

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.) No. PCB 03-73
)
 RIVERDALE RECYCLING, INC., an)
 Illinois corporation, and TRI-STATE)
 DISPOSAL, INC., an Illinois corporation,)
)
 Respondents.)

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 RESPONSE TO COMPLAINANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, OBJECTS AND TANGIBLE THINGS 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
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LaRose & Bosco, Ltd.
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THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant)
)
 -vs-) No. PCB 03-73
) (Enforcement)
 RIVERDALE RECYCLING, INC.,)
 an Illinois corporation, and)
 TRI-STATE DISPOSAL, INC.,)
 an Illinois corporation,)
)
 Respondents.)

**TRI-STATE DISPOSAL INC. AND RIVERDALE RECYCLING INC.'S RESPONSE TO
COMPLAINANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS,
OBJECTS, AND TANGIBLE THINGS TO RESPONDENTS**

Respondents, TRI-STATE DISPOSAL, INC. ("Tri-State") and RIVERDALE
RECYCLING, INC., ("RRI") (collectively "Respondents") by their attorneys LaRose & Bosco,
Ltd., hereby respond to Complainant's First Request for Production of Documents, Objects and
Tangible Things, as follows:

GENERAL OBJECTION: Respondents object to the instructions and definitions portions of
the Complainant's First Request for Production of Documents, Objects and Tangible Things to
the extent the same seeks or purports to require information contrary to or in addition to that
provided for by the applicable Board rules or by the applicable rules of the Illinois Supreme
Court.

Production Request No.1

All documents that Respondents referred to, identified or relied upon in responding to
Complainant's First Set of Interrogatories to Respondents.

ANSWER: Respondents object to this request to the extent it seeks documents properly objected to in Respondents' response to the Complainant's First Set of Interrogatories. Subject to and without waiving this objection, the requested documents will be made available for review and photocopying at a mutually convenient time and date at LaRose & Bosco, Ltd.

Production Request No. 2

All documents that Respondents referred to, identified or relied upon in answering Complainant's Complaint.

ANSWER: See Respondents' answer to Interrogatory No. 10.

Production Request No. 3

All documents reflecting or relating to any environmental inspection and/or environmental audit of the subject site within the past 5 years.

ANSWER: Respondents object to this request as overly broad, unduly burdensome, irrelevant, and not calculated to lead to the discovery of relevant evidence. Subject to and without waiving this objection, documents regarding the IEPA's inspections of the site are already in the possession of the IEPA.

Production Request No. 4

All statements, notes, and correspondence obtained from any person(s) with knowledge of the subject matter of the Complainant's Complaint.

ANSWER: None.

Production Request No. 5

Respondent's Federal and State Income Tax returns, including schedules, for the years 2000, 2001 and 2002.

ANSWER: The requested documents will be made available for review and photocopying at a mutually convenient time and date at LaRose & Bosco, Ltd.

Production Request No. 6

The most recent audit made of the financial condition of the Respondents.

ANSWER: None.

Production Request No. 6 (sic)

Any and all documents relating to environmental permit applications prepared by or for Respondents within the past 5 years.

ANSWER: Documents relating to permit applications are in the possession of the IEPA.

Production Request No. 7

Any and all documents relating to environmental permits issued to Respondents within the past 5 years.

ANSWER: Documents relating to permits are in the possession of the IEPA.

Production Request No. 8

Any and all documents relating to communications with or between the Illinois Attorney General's Office, Illinois Environmental Protection Agency, and Respondents concerning the site within the past 5 years.

ANSWER: All documents relating to communications with or between the Illinois Attorney General's Office are in the possession of the Illinois Attorney General's Office. All documents relating to communications with or between the IEPA are in the possession of the IEPA.

Production Request No. 9

Any and all documents relating to meetings with or between the Illinois Attorney General's Office, Illinois Environmental Protection Agency, and Respondents concerning the site within the past 5 years.

ANSWER: See Respondents' answer to Interrogatory No. 10.

Production Request No. 10

Any and all documents relating to the environmental conditions at the facility including but not limited to consultant's reports, notices of violation, and property transfer disclosure reports dated within the past 5 years.

ANSWER: No consultant's reports or property transfer disclosure reports exist and all notices of violation are in the possession of the IEPA.

Production Request No. 11

Any and all documents relating to the management structure of the Respondents at the Site.

ANSWER: The requested documents will be made available for review and photocopying at a mutually convenient time and date at LaRose & Bosco, Ltd.

Production Request No. 12

All manifests and invoices relating to Respondents's disposal of waste taken from the Site within the past 5 years.

ANSWER: Respondents object to this request as overbroad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant evidence.

Production Request No. 13

Any and all documents which the Respondents intend to enter into evidence or otherwise use at any hearing of this matter.

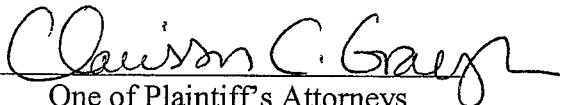
ANSWER: Investigation continues. Respondents have not yet determined what documents it will enter into evidence.

Production Request No. 14

Any and all documents produced by the Respondents during the course of any suit, hearing or other legal action filed within the past 5 years.

ANSWER: Respondents object to this request as overbroad, unduly burdensome, irrelevant and not calculated to lead to the discovery of relevant evidence. Subject to and without waiving this objection, Respondents are not aware of any other suits, hearings or legal actions filed in the past 5 years that could possibly be relevant to this matter.

Respectfully submitted,

By: 
One of Plaintiff's Attorneys


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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a copy of the foregoing RESPONDENTS RIVERDALE RECYCLING, INC. AND TRI-STATE DISPOSAL, INC.'S RESPONSE TO COMPLAINANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, OBJECTS AND TANGIBLE THINGS 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
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Chicago, IL 60601

Mr. Christopher Grant
Assistant Attorney General
Environmental Bureau
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Chicago, IL 60601



One of the Attorneys for Respondent

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