-500, Chicago, IL 60601

Ms. Paula Becker Wheeler, Assistant Attorney General, Environmental Bureau, 188 W. Randolph, Suite 2001, Chicago, Illinois 60601

Mr. Christopher Grant, Assistant Attorney General, Environmental Bureau, 188 W. Randolph, Suite 2001, Chicago, Illinois 60601

Mr. Brad Halloran, Hearing Officer, Pollution Control Board, 100 W. Randolph, Suite 11-500, Chicago, IL 60601

PLEASE TAKE NOTICE that on September 29, 2003 the undersigned filed an original and nine copies of RESPONDENTS RIVERDALE RECYCLING, INC. AND TRI-STATE DISPOSAL, INC.'S ANSWER TO COMPLAINANT'S FIRST SET OF INTERROGATORIES with Ms. Dorothy Gunn, Clerk of the Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, a copy of which is attached and hereby served upon you.



One of the Attorneys for Respondents

Mark A. LaRose
Clarissa C. Grayson
LaRose & Bosco, Ltd.
Attorney No. 37346
734 N. Wells Street
Chicago, IL 60610
(312) 642-4414
Fax (312) 642-0434

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED

CLERK'S OFFICE

SEP 29 2003

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant)
)
 -vs-)
)
 RIVERDALE RECYCLING, INC.,)
 an Illinois corporation, and)
 TRI-STATE DISPOSAL, INC.,)
 an Illinois corporation,)
)
 Respondents.)

No. PCB 03-73
(Enforcement)

**TRI-STATE DISPOSAL INC. AND RIVERDALE RECYCLING, INC.'S ANSWER TO
COMPLAINANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS**

Respondents, TRI-STATE DISPOSAL, INC., ("Tri-State") and RIVERDALE RECYCLING, INC., ("RRI") (collectively "Respondents") by their attorneys, LaRose & Bosco, Ltd., hereby answer Complainant's First Set of Interrogatories as follows:

GENERAL OBJECTION: Respondents object to the instructions and definitions portion of the Complainant's First Set of Interrogatories to the extent the same seeks or purports to require information contrary to or in addition to that provided for by the applicable Board rule or by the applicable rules of the Illinois Supreme Court.

Interrogatory No. 1:

Please identify:

- a. The individual(s) answering these interrogatories on behalf of Respondents, including his or her relationship to Respondents, and how long he or she has been associated with Respondents.
- b. Each person who provided information or who otherwise consulted, participated or assisted in connection with providing answers to these interrogatories, the nature

of any such consultation or assistance, whether the information was based on personal knowledge, and if not on the basis of personal knowledge, on what basis it was provided.

- c. For each person identified in Answer to Interrogatories No. 1(b), specify the particular interrogatories to which each such person contributed

ANSWER:

- a. **Sheryl Germany**
President
Tri-State Disposal, Inc.
13903 S. Ashland
Riverdale IL 60827

Ms. Germany has been the president of Tri-State Disposal since January, 1996.

Ms. Kristi Vorderer
President
Riverdale Recycling, Inc.
13901 S. Ashland
Riverdale IL 60827

Ms. Vorderer has been the president of Riverdale Recycling since January, 1996.

- b. **Tommy Germany**
Tri-State Disposal, Inc.
13903 S. Ashland
Riverdale IL 60827

- c. **Interrogatory No. 2 and No. 10.**

Interrogatory No. 2:

Identify the name, address, phone number, occupation, and responsibilities of any and all persons having knowledge of the operations at the site and/or the facts pertaining to any possible open dumping or dumping outside of the permitted area and any of the facts alleged in the Complaint filed in People v. Riverdale Recycling, Inc., and Tri-State Disposal, Inc., PCB 03-73. Include any and all persons that Respondents intend to call as witnesses at hearing, including their relationship, if any, to each Respondent.

ANSWER:

Sheryl Germany
President
Tri-State Disposal, Inc.
13903 S. Ashland
Riverdale IL 60827
(708) 388-9910

Tom Germany
Operations Manager
Tri-State Disposal, Inc.
13903 S. Ashland
Riverdale IL 60827
(708) 388-9910

Kristi Vorderer
President
Riverdale Recycling, Inc.
13901 S. Ashland
Riverdale, IL 60827

Robert Pruum
c/o Riverdale Recycling, Inc.
13901 S. Ashland
Riverdale IL 60827
(708) 489-1900

Cliff Gould
Illinois EPA
1701 South First Avenue, Suite 600
Maywood IL 60153
(708) 338-7900

James Haennicke
Illinois EPA
1701 South First Avenue, Suite 600
Maywood IL 60153
(708) 338-7900

Interrogatory No. 3:

Pursuant to Illinois Supreme Court Rule 213(f), with respect to any hearing witnesses, please state the following:

- a. The name, address and employer of each witness.
- b. A summary of the relevant facts within the knowledge of or which said witness will testify to.
- c. A listing of any documents or photographs which any such witness has relied upon, will use or which may introduce into evidence in connection with the testimony of said witness.

ANSWER:

**Sheryl Germany
President
Tri-State Disposal, Inc.
13903 S. Ashland
Riverdale IL 60827
(708) 388-9910**

Ms. Germany will testify as to her knowledge of the corporate structure and business administration of Tri-State, its relationship to RRI, and the day to day operations.

**Tom Germany
Operations Manager
Tri-State Disposal, Inc.
13903 S. Ashland
Riverdale IL 60827
(708) 388-9910**

Mr. Germany will testify as to his knowledge of the day to day waste storage operations of Tri-State, inspections conducted by the IEPA, and conversations with the inspectors.

**Robert Pruum
c/o Riverdale Recycling, Inc.
13901 S. Ashland
Riverdale IL 60827
(708) 489-1900**

Mr. Pruum will testify as to his conversation with Cliff Gould and James Haennicke of the IEPA on September 15, 1999.

**Cliff Gould
Illinois EPA
1701 South First Avenue, Suite 600
Maywood IL 60153**

(708) 338-7900

Mr. Gould will be called as an adverse witness and will testify as to his conversation with Robert Pruim and Mark LaRose on September 15, 1999.

James Haennicke

Illinois EPA

1701 South First Avenue, Suite 600

Maywood IL 60153

(708) 338-7900

Mr. Haennicke will be called as an adverse witness and will testify as to his conversation with Robert Pruim and Mark LaRose on September 15, 1999. Mr. Haennicke may also be called as an adverse witness regarding his inspections at the site and correspondence to or from the Respondents and their counsel.

Investigation continues and Respondents specifically reserve the right to supplement or amend this response in accordance with the applicable Board Rules, applicable Illinois Supreme Court Rules and all orders.

Interrogatory No. 4:

Furnish the identity and addresses of all expert witnesses who will testify at trial for Respondents, together with the subject matter on which each expert witness is expected to testify, the conclusions and opinions of each expert witness and the bases therefore; and the qualifications of each expert witness and a copy of all reports of such witnesses.

ANSWER: Respondents have not yet retained any expert witnesses. Investigation continues and Respondents specifically reserve the right to supplement or amend this response in accordance with the applicable Board Rules, applicable Illinois Supreme Court Rules and all orders.

Interrogatory No. 5:

With respect to any witness(es) interviewed by Respondents who Respondents do not intend to call to testify at hearing, state the name and address of any such witness, state whether a transcript of any interview with said witness was prepared, or a memorandum prepared in connection with any such interview, and provide a summary of the facts and opinions relevant to this proceeding which were secured from said witness.

ANSWER: None.

Interrogatory No. 6:

Pursuant to Illinois Supreme Court Rule 213(g), identify any and all opinion witnesses that Respondents have interviewed and/or expect to call at hearing. Specify:

1. The subject matter on which the opinion witness is expected to testify as well as the conclusions, opinion and/or expected testimony of such witness;
2. The qualifications, including but not limited to the opinion witness' educational background, practical experience in the area he or she is expected to testify in, any articles and papers he or she has written, any and all seminars and post graduate training he has received, his experience, if any, as a teacher or lecturer and his or her professional appointments and associations.
3. The identity of each document examined, considered, or relied upon by him or her to form his or her opinions.
4. All proceeding in which each opinion witness has previously testified as an opinion witness.
5. Any and all reports of the opinion witness.

ANSWER: None at this time. Investigation continues and Respondents specifically reserve the right to supplement or amend this response in accordance with the applicable Board Rules, applicable Illinois Supreme Court Rules and all orders.

Interrogatory No. 7:

With regard to Riverdale Recycling, Inc., state:

- a. The date and state of incorporation;
- b. The names of all officers and directors of the corporation and the dates when they assumed office,
- c. the names and dates of incorporation of all subsidiary or affiliated companies, if any.
- d. the names and addresses of all shareholders, and the relationship between them, if any.

ANSWER:

- a. **January, 1996, Illinois.**
- b. **Kristi Vorderer, President and Deborah Breakey, Secretary, assumed their offices in January, 1996.**
- c. **None.**
- d. **Kristi Vorderer
Riverdale Recycling, Inc.
13901 S. Ashland
Riverdale IL 60827**

**Deborah Breakey
Riverdale Recycling, Inc.
13901 S. Ashland
Riverdale IL 60827**

Ms. Vorderer and Ms. Breakey are sisters.

Interrogatory No. 8:

With regard to Tri-State Disposal, Inc. state:

- a. The date and state of incorporation;
- b. The names of all officers and directors of the corporation and the dates when they assumed office,
- c. the names and dates of incorporation of all subsidiary or affiliated companies, if any.
- d. the names and addresses of all shareholders, and the relationship between them, if any.

ANSWER:

- a. **December 28, 1995, Illinois.**
- b. **On January 2, 1996, Sheryl Germany, President and Deborah Breakey, Secretary, were duly elected as officers of Tri-State Disposal, Inc.**
- c. **None.**
- d. **Sheryl Germany**

**Tri-State Disposal, Inc.
13903 S. Ashland
Riverdale IL 60827**

**Deborah Breakey
Tri-State Disposal, Inc.
13903 S. Ashland
Riverdale IL 60827**

Interrogatory No. 9:

Describe the nature of the relationship between Riverdale Recycling, Inc. and Tri-State Disposal, Inc. from June 1, 1998 to the present.

ANSWER: RRI owns the land on which Tri-State Disposal operates its transfer station. Therefore, RRI and Tri-State are co-permittees for the IEPA permits for this facility.

Interrogatory No.10:

Please describe any conversations with Illinois EPA personnel by agents of the Respondents, especially those with James Haennicke and Cliff Gould, including the time, date, place, who was present, what was said, and whether any written notes or memoranda exist relating to the conversation.

ANSWER: On September 15, 1999, a meeting was held at the IEPA office in Maywood, Illinois. Present at the meeting were Robert Pruim on behalf of Respondents, Mark LaRose, attorney for Respondents, and IEPA personnel Cliff Gould and James Haennicke. The substance of the conversation included a discussion of the storage of landscape, construction and demolition material. Mr. Pruim and Mr. LaRose were told that any unpermitted portion of the site could be used for storage of construction and demolition material pursuant to section 22.38 of the Act as long as notification was given to the IEPA and the proper procedures were followed.

A memorandum exists concerning this meeting and is in the possession of Mark LaRose, attorney for Respondents. The memorandum is privileged under the attorney work product privilege. The memorandum consists of one (1) page and is dated September 15, 1999.

Illinois EPA personnel have conducted inspections approximately twice a year from 1998-present. Tri-State Operations Manager Tommy Germany was

present during these inspections and had conversations with inspectors James Haennicke and Calvin Harris regarding Tri-State Disposal. He does not recall the exact dates of each inspection but inspections occurred on March 28, 2003, October 30, 2002, March 13, 2002, October 3, 2001, March 12, 2001 and December 2, 1999.

Respectfully submitted,

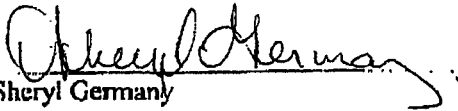
By: 
One of Plaintiff's Attorneys

Mark A. LaRose
Clarissa C. Grayson
LaRose & Bosco, Ltd.
Attorney No. 37346
734 N. Wells Street
Chicago, IL 60610
(312) 642-4414
Fax (312) 642-0434

VERIFICATION

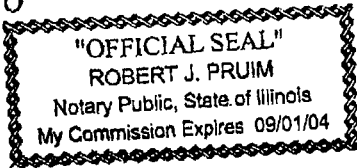
I, Sheryl Germany, being first duly sworn on oath, deposes and states as follows:

1. I am the President of Tri-State Disposal, Inc.
2. I have read the foregoing Respondent Tri-State Disposal, Inc. and Riverdale Recycling, Inc.'s Answer to First Set of Interrogatories and state that the answers therein are true and correct to the best of my knowledge and belief.


 Sheryl Germany

SUBSCRIBED AND SWORN TO
 before me this 25th day of
 September, 2003.

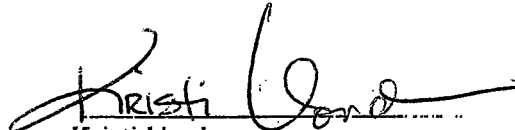

 NOTARY PUBLIC



VERIFICATION

I, Kristi Vorderer, being first duly sworn on oath, deposes and states as follows:

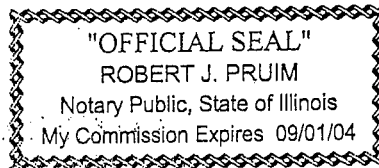
1. I am the President of Riverdale Recycling, Inc.
2. I have read the foregoing Respondent Tri-State Disposal, Inc. and Riverdale Recycling, Inc.'s Answer to First Set of Interrogatories and state that the answers therein are true and correct to the best of my knowledge and belief.


 Kristi Vorderer

SUBSCRIBED AND SWORN TO
 before me this 26th day of
 September, 2003.



 NOTARY PUBLIC

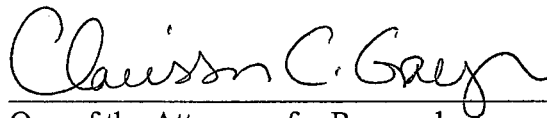


CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a copy of the foregoing RESPONDENTS RIVERDALE RECYCLING, INC. AND TRI-STATE DISPOSAL, INC.'S ANSWER TO COMPLAINANT'S FIRST SET OF INTERROGATORIES was served upon the following persons by placing same in U.S. Mail, postage prepaid, this 29th Day of September, 2003.

Ms. Paula Becker Wheeler
Assistant Attorney General
Environmental Bureau
188 W. Randolph, Suite 2001
Chicago, IL 60601

Mr. Christopher Grant
Assistant Attorney General
Environmental Bureau
188 W. Randolph, Suite 2001
Chicago, IL 60601



One of the Attorneys for Respondent

Mark A. LaRose
Clarissa C. Grayson
LaRose & Bosco, Ltd.
Attorney No. 37346
734 N. Wells Street
Chicago, IL 60610
(312) 642-4414
Fax (312) 642-0434