

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
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JUN 14 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

vs.)

PCB No. 03-191

(Enforcement-Land)

COMMUNITY LANDFILL COMPANY, INC.,)

an Illinois corporation, and)

the CITY OF MORRIS, an Illinois)

municipal corporation,)

Respondents.)

to: Mr. Mark La Rose
La Rose & Bosco
200 N. La Salle Street, #2810
Chicago, IL 60601

Mr. Bradley P. Halloran
Hearing Officer
IPCB
Hand Delivery

Mr. Charles Helsten
Hinshaw & Culbertson
100 Park Avenue
Rockford IL 61105-1389

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, July 14, 2004, filed with the Office of the Clerk of the Illinois Pollution Control Board, Complainant's First Motion to Compel Respondent Community Landfill Company, Inc., a copy of which is attached and herewith served upon you.

Respectfully submitted,
PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN
Attorney General of the
State of Illinois

BY: 

CHRISTOPHER GRANT
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, IL 60601
(312) 814-5388

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PEOPLE OF THE STATE OF ILLINOIS,)
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Complainant,)
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COMMUNITY LANDFILL COMPANY, INC.,)
an Illinois corporation, and)
the CITY OF MORRIS, an Illinois)
municipal corporation,)
)
Respondents.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 03-191
(Enforcement-Land)

COMPLAINANT'S FIRST MOTION TO COMPEL RESPONDENT COMMUNITY
LANDFILL COMPANY, INC. TO FULLY RESPOND TO DISCOVERY

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to 35 Ill. Adm. Code Sections 101.100(b), 101.616, 101.620, and 101.800, and Supreme Court Rules 201, 213, and 214, moves the Hearing Officer to compel Respondent COMMUNITY LANDFILL COMPANY, INC. ("CLC") to fully comply with Complainant's written discovery requests. In support thereof, Complainant states, as follows:

1. On January 23, 2004, Complainant served it's First Set of Interrogatories and Request for the Production of Documents upon Respondent CLC, by first class mail to counsel for Respondent. A copy of Complainant's discovery request is attached hereto as Exhibit 'A'.
2. On May 13, 2004, Hearing Officer Halloran directed both Respondents to respond to Complainant's written discovery on or before June 1, 2004.

3. Prior to the June 1, 2004 deadline, counsel for Respondent CLC consulted with Complainant to request an extension of time to Respond. Pursuant to agreement, Respondent CLC produced responses to Complainant's written discovery on June 14, 2004. Complainant's responses are attached hereto as Exhibit 'B'.

RESPONDENT FAILS TO ADEQUATELY RESPOND TO INTERROGATORY NO. 1

4. Complainant's Interrogatory No. 1, and Respondent's answer thereto, are as follows:

1. Identify each person who supplied information for answers to these interrogatories and further state for which interrogatory each person so supplied information.

Answer:

Respondent CLC objects to this interrogatory as no Board rule or Illinois Supreme Court rule requires this information to be provided, and since it is not relevant or calculated to lead to the discovery of relevant evidence. Subject to and without waiving these objections, the information provided in these interrogatories was supplied by CLC.

5. Respondent's objection is without merit. Section 101.616 of the Board Procedural Rules, 35 Ill. Adm. Code 101.616 provides in part:

- a) All relevant information and information calculated to lead to relevant information is discoverable....

* * *

- e) Unless a claim of privilege is asserted, it is not a ground for objection that the testimony of a deponent or person interrogated will not be admissible at hearing. If the information sought is reasonable

calculated to lead to relevant information.

Supreme Court Rule 201 provides, in part:

RULE 201. General Discovery Provisions

* * *

(b) Scope of Discovery

- (1) Full Disclosure Required. Except as provided in these rules, a party may obtain by discovery full disclosure regarding any matter relevant to the subject matter involved in the pending action [including]...the identity and location of persons having knowledge of relevant facts [emphasis added].

6. Interrogatory No. 1 seeks to identify those who provided the specific information contained each response, and thus seeks disclosure of those persons with knowledge of these relevant facts. Respondent's answer that "CLC" [a corporation] provided the answers is clearly non-responsive and inaccurate. Respondent should be compelled to provide the names, addresses, and phone numbers of the natural person or persons who provided the information.

**RESPONDENT HAS FAILED TO ANSWER INTERROGATORIES
No. 5(4), 7, 8, AND DOCUMENT REQUEST NO. 2**

7. Respondent objects to, and has failed to answer, Interrogatories No. 5 [subpart 4], 7, and 8, and has also failed to provide documents responsive to Document Request No. 2. Respondent objects on the basis of relevance. Respondent's objection has no merit, since all of the requested information is properly discoverable.

8. The disputed requests provide, in pertinent part:

Interrogatory No.5

For all financial assurance provided or maintained by Respondent CLC for the Morris Community Landfill from January 1, 2000 until the present, state:

* * *

(4) The fee(s) paid by Respondent CLC for financial assurance arranged for and/or maintained.

Interrogatory No. 7

For each year from 2000 until the present, state the amount paid by Respondent CLC to the City of Morris for:

- a. Lease payments;
- b. Royalty payments
- c. Reimbursement of surety bond expenses incurred by the City of Morris.

Interrogatory No. 8

For each year from 2000 until the present, state the amount paid by CLC as bond premium for the Frontier Bonds, as herein defined.

Document Request No.2 All correspondence and any and all documents relating to correspondence between Respondent CLC and any person which relate to proposals, quotes, costs, or applications for financial assurance for the Morris Community Landfill, from 1999 until the present.

9. All of the above requests are either relevant, or likely to lead to the discovery of relevant information.

Complainant has alleged that the Respondents failed to meet financial assurance requirements for closure-post closure care at the Morris Community Landfill, by failing to provide more than \$17,000,000 of financial assurance. Respondent CLC's failure to obtain, and fund, appropriate financial assurance relates directly to the alleged violation. Moreover, financial assurance, whether through bonds, letters of credit, or other

acceptable means, costs money. The difference between the amount actually expended and the cost of genuine financial assurance is evidence of the economic benefit of noncompliance. All of Complainant's inquiries regarding financial assurance, including costs, monies expended, and quotes obtained, are highly relevant. The Respondent should be compelled to provide complete and accurate answers to these interrogatories, and compelled to produce any and all responsive documents.

10. Interrogatory subparts 7(a) & (b) are also relevant to this matter. Respondents are owners [City of Morris] and operators [CLC] of the Morris Community Landfill. Complainant has alleged that they are jointly liable for the violations. In its Answer, Respondent City of Morris denies responsibility for landfill operations. The precise nature of the relationship between the two Respondents is important for the purpose of allocating responsibility for the alleged violations. Whether lease or royalty payments were actually paid by Respondent CLC is relevant to the issue of the two parties' relative involvement in the violations. In addition, the amount received by the City of Morris during the period of alleged violation could be a factor in calculating the economic benefit of noncompliance to the City. Respondent CLC should be required to answer these interrogatories.

RESPONDENT CLC HAS FAILED TO FULLY RESPOND TO INTERROGATORY No. 6

11. Complainant's Interrogatory No. 6, and Respondent's answer thereto, are as follows:

Interrogatory No.6

Did any person, excepting Respondent CLC, arrange for and/or maintain financial assurance, as defined herein, related to permits 2000-155-LFM and 2000-156-LFM.?

If so:

1. Identify the amount and type of financial assurance arranged for and/or maintained;
2. State the dates that the financial assurance became effective and the dates on which the financial assurance was discontinued or cancelled;
3. State the amount and type of financial assurance in place at the present [i.e the date these interrogatories were served upon Respondent];
4. State the fee(s) paid by Respondent CLC for financial assurance arranged for and/or maintained by others.

ANSWER:

Yes. City of Morris, Morris City Council, Illinois Environmental Protection Agency, Joyce Munie, John Taylor, Christine Roque, Frontier Insurance, Emerald Insurance Agency.

12. Respondent has answered Complainant's specific, four part interrogatory with nothing but a list of names. It does not explain how, why or when, for example, the Illinois EPA provided financial assurance for the Morris Community Landfill. It does not state whether any named are continuing to maintain financial assurance. This response is totally unresponsive and unacceptable. Respondent must be required to provide complete

and accurate information in response to this Interrogatory.

WHEREFORE, Complainant requests the following relief from the Hearing Officer:

1. A finding that Respondent COMMUNITY LANDFILL COMPANY, INC. has failed to fully comply with Complainant's written discovery requests;

2. An Order requiring Respondent to fully and completely respond to Complainant's Interrogatories 1, 5(4), 6, 7, 8, and Document Request Number 2; and

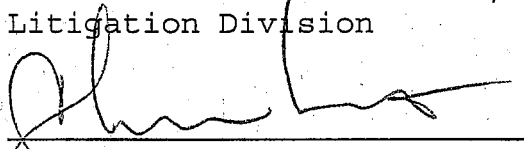
3. Such other relief that the Hearing Officer deems appropriate.

RESPECTFULLY SUBMITTED:

PEOPLE OF THE STATE OF ILLINOIS
by LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:


CHRISTOPHER GRANT
Environmental Bureau
Assistant Attorney General
188 West Randolph Street,
20th Floor
Chicago, IL 60601
(312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

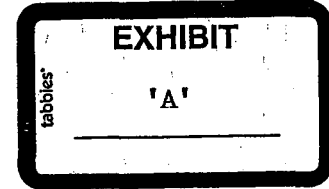
Complainant,

vs.

COMMUNITY LANDFILL COMPANY, INC.,
an Illinois corporation, and
the CITY OF MORRIS, an Illinois
municipal corporation,

Respondents.

PCB No. 03-191
(Enforcement-Land)



**COMPLAINANT'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN,
Attorney General of the State of Illinois, pursuant to Supreme Court Rules 213 and 214, and 35
Ill. Adm. Code 101.616, serves Respondent, COMMUNITY LANDFILL COMPANY ("CLC"),
the following First Set of Interrogatories and Request for Production of Documents.

The Complainant requests that Respondent CLC file a sworn answer or objection to each
interrogatory within twenty-eight (28) days after service hereof. Documents requested shall be
produced for inspection and copying in the offices of the Environmental Bureau, 188 West
Randolph Street, 20th Floor, Chicago, Illinois 60601, or at such other place as the parties may
agree, within 28 days of service hereof.

If any of the following interrogatories cannot be answered in full, please so state, and
answer to the fullest extent possible.

Instructions

1. **Claims of Privilege.** If the Respondent claims that any information requested in

these interrogatories or any document covered by this request is not subject to discovery on grounds of any privilege, it shall supply with respect to each such item:

- a. The date of the information or document;
- b. The type or nature of the information or document, e.g., letter or conversation;
- c. The person or persons who prepared the information or document and his, her, or their title(s);
- d. The name and job title of each person to whom the document was shown;
- e. The present location and custodian of the document;
- f. The basis on which the Respondent claim the privilege;
- g. A description of the information or the contents of the document sufficient to support the claim of privilege; and
- h. The paragraph of these interrogatories or request for documents to which the document relates.

2. Interrogatories.

- a. In answering each interrogatory, identify each document, person, communication or meeting which relates to, corroborates, or in any way forms the basis for the answer given.
- b. Pursuant to Supreme Court Rule 213, Respondent is requested to serve upon Complainant corrected, supplemented or augmented answers hereto, document or other forms of information from whatever source, which arguably tends to show that Respondent's prior answers are, might be, were or might have been in a sense incorrect, incomplete, potentially misleading or less than fully responsive or truthful.
- c. If you encounter any ambiguity in construing any interrogatory or any definition or instruction pertaining to any interrogatory, set forth the matter deemed "ambiguous" and the construction chosen or used in responding to the interrogatory.
- d. If you lack information necessary to answer any interrogatory completely, state the following:
 - i. The responsive information currently available;
 - ii. The responsive information currently unavailable;
 - iii. Efforts you have made and intend to make to obtain the information currently available; and
 - iv. When you expect to receive the currently unavailable information.

- e. If dates are requested in these interrogatories, the exact date should be given if possible. However, if the exact date cannot be determined due to absence or inadequacy of records, the best estimate should be given and labeled as such.

3. Production of Documents.

- a. If any requested document was in Respondent's possession or subject to Respondent's control, but is not now in Respondent's control, or is no longer in existence, as to each such document state the following:
- i. Whether the document:
 - A. Is missing or lost,
 - B. Has been destroyed,
 - C. Has been transferred to others, or
 - D. Has been otherwise disposed of;
 - ii. The circumstances surrounding the document's disposition;
 - iii. Any authorization for the disposition; and
 - iv. If known, the present location and custodian of the document.
- b. Each document request shall be construed to include any document responsive to the request which is later discovered by Respondent.

Definitions

1. As used herein, 'financial assurance' refers to the requirement of financial assurance for closure and post-closure costs, as a condition to Illinois EPA permits No 2000-155-LFM and 2000-156-LFM. Financial assurance means one or more of the following:

- a) A trust fund
- b) A surety bond guaranteeing payment
- c) A surety bond guaranteeing performance
- d) A letter of credit
- e) Closure insurance
- f) Self-insurance meeting the requirements of 35 Ill. Adm. Code 811.715;
- g) Local government financial test meeting the requirements of 35 Ill. Adm. Code 811.716;
- h) Local government guarantee meeting the requirements of 35 Ill. Adm. Code 811.717;
- i) Corporate financial test meeting the requirements of 35 Ill. Adm. Code 811.719;
- j) Corporate guarantee meeting the requirements of 35 Ill. Adm. Code 811.720.

2. As used herein, Permit 2000-155-LFM, means the permit issued by Illinois EPA on August 4, 2000 to the City of Morris and Community Landfill Company, approving and regulating development and operation of Parcel A of the Morris Community Landfill.

3. As used herein, Permit 2000-156-LFM, means the permit issued by Illinois EPA on August 4, 2000 to the City of Morris and Community Landfill Company, approving and regulating development and closure of Parcel B of the Morris Community Landfill.

4. As used herein, "person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity or their legal representative, agent or assigns.

5. When used in reference to a natural and/or corporate person herein, to "identify" means to state his or her full name, present and last known address, and present or last known business affiliation. When used in reference to a document herein, to "identify" means to state its date, author, addresser, addressee, type (e.g., letter, memorandum, invoice, map), or some other means of identification, and its present location and custodian. If the document was, but no longer is, in a Respondent's possession or control, state the disposition made of it and its present location and custodian.

6. As used herein, "document" means the original and any non-identical copy of any communication or other transmission of information that has been reduced by any means into tangible form or medium, including written, electronic, magnetic or photographic.

7. "Relating to" or "related to" shall mean anything which directly or indirectly concerns, consists of, pertains to, reflects, evidences, mentions, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally, logically or factually connected with, proves, disproves, or tends to prove or disprove the stated matter.

8. As used herein, "present" means the time at which this First Set of Interrogatories is served.

9. As used herein, "financial institution" means any bank, savings and loan company, institutional lender, commercial credit provider, credit union, insurance company, surety company, trust company, or other related institution.

10. As used herein, "Frontier Bonds" means surety bonds No 158466, 91507, and 158465, issued by Frontier Insurance Company, as surety in favor of Illinois EPA.

11. All terms not specifically defined herein shall have their logical, ordinary meaning, unless such terms are defined in the Act or the regulations promulgated thereunder, in which case the appropriate or regulatory definitions shall apply.

INTERROGATORIES

Interrogatory No.1

Identify each person who supplied information for answers to these interrogatories and further state for which interrogatories each person so identified supplied information.

ANSWER:

Interrogatory No. 2

Identify each and every fact witness who may be called by Respondent CLC as a witness in any hearing in this matter, and state his or her area of knowledge.

ANSWER:

Interrogatory No.3

Identify each and every opinion witness who may be called by Respondent CLC as a witness at any hearing in this matter, and state:

- a) his or her area of knowledge;
- b) the subject matter on which the opinion witness will testify;
- c) the conclusions and opinions of the opinion witness and the bases therefore;
- d) the qualifications of the opinion witness.

ANSWER:

Interrogatory No.4

Identify all officers, employees, or agents of Respondent CLC who negotiated, solicited

or arranged for financial assurance pursuant to the requirements of Permits No. 2000-155-LFM and 2000-156-LFM.

ANSWER:

Interrogatory No.5

For all financial assurance provided or maintained by Respondent CLC for the Morris Community Landfill from January 1, 2000 until the present, state:

1. The amount and type of financial assurance arranged for and/or maintained;
2. The dates that the financial assurance became effective and the dates on which the financial assurance was discontinued or cancelled;
3. The amount and type of financial assurance in place at the present [i.e the date these interrogatories were served upon Respondent];
4. The fee(s) paid by Respondent CLC for financial assurance arranged for and/or maintained.

ANSWER:

Interrogatory No.6

Did any person, excepting Respondent CLC, arrange for and/or maintain financial assurance, as defined herein, related to permits 2000-155-LFM and 2000-156-LFM.?

If so:

1. Identify the amount and type of financial assurance arranged for and/or maintained;
2. State the dates that the financial assurance became effective and the dates on which the financial assurance was discontinued or cancelled;
3. State the amount and type of financial assurance in place at the present [i.e the date these interrogatories were served upon Respondent];
4. State the fee(s) paid by Respondent CLC for financial assurance arranged for and/or maintained by others.

ANSWER:

Interrogatory No. 7

For each year from 2000 until the present, state the amount paid by Respondent CLC to the City of Morris for:

- a. Lease payments;
- b. Royalty payments
- c. Reimbursement of surety bond expenses incurred by the City of Morris.

ANSWER:

Interrogatory No. 8

For each year from 2000 until the present, state the amount paid by CLC as bond premium for the Frontier Bonds, as herein defined.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Any and all documents relating to answers to the above interrogatories, and all documents identified in the course of answering the above interrogatories, and any and all documents consulted or reviewed in order to answer the above interrogatories.
2. All correspondence and any and all documents relating to correspondence between Respondent CLC and any person which relate to proposals, quotes, costs, or applications for financial assurance for the Morris Community Landfill, from 1999 until the present.
3. Any and all documents which Respondent will enter into evidence or otherwise use at hearing in this matter.

Respectfully Submitted

BY: 

Christopher Grant
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, Illinois 60601
(312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

vs.)

PCB No. 03-191

(Enforcement-Land)

COMMUNITY LANDFILL COMPANY, INC.,)

an Illinois corporation, and)

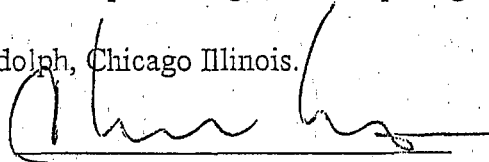
the CITY OF MORRIS, an Illinois)

municipal corporation,)

Respondents.)

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 23d day of January, 2004, the foregoing Interrogatories and Request for the Production of Documents upon the persons listed below, by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.



CHRISTOPHER GRANT

Service List:

Mark A LaRose, Clarissa Grayson
LaRose & Bosco, Ltd.
734 N. Wells Street
Chicago Illinois 60610

Copy to:

Mr. Charles Helston
Hinshaw & Culbertson
100 Park Street
Rockford, Illinois 61105

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

v.)

COMMUNITY LANDFILL COMPANY,)

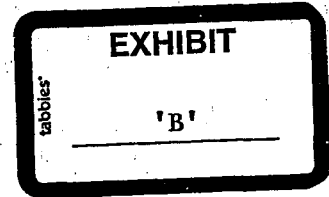
INC., an Illinois Corporation, and the)

CITY OF MORRIS, an Illinois)

municipal corporation,)

Respondents.)

PCB No. 03-191
(Enforcement)



**RESPONDENT COMMUNITY LANDFILL COMPANY'S
RESPONSE TO COMPLAINANT'S FIRST SET OF INTERROGATORIES AND
REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Respondent, COMMUNITY LANDFILL COMPANY (CLC), by its attorneys Mark A. LaRose and Clarissa C. Grayson of LaRose & Bosco, Ltd. pursuant to Illinois Supreme Court Rule 213 and 214, and 35 Ill. Adm. Code 101.616, serves Complainant, PEOPLE OF THE STATE OF ILLINOIS, the following Response to the Complainant's First Set of Interrogatories and Request for the Production of Documents.

RESPONSE TO INTERROGATORIES

1. Identify each person who supplied information for answers to these interrogatories and further state for which interrogatories each person so identified supplied information.

ANSWER:

Respondent CLC objects to this interrogatory as no Board rule or Illinois Supreme Court rule requires this information to be provided, and since it is not relevant or calculated to lead to the discovery of relevant evidence. Subject to and without waiving these objections, the

information provided in these interrogatories was supplied by CLC.

2. Identify each and every fact witness who may be called by Respondent CLC as a witness in any hearing in this matter, and state his or her area of knowledge.

ANSWER:

Although Respondent CLC has not yet identified all individuals it expects to call as witnesses at any hearing, it expects to call current IEPA employees Joyce Munie and Blake Harris; former IEPA employee John Taylor; and any witnesses named by Complainant. Respondent CLC will supplement this response as required.

3. Identify each and every opinion witness who may be called by Respondent CLC as a witness at any hearing in this matter, and state:

- a) his or her area of knowledge;
- b) the subject matter on which the opinion witness will testify;
- c) the conclusions and opinions of the opinion witness and the bases therefore;
- d) the qualifications of the opinion witness.

ANSWER:

Respondent CLC has not yet identified all opinion witnesses it expects to call as witnesses in any hearing. Respondent CLC will supplement this response as required.

4. Identify all officers, employees, or agents of Respondent CLC who negotiated, solicited or arranged for financial assurance pursuant to the requirement of Permits No. 2000-155-LFM and 2000-156-LFM.

ANSWER:

R. Michael McDermont, Mark A. LaRose and Robert Pruim.

5. For all financial assurance provided or maintained by Respondent CLC for the Morris Community Landfill from January 1, 2000 until the present, state:

- 1) The amount and type of financial assurance arranged for and/or maintained;
- 2) The dates that the financial assurance became effective and the dates on which the financial assurance was discontinued or cancelled;
- 3) The amount and type of financial assurance in place at the present [i.e. the date these interrogatories were served upon Respondent];
- 4) The fee(s) paid by Respondent CLC for financial assurance arranged for and/or maintained.

ANSWER:

1) Frontier Bond Nos:

158465	31 May 2000 - 31 May 2005	\$10,081,630.00
158466	31 May 2000 - 31 May 2005	5,906,016.00
91507	14 June 1996 - 14 June 2005	1,439,720.00

2) See above for effective dates.

3) See above for type of financial assurance.

4) Respondent CLC objects subpart (4) of this interrogatory as it is not relevant or calculated

to lead to the discovery of evidence relevant to the subject matter of this complaint.

6. Did any person, excepting Respondent CLC, arrange for and/or maintain financial assurance, as defined herein, related to permits 2000-155-LFM and 2000-156-LFM?

If so:

- 1) Identify the amount and type of financial assurance arranged for and/or maintained;
- 2) State the dates that the financial assurance became effective and the dates on which the financial assurance was discontinued or cancelled;
- 3) State the amount and type of financial assurance in place at the present [i.e. the date these interrogatories were served upon Respondent];
- 4) State the fee(s) paid by Respondent CLC for financial assurance arranged for and/or maintained by others.

ANSWER:

Yes. City of Morris, Morris City Council, Illinois Environmental Protection Agency, John Kim, Joyce Munie, John Taylor, Christine Roque, Frontier Insurance, Emerald Insurance Agency.

7. For each year from 2000 until the present, state the amount paid by Respondent CLC to the City of Morris for:

- a. Lease payments;
- b. Royalty payments;
- c. Reimbursement of surety bond expenses incurred by the City of Morris.

ANSWER:

Respondents object to this interrogatory as it is not relevant or calculated to lead to the discovery of evidence relevant to the subject matter of this complaint.

8. For each year from 2000 until the present, state the amount paid by CLC as bond premium for the Frontier Bonds, as herein defined.

ANSWER:

Respondents object to this interrogatory as it is not relevant or calculated to lead to the discovery of evidence relevant to the subject matter of this complaint.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Any and all documents relating to answers to the above interrogatories, and all documents identified in the course of answering the above interrogatories, and any and all documents consulted or reviewed in order to answer the above interrogatories.

ANSWER:

See attached documents produced pursuant to Complainant's Request for Production of Documents.

2. All correspondence and any and all documents relating to correspondence between Respondent CLC and any person which relate to proposals, quotes, costs, or applications for financial assurance for the Morris Community Landfill, from 1999 until the present.

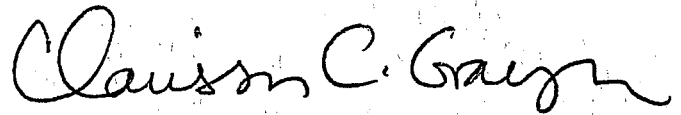
ANSWER:

Respondent CLC objects to this interrogatory as it is not relevant or calculated to lead to the discovery of evidence relevant to the subject matter of this complaint.

3. Any and all documents which Respondent will enter into evidence or otherwise use at hearing in this matter.

ANSWER:

Respondent CLC does not, at this time, have a complete list of documents to be used at hearing and will supplement this production request as required.



Attorney for Respondent
Community Landfill Company

Mark A. LaRose
Clarissa C. Grayson
LAROSE & BOSCO, Ltd.
200 North LaSalle Street, Suite 2810
Chicago IL 60601
(312) 642-4414

VERIFICATION

I, Robert Pruim, being first duly sworn on oath, deposes and states as follows:

1. I am the President of Community Landfill Corporation;
2. I have read the foregoing Respondent Community Landfill Company's Answer to Complainant's First Set of Interrogatories and Request for the Production of Documents and state that the answers therein are true and correct to the best of my knowledge and belief.



Robert Pruim

SUBSCRIBED AND SWORN TO
before me this 3rd day of
May, 2004.

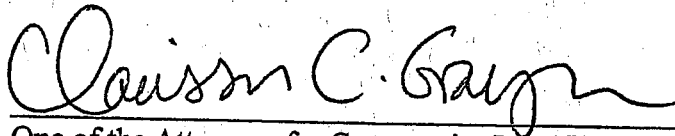

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I, Clarissa C. Grayson, an attorney hereby certify that I served **RESPONDENT COMMUNITY LANDFILL COMPANY'S RESPONSE TO COMPLAINANT'S FIRST SET OF INTERROGATORIES AND REQUEST FOR THE PRODUCTION OF DOCUMENTS** by placing copies of same in the United States Mail, first-class postage prepaid this 11th day of June 2004, addressed as follows:

Mr. Christopher Grant
Environmental Bureau
Assistant Attorney General
188 West Randolph Street, 20th Floor
Chicago, IL 60601

Mr. Charles Helsten
Hinshaw & Culbertson
100 Park Avenue
Rockford, IL 61105



One of the Attorneys for Community Landfill Co.

Mark A. LaRose
Clarissa C. Grayson
LaRose & Bosco, Ltd.
Attorney No. 37346
200 N. LaSalle Street
Suite 2810
Chicago, IL 60601
(312) 642-4414
Fax (312) 642-0434

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

vs.)

PCB No. 03-191
(Enforcement-Land)

COMMUNITY LANDFILL COMPANY, INC.,)

an Illinois corporation, and)

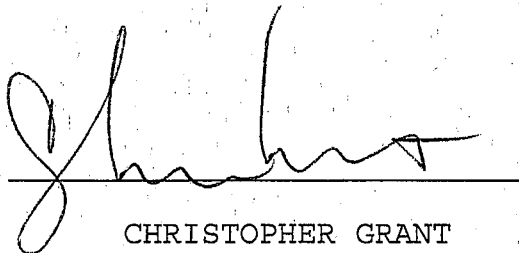
the CITY OF MORRIS, an Illinois)

municipal corporation,)

Respondents.)

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 14th day of July, 2004, Complainant's First Motion to Compel Respondent Community Landfill Company, Inc. to Fully Respond to Discovery, and Notice of Filing, upon the persons listed on said Notice, by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.


CHRISTOPHER GRANT