



**RECEIVED**  
CLERK'S OFFICE

**FEB 25 2005**

**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

**STATE OF ILLINOIS  
Pollution Control Board**

**Lisa Madigan**  
ATTORNEY GENERAL

February 22, 2005

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. The Highlands, LLC., et al.***  
**PCB No. 00-104**

Dear Clerk Gunn:

Enclosed for filing please find the original and five copies of a NOTICE OF FILING and COMPLAINANT'S RESPONSE TO RESPONDENT HIGHLANDS' MOTION TO STRIKE COMPLAINANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT HIGHLANDS in regard to the above-captioned matter. Please file the original and return a file-stamped copy of the document to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jane E. McBride".

Jane E. McBride  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

JEM/pp  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

THE HIGHLANDS, LLC, an Illinois limited liability corporation, MURPHY FARMS, INC., (a division of MURPHY-BROWN, LLC, a North Carolina limited liability corporation, and SMITHFIELD FOODS, INC., a Virginia corporation)

Respondents.

**RECEIVED**  
CLERK'S OFFICE

FEB 25 2005

STATE OF ILLINOIS  
Pollution Control Board  
PCB NO. 00-104  
(Enforcement)

NOTICE OF FILING

To: Mr. Jeffery W. Tock  
Harrington, Tock & Royse  
201 W. Springfield Ave., Ste. 601  
P.O. Box 1550  
Champaign, IL 61824-1550

Mr. Charles M. Gering, Esq.  
McDermott, Will & Emery  
227 West Monroe Street  
Chicago, IL 60606-5096


PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, Complainant's Response to Respondent Highlands' Motion to Strike Complainant's First Set of Interrogatories to Respondent Highlands, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General of the  
State of Illinois

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

BY:   
JANE McBRIDE  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: February 22, 2005

## CERTIFICATE OF SERVICE

I hereby certify that I did on February 22, 2005, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and COMPLAINANT'S RESPONSE TO RESPONDENT HIGHLANDS' MOTION TO STRIKE COMPLAINANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT HIGHLANDS

To: Mr. Jeffery W. Tock  
Harrington, Tock & Royse  
201 W. Springfield Ave.  
P.O. Box 1550  
Champaign, IL 61824-1500


Mr. Charles M. Gering, Esq.  
McDermott, Will & Emery  
227 West Monroe Street  
Chicago, IL 60606-5096

and the original and five copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: Mr. Brad Halloran, Hearing Officer  
Illinois Pollution Control Board  
State of Illinois Center, Ste. 11-500  
100 West Randolph  
Chicago, IL 60601

  
Jane E. McBride  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

**FEB 25 2005**

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS )

Complainant, )

v. )

PCB No. 00-104  
(Enforcement)

THE HIGHLANDS, LLC, an Illinois limited  
liability corporation, and MURPHY  
FARMS, INC., (a division of MURPHY-  
BROWN, LLC, a North Carolina limited  
liability corporation, and SMITHFIELD  
FOODS, INC., a Virginia corporation).

Respondents. )

**COMPLAINANT'S RESPONSE TO RESPONDENT HIGHLANDS' MOTION TO STRIKE  
COMPLAINANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT HIGHLANDS**

NOW COMES, Complainant, PEOPLE OF THE STATE OF ILLINOIS, and hereby  
responds to Respondent The Highlands, LLC's Motion to Strike, as follows:

1. On or about November 20, 2000, the Complainant propounded its first set of  
interrogatories upon Respondent The Highlands, LLC. The set included 27 interrogatories.  
Some of the interrogatories included a detailed description of the information requested. The  
interrogatories are worded so as to thoroughly describe the sort of information expected to be  
responsive to the request, that is, the interrogatory includes a detailed description of the  
information requested.

2. On July 10, 2000, in anticipation of the setting of a pre-hearing schedule by the  
hearing officer at the time of a status conference to be held at 11:00 A.M. on July 14, 2000,  
Complainant faxed a proposed pre-hearing schedule that included Complainant's request to  
exceed the Supreme Court Rule 213(c) limit for the number of interrogatories that may be  
propounded, to opposing counsel. A copy of that correspondence is attached hereto as Exhibit

A.

proposed pre-hearing schedule and request to exceed the interrogatory limit to the hearing officer and counsel for each party. A copy of the July 14, 2000 facsimile transmission documentation and an unsigned copy of the proposed schedule and request to exceed the interrogatory limit, which contains counsel's handwritten notes, is attached hereto as Exhibit B.

4. No hearing officer order was issued immediately subsequent to the July 14, 2000 status conference, and per Illinois Pollution Control Board ("Board") Clerk, Dorothy Gunn, no hearing officer order currently exists in the Board's case file on this matter that is dated between the dates of March 3, 2000 and September 6, 2000. In fact, per Ms. Gunn, no documentation exists in the file dated between the dates of March 3, 2000 and September 6, 2000.

5. On August 17, 2000, counsel for the Complainant faxed to Hearing Officer John Knittle, information contained within her notes regarding action taken at the time of the July 14, 2000 status conference. A copy of this facsimile transmission is attached hereto as Exhibit C.

6. In his order of September 6, 2000, Hearing Officer John Knittle did not indicate a ruling on the request to exceed the limit on interrogatories. The September 6, 2000 Order is attached hereto as Exhibit D. However, in counsel for Complainant's note to the Hearing Officer, she indicates the request was denied. It is Complainant's memory of the discussion that the Hearing Office ruled on the request to exceed the interrogatory limit, and advised that further consideration of the question should be deferred until the parties actually propounded interrogatories.

7. Both the Complainant's and Respondent Highlands' first set of interrogatories were filed with the Board, as was the Board's procedure at the time the interrogatories were propounded. Both requests are attached hereto as exhibits. Complainant's First Set of Interrogatories is attached hereto as Exhibit E. Respondent Highland's First Set of Interrogatories is attached hereto as Exhibit F.

8. As is evidenced by Complainant's request to exceed the interrogatory limit, it has long been recognized in this matter that there was potentially an extensive body of information concerned within the possession and control of all parties, that was discoverable and relevant to the allegations and issues in dispute and in question in this matter. All parties have propounded very broad and wide-ranging interrogatories, responses to which concern a potentially extensive amount of information. Even such issues as each entity's ownership and control of the operation are relevant to the allegations, as is evidenced by Respondent Murphy's pending motion to dismiss and Complainant's response thereto. Respondent Highlands' interrogatories are as broad and wide-ranging as the interrogatories propounded by Complainant. Respondent Highlands' interrogatories contain many subparts themselves. Complainant has not spent time counting all the subparts contained in Respondent's Interrogatories, but has instead invested its time in producing a timely, good faith response to Respondent's discovery requests. Many of Complainant's responses consist of the production of documents, pursuant to Supreme Court Rule 213(e). Complainant's request for production and first set of interrogatories were drafted to complement each other, so it is expected documents responsive to the production requests will serve to provide information requested in the interrogatories. It has been expected all along that many of Respondent Highlands' responses to Complainant's interrogatories will either fully or partially be answered via its production of documents.

9. In complete defiance of Supreme Court Rule 201(k), Respondent Highlands has completely failed to make any reasonable attempt to resolve differences over discovery with regard to Complainant's First Set of Interrogatories.

10. Supreme Court Rule 201(k) requires that every motion with respect to discovery shall incorporate a statement that counsel responsible for trial of the case, after personal consultation and reasonable attempts to resolve differences, have been unable to reach an

accord or that opposing counsel made himself or herself unavailable for personal consultation or was unreasonable in attempts to resolve differences. Respondent Highlands has failed to make a reasonable attempt to resolve differences, in fact, it has failed to make any attempt to resolve differences, and its motion to strike does not contain the requisite statement.

11. The first counsel for the Complainant heard that Respondent Highlands was refusing to answer any of the interrogatories and instead filing a motion to strike all of the interrogatories, was February 14, 2005, the day Respondent Highlands' response to the interrogatories were due. As stated above, no attempt was made on behalf of Respondent Highlands to discuss the issue and resolve the difference. Months prior to the deadline, counsel for Respondent Highlands asked counsel for the Complainant about the relevance of an interrogatory concerning siting. Counsel for Complainant explained the relevance. Counsel for the Complainant also indicated she would withdraw the definition of "significantly" contained in Complainant's Interrogatory No. 25. There was no further discussion. This was the only discussion that was conducted regarding Complainant's First Set of Interrogatories to Respondent The Highlands. Prior to February 14, 2005, Respondent Highlands gave no indication it would be refusing to answer all of Complainant's interrogatories.

12. On Wednesday, February 16, 2005, Complainant received two boxes of documents from Respondent Highlands' in response to Complainant First Request for Production. It is expected that at least some of the documents are responsive to the information sought in Complainant's interrogatories.

13. It is Complainant's position that the Hearing Officer should set a defined period of time in which the parties are to enter into discussions in an attempt to resolve their differences regarding Complainant's First Set of Interrogatories to Respondent The Highlands, such as a week or 10 days. At the conclusion of that period of time, the parties shall indicate that the differences have been resolved or the Complainant shall file a motion to compel. It is

Complainant's position that, as dictated by Supreme Court Rule 201(k), the parties should be required to make a reasonable attempt to resolve their differences before motions are filed.


WHEREFORE, on the foregoing grounds and for the foregoing reasons, Complainant respectfully requests that the Hearing Officer set a ten (10) day period of time during which, pursuant to Supreme Court Rule 201(k), the Complainant and Respondent Highlands enter into discussions in a reasonable attempt to resolve differences regarding Complainant's First Set of Interrogatories to Respondent The Highlands, and set the matter for status on the 11<sup>th</sup> day or as soon thereafter as is convenient for the Hearing Officer.

Respectfully submitted,

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

MATTHEW J. DUNN, Chief  
Environmental Enforcement Division

BY:

  
JANE E. MCBRIDE  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031



STATE OF ILLINOIS       )  
                                  )  
COUNTY OF SANGAMON    )       SS

AFFIDAVIT

I, JANE E. MCBRIDE, after being duly sworn and upon oath, state as follows:

1.       I am the assistant attorney general assigned to the matter of *People v. The Highlands, LLC and Murphy Farms, Inc.*, PCB No. 00-104. I have been lead counsel representing the Complainant in this matter since the case was originally filed with the Illinois Pollution Control Board.

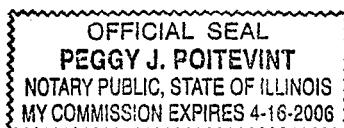
2.       Under the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in Complainant's Response to Respondent The Highlands LLC's Motion to Strike Complainant's First Set of Interrogatories to Respondent The Highlands are true and correct, except as to matters stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Further affiant sayeth not.

  
JANE E. MCBRIDE

Subscribed and sworn to before me  
this 24th day of February, 2005.

  
NOTARY PUBLIC





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Jim Ryan**  
ATTORNEY GENERAL

July 10, 2000

Mr. Frank H. Hackmann, Esq.  
Sonnenschein Nath & Rosenthal  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102

Mr. Charles M. Gering, Esq.  
McDermott, Will & Emery  
227 West Monroe Street  
Chicago, IL 60606-5096

Mr. Michael Whelan  
600 Pearl Street, Suite B  
Boulder, CO 80302

Via facsimile

Re: *People v. The Highlands LLC, Murphy Farms, Inc. and Bion  
Technologies, Inc.*, PCB 00-104

Dear Frank, Chuck and Mike:

Please find attached a proposed pre-hearing schedule. If we can come to an agreement, I will change the wording so as to submit it as an agreed proposed schedule. Please get back to me at your earliest convenience with your thoughts and comments. As you know, we have a status conference with the Hearing Officer this Friday at 11:00 A.M., Central Time. My understanding is that either Frank or Chuck will set up the call.

I would like to be able to fax the proposed schedule to Mr. Knittle on or before Thursday.

Sincerely,

Jane E. McBride  
Assistant Attorney General  
(217) 782-9033

EXHIBIT A

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DRAFT

PEOPLE OF THE STATE OF ILLINOIS )

Complainant, )

v. )

PCB No. 00-104  
(Enforcement)

THE HIGHLANDS, LLC, an Illinois limited  
liability corporation, MURPHY FARMS, INC.,  
a/k/a MURPHY FAMILY FARMS, a North  
Carolina corporation, and BION  
TECHNOLOGIES, INC., a Colorado  
corporation )

Respondents. )

PROPOSED PRE-HEARING SCHEDULE

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, and submits  
the following proposed pre-hearing schedule:

Interrogatory and document discovery completed	October 16, 2000
Complainant discloses final list of opinion witnesses	November 15, 2000
Respondents disclose final list of opinion witnesses	December 15, 2000
All discovery completed	February 15, 2001
Filing deadline for Motions for Summary Judgment	April 18, 2001
Filing deadline for Response to Motions for Summary Judgement	May 9, 2001
Filing deadline for Replies to Responses to Motions for Summary Judgment	May 23, 2001
Tentative Hearing Dates	July 25-27, 2001

DRAFT

Complainant also requests that the parties be allowed to exceed the Supreme Court Rule 213(c) limit for number of interrogatories that may be served.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN,  
Attorney General  
of the State of Illinois

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

BY:

\_\_\_\_\_  
JANE E. MCBRIDE  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031  
Dated: July 13, 2000



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: Frank Hackmann

OF: \_\_\_\_\_

FAX #: 314 259 5959

DATE: 7/10/00

FROM: Office of the Attorney General

Jane McBride  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

PHONE: 217/782-9031 (Voice)  
217/524-7740 (Fax #)  
217/782-1097 (Fax #)

Total number of pages, including cover sheet: 4 Hard copy to follow: Yes \_\_\_\_\_ No \_\_\_\_\_

SUBJECT: \_\_\_\_\_

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

If all pages do not transmit properly, please contact the sender as soon as possible.

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\*\*\*\*\*

\* P. 01 \*

\* TRANSACTION REPORT \*

\* JUL-10-00 MON 2:16 PM \*

\* \*

\* -FOR: ATTORNEY GENERAL 217 524 7740 \*

\* \_\_\_\_\_ \*

\* DATE START RECEIVER TX TIME PAGES TYPE NOTE \*

\* \_\_\_\_\_ \*

\* JUL-10 2:14 PM 913142595959 1' 32" 4 SEND OK \*

\* \_\_\_\_\_ \*

\*\*\*\*\*



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: Chuck Lering

OF: \_\_\_\_\_

FAX #: 312 984 7700

DATE: 7/10/00

FROM: Office of the Attorney General

Dan McBride  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

PHONE: 217/782-9031 (Voice)  
217/524-7740 (Fax #)  
217/782-1097 (Fax #)

Total number of pages, including cover sheet: 4 Hard copy to follow: Yes \_\_\_\_\_ No \_\_\_\_\_

SUBJECT: \_\_\_\_\_

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

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P. 01

JUL-10-00 MON 2:14 PM

217 524 7740

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE
JUL-10	2:12 PM	913129847700	1' 35"	4	SEND	OK





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: Michael Wilson

OF: \_\_\_\_\_

FAX #: 303 443 3569

DATE: 7/10/00

FROM: Office of the Attorney General

Dane McBride

Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

PHONE: 217/782-9031 (Voice)  
217/524-7740 (Fax #)  
217/782-1097 (Fax #)

Total number of pages, including cover sheet: 3 Hard copy to follow: Yes \_\_\_\_\_ No \_\_\_\_\_

SUBJECT: \_\_\_\_\_

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

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OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: John Kuttie  
OF: \_\_\_\_\_  
FAX #: 312 814 3669  
DATE: \_\_\_\_\_  
FROM: Office of the Attorney General  
Tara McQuinn  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
PHONE: 217/782-9031 (Voice)  
217/524-7740 (Fax #)  
217/782-1097 (Fax #)

Total number of pages, including cover sheet: \_\_\_\_\_ Hard copy to follow: Yes \_\_\_\_\_ No \_\_\_\_\_

SUBJECT: 1/25 Daniels Murphy Bion  
MESSAGE: PCB 00-104  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If all pages do not transmit properly, please contact the sender as soon as possible.

This telefax of attorney-privileged and/or confidential information is intended only for the use of the \_\_\_\_\_ addressed. If you have received this telefax at the telephone number above, please contact the sender at the telephone number above of this telefax by any unintended recipient is strictly prohibited.

EXHIBIT B

TRANSACTION REPORT

P. 01

JUL-14-2000 FRI 10:48 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-14	10:47 AM	913128143669	56"	3	SEND	OK	426	

TOTAL : 56S PAGES: 3



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: John Knittle

OF:

FAX #: 312 814 3669

DATE:

FROM:

Office of the Attorney General

Tamara McSwain  
Environmental Bureau  
500 South Second Street

*This is for today's status call*  
*11 am*  
*Please deliver it to 500 S 2nd St*  
*pass. info*  
*Thank you*

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS

Complainant,

v.

THE HIGHLANDS, LLC, an Illinois limited  
liability corporation, MURPHY FARMS, INC.,  
a/k/a MURPHY FAMILY FARMS, a North  
Carolina corporation, and BION  
TECHNOLOGIES, INC., a Colorado  
corporation

Respondents.

PCB No. 00-104  
(Enforcement)

PROPOSED PRE-HEARING SCHEDULE

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, and submits  
the following proposed pre-hearing schedule:

Initial interrogatory and document discovery completed	October 16, 2000
Complainant discloses final list of opinion witnesses	November 15, 2000
Respondents disclose final list of opinion witnesses	December 15, 2000
All depositions completed	February 15, 2001
Supplemental interrogatory and document discovery completed	March 15, 2001
Filing deadline for Motions for Summary Judgment	April 18, 2001
Filing deadline for Response to Motions for Summary Judgement	May 9, 2001
Filing deadline for Replies to Responses to Motions for Summary Judgment	May 23, 2001
Tentative Hearing Dates	July 25-27, 2001

Oct 2nd  
2000  
10:30  
off  
with  
7:00

Complainant also requests that the parties be allowed to exceed the Supreme Court Rule 213(c) limit for number of interrogatories that may be served.


Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN,  
Attorney General  
of the State of Illinois

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

BY:

  
JANE E. MCBRIDE  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031  
Dated: July 14, 2000



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: Chuck Goring

OF: \_\_\_\_\_

FAX #: 312 984 7700

DATE: 7/14/00

FROM: Office of the Attorney General

Tom McSwain  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

PHONE: 217/782-9031 (Voice)  
217/524-7740 (Fax #)  
217/782-1097 (Fax #)

Total number of pages, including cover sheet: \_\_\_\_\_ Hard copy to follow: Yes \_\_\_\_\_ No \_\_\_\_\_

SUBJECT: \_\_\_\_\_

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

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DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-14	10:46 AM	913129847700	45"	3	SEND	OK	425	

TOTAL : 45S PAGES: 3



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

# FACSIMILE COVER SHEET

TO: Chuck Goring

OF: \_\_\_\_\_

FAX #: 312 984 7700

DATE: 2/14/00

FROM: Office of the Attorney General

Tam McSwain  
Environmental Bureau  
500 South Second Street





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: Frank Hackman

OF: Janner Schein

FAX #: 314 259 5959

DATE: 7/14/00

FROM: Office of the Attorney General

Jane M. Ryan  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

PHONE: 217/782-9031 (Voice)  
217/524-7740 (Fax #)  
217/782-1097 (Fax #)

Total number of pages, including cover sheet: \_\_\_\_\_ Hard copy to follow: Yes \_\_\_\_\_ No \_\_\_\_\_

SUBJECT: \_\_\_\_\_

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

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TRANSACTION REPORT

P. 01

JUL-14-2000 FRI 10:46 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-14	10:40 AM	913142595959	6' 07"	3	SEND	OK	424	

TOTAL : 6M 7S PAGES: 3



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: Frank Hackman

OF: Ennenstein

FAX #: 314 259 5959

DATE: 7/14/00

FROM: Office of the Attorney General

Jane M. [Signature]  
Environmental Bureau  
500 South Second Street



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: Michael Whelan

OF: \_\_\_\_\_

FAX #: 303 443 3569

DATE: 7/14/00

FROM: Office of the Attorney General

Law McBride  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

PHONE: 217/782-9031 (Voice)  
217/524-7740 (Fax #)  
217/782-1097 (Fax #)

Total number of pages, including cover sheet: \_\_\_\_\_ Hard copy to follow: Yes \_\_\_\_\_ No \_\_\_\_\_

SUBJECT: Revised

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

If all pages do not transmit properly, please contact the sender as soon as possible.

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TRANSACTION REPORT

P. 01

JUL-14-2000 FRI 10:39 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-14	10:37 AM	913034433569	2' 42"	3	SEND	OK	423	

TOTAL : 2M 42S PAGES: 3



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: Michael Whelan

OF: \_\_\_\_\_

FAX #: 303 443 3569

DATE: 7/14/00

FROM: Office of the Attorney General

James M. Burch  
Environmental Bureau  
500 South Second Street



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Jim Ryan  
ATTORNEY GENERAL

FACSIMILE COVER SHEET

TO: John K. H. G.

OF: 1 PCB

FAX #: 312 814 3669

DATE: \_\_\_\_\_

FROM: Office of the Attorney General

Jane McNeil  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

PHONE: 217/782-9031 (Voice)  
217/524-7740 (Fax #)  
217/782-1097 (Fax #)

Total number of pages, including cover sheet: 3 Hard copy to follow: Yes \_\_\_\_\_ No \_\_\_\_\_

SUBJECT: ~~of~~ Besides printed clats

MESSAGE: you set a ~~as~~ status

conference for Oct 2 at  
10:30 according to my rules.

Chet Gony had it written down as 10

If all pages do not transmit properly, please contact the sender as soon as possible. Hope you

above it, otherwise pick up

This telefax of attorney-privileged and/or confidential information is I suppose  
intended only for the use of the individual or entity to which it is  
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sender at the telephone number above. Be advised that the retention not approved  
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interog.

EXHIBIT C



RECEIVED  
CLERK'S OFFICE

SEP 06 2000

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

September 6, 2000

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 00-104
	)	(Enforcement - Air)
THE HIGHLANDS, L.L.C., MURPHY	)	
FARMS, INC. a/k/a MURPHY FAMILY	)	
FARMS, and BION TECHNOLOGIES, INC.,	)	
	)	
Respondents.	)	

HEARING OFFICER ORDER

Pursuant to a hearing officer request, the complainant submitted a proposed pre-hearing schedule at the last status conference. Following discussion, a prehearing schedule was set. The following activities must be completed on or before the dates provided below.

Prehearing Schedule

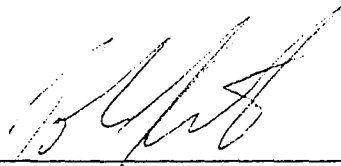
<u>ACTIVITY</u>	<u>DATE</u>
Initial written discovery completed	October 16, 2000
Disclosure of complainant's opinion witnesses	November 15, 2000
Disclosure of respondents' opinion witnesses	December 15, 2000
Depositions completed	February 15, 2001
Supplemental written discovery completed	March 15, 2001
Dispositive motions filed and served	April 18, 2001
Responses to dispositive motions filed and served	May 9, 2001
Replies to responses to dispositive motions filed and served	May 23, 2001
Tentative hearing dates	July 25-27, 2001

Any pleading not addressed by the discovery schedule is subject to the pleading requirements contained within the Board's general provisions.

The parties are directed to participate in a telephonic status call with the hearing officer on October 2, 2000, at 10:30 a.m. The status conference shall be initiated by the complainant. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

EXHIBIT D

IT IS SO ORDERED.



John Knittle

Hearing Officer

Illinois Pollution Control Board

James R. Thompson Center, Suite 11-500

100 West Randolph

Chicago, Illinois 60601

312.814.3473



## CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, to each of the following on September 6, 2000:

Charles M. Gering  
McDermott, Will & Emery  
227 West Monroe Street  
Chicago, IL 60606-5096

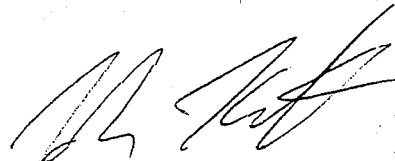
Michael Whelan  
600 Pearl Street, Suite B  
Boulder, CO 80302

Frank H. Hackmann  
Sonnenschein Nath & Rosenthal  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102

Jane E. McBride  
Assistant Attorney General  
Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, IL 62706

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on September 6, 2000:

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



---

John Knittle  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312.814.3473

RECEIVED  
CLERK'S OFFICE  
NOV 20 2000

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS )

Complainant, )

v. )

PCB No. 00-104  
(Enforcement)

THE HIGHLANDS, LLC, an Illinois limited  
liability corporation, MURPHY FARMS, INC.,  
a/k/a MURPHY FAMILY FARMS, a North  
Carolina corporation, and BION  
TECHNOLOGIES, INC., a Colorado  
corporation )

Respondents. )

PLAINTIFF'S FIRST SET OF INTERROGATORIES  
TO RESPONDENT MURPHY FARMS, INC.

NOW COMES Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, ex rel. JAMES E. RYAN, Attorney General of the State of Illinois, pursuant to Illinois Supreme Court Rule 213, and propounds the following interrogatories on Respondent, MURPHY FARMS, INC. a/k/a MURPHY FAMILY FARMS ("Respondent"), to be answered in accordance with the Illinois Code of Civil Procedure, the Illinois Supreme Court Rules on Civil Proceedings in the Trial Court, and the following instructions and definitions, within 28 days of the date of service hereof.

INSTRUCTIONS

(a) With respect to each Interrogatory, in addition to supplying the information requested and identifying the specific documents referred to, please identify all documents or other evidence to which you referred in preparing your answer thereto.

(b) If any document identified in an answer to an Interrogatory was, but is no longer, in your possession or subject to your custody or control, or was known to you, but is no longer in existence, please state what disposition was made of it or what became of it.

(c) If any document or statement is withheld from production hereunder on the basis of a claim of privilege or otherwise, please identify each such document and the grounds upon

which its production is being withheld.

(d) You are reminded of your duty under Illinois Supreme Court Rule 213(i) to seasonably supplement or amend any answers or responses to these Interrogatories whenever new or additional information becomes known to you subsequent to your answer or response.

(e) You are further reminded of your duty under Illinois Supreme Court Rule 213(d) to serve a sworn answer or an objection to each Interrogatory.

(f) If you are unable or refuse to answer any Interrogatory completely for any reason including, but not limited to, because of a claim of privilege, please so state, answer the Interrogatory to the extent possible, stating whatever knowledge or information you have concerning the portion of the Interrogatory which you do answer, and set forth the reason for your inability to answer more fully.

#### DEFINITIONS

As used in these Interrogatories, the terms listed below are defined as follows:

(a) "Document" or "documents" means any of the following of which you have knowledge or which are now or were formerly in your actual or constructive possession, custody or control: any writing of any kind, including originals and all nonidentical copies (whether different from the originals by reason of any notation made on such copies or otherwise), including without limitation maps, drawings, sketches, blueprints, aerial photographs, log books, lab reports, chain-of-custody forms, weather forecasts, correspondence, memoranda, notes, desk calendars, diaries, statistics, checks, invoices, statements, receipts, returns, warranties, guarantees, summaries, pamphlets, books, prospectuses, interoffice and intraoffice communications, offers, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, magazines, publications, printed matter, photographs, computer printouts, teletypes, telefax, invoices, worksheets and all drafts, alterations,

modifications; changes and amendments to any of the foregoing; any spreadsheets, database, correspondence, e-mail messages, or other information of any kind contained in any computer or other electronic information storage system; and any audiotapes, videotapes, tape recordings, transcripts, or graphic or oral records or representations of any kind.

(b) "Possession, custody or control" includes the joint or several possession, custody or control not only by the person to whom these Interrogatories are addressed, but also the joint or several possession, custody or control by each or any other person acting or purporting to act on behalf of the person, whether as employee, contractor, attorney, accountant, agent, sponsor, spokesman, or otherwise.

(c) "Relates to" means supports, evidences, describes, mentions, refers to, contradicts or comprises.

(d) "Person" means any natural person, firm, corporation, partnership, proprietorship, joint venture, organization, group of natural persons, or other association separately identifiable whether or not such association has a separate juristic existence in its own right.

(e) "Identify", "identity" and "identification," when used to refer to any entity other than a natural person, mean to state its full name, the present or last known address of its principal office or place of doing business, and the type of entity (e.g., corporation, partnership, unincorporated association).

(f) "Identify", "identity", and "identification", when used to refer to a natural person, mean to state the following:

1. The person's full name and present or last known home address, home telephone number, business address and business telephone number;

2. The person's present title and employer or other business affirmation;

and

3. The person's employer and title at the time of the actions at which each Interrogatory is directed.

(g) "identify," "identity" and "identification," when used to refer to a document, mean to state the following:

1. The subject of the document;
2. The title of the document;
3. The type of document (e.g., letter, memorandum, telegram, chart);
4. The date of the document or, if the specific date thereof is unknown, the month and year or other best approximation of such date;
5. The identity of the person or persons who wrote, contributed to, prepared or originated such document; and
6. The present or last known location and custodian of the document.

(h) "You", "Respondent Murphy Farms", "Respondent Murphy", "Murphy Farms" or "Murphy" means Respondent Murphy Farms, Inc., a/k/a Murphy Family Farms including, but not limited to, any employees, attorneys, independent contractors, or other agents of any kind of Respondent Murphy Farms Inc., a/k/a Murphy Family Farms or any agency, branch, division, or other department thereof.

(i) "Respondent The Highlands", or "The Highlands" means Respondent The Highlands, LLC, including, but not limited to, any employees, attorneys, independent contractors, or other agents of any kind of Respondent The Highlands, LLC or any agency, branch, division, or other department thereof.

(j) "Respondent Bion", or "Bion" means Respondent Bion Technologies, Inc., including, but not limited to, any employees, attorneys, independent contractors, or other agents of any kind of Respondent Bion Technologies, Inc. or any agency, branch, division, or other department thereof.

(k) - "BioSun Systems" or "BioSun" means BioSun Systems Corporation, 5775 Wayzata Boulevard, Suite 700, Minneapolis, MN 55416, including, but not limited to, any employees, attorneys, independent contractors, or other agents of any kind of BioSun Systems Corporation or any agency, branch, division, or other department thereof.

(l) The "The Highlands facility" or "facility" means the facility that is the subject of this lawsuit, as identified in paragraph six of the Complaint, located just south of Williamsfield in the NE 1/4, Section 10, T.10N, R.4E, Elba Township, Knox County, Illinois. The facility is a 3,650 sow farrow-to-wean operation, comprised of a gestation building, breeding building, a farrowing building, a nursery and a finishing building.

(m) "Residential structures" means any building utilized by the owner of the property in the normal course of everyday living, including out buildings and garages.

(n) "Complaint" means Complainant's Complaint filed on December 21, 1999.

#### INTERROGATORIES

INTERROGATORY NO. 1: Please identify all persons who assisted with the preparation of your responses to these Interrogatories, whom you or your attorney(s) or other agents consulted in the preparation of your responses to these interrogatories, and/or who otherwise provided any information used in the preparation of your responses to these Interrogatories, and indicate the Interrogatories with which each such person assisted or was consulted or provided information.

ANSWER:

INTERROGATORY NO. 2: Please indicate all alternative sites considered for the sow farrow-to-wean operation that ultimately became The Highlands facility, all factors and

considerations that were taken into account in the selection of the present site of The Highlands facility and in any decision-making regarding alternative sites, indicate what those factors and considerations were perceived to be and how each factor or consideration weighed in favor of or against siting the facility at the present location.

ANSWER

INTERROGATORY NO. 3: Please indicate exactly how the location of neighboring residents, including the town of Williamsfield, were taken into consideration in the siting decision, including all analysis of the possible impacts of odor emanating from The Highland facility upon the individual landowners and residents in the area. Please include in your response the names of every neighbor or resident taken into consideration, what were the factors regarding the location of that neighbor and the impact of odor upon that neighbor that were taken into consideration, and what were the conclusions drawn regarding each neighbor and all of the neighbors in general as to their location relative to The Highlands facility and the potential impact of odor emanating from The Highlands facility upon each individual neighbor and all of the neighbors in general. Please include whether or not any dispersion modeling or other form of odor, gas or air pollutant dispersion investigative work was performed or conducted, and if it was done, please describe in detail how it was conducted and the results of the work.

ANSWER

INTERROGATORY NO. 4: Please indicate the date and approximate time of each conversation or correspondence held or exchanged by an agent of Murphy Farms with any

neighbor of the facility concerning potential or actual odor emanating from The Highlands facility, with whom the conversation was held, the content and nature of the conversation or correspondence, and any activity or modification undertaken by Murphy Farms or its agent or agents as a result of any such conversation or correspondence.

ANSWER

INTERROGATORY NO. 5: Please indicate all alternative plans considered for the Highlands facility as to the size of the physical facility, type and size of waste handling, waste storage and waste disposal system, and the animal population, both in terms of numbers and growth phase; all factors and considerations that were taken into account in the selection of the type and size of the facility, the type and size of the waste handling system and size and nature of the animal population; and please indicate what those factors and considerations were perceived to be and how each factor or consideration weighed in favor of or against all alternatives considered, the present size and type of physical facility, the present size and type of waste handling system (including both the Bion system and BioSun system) and present size and nature of the animal population.

ANSWER

INTERROGATORY NO. 6: Please describe any and all modifications made to The Highlands facility in reaction to and in response to odor complaints including all tests and evaluations conducted to ascertain the effectiveness and performance of each, and any and all modifications to The Highlands facility proposed or considered for the purpose of addressing odor complaints that were not or have not been implemented.



ANSWER

INTERROGATORY NO. 7: Please set forth the exact terms of Murphy Farms contractual arrangement and working agreement with The Highlands, LLC; any umbrella contract or working agreement Murphy Farms has with Bion and any agreement or contract Murphy Farms had with Bion specific to The Highlands facility; any umbrella contract or working agreement Murphy Farms has with BioSun and any agreement or contract Murphy Farms has with BioSun specific to The Highlands facility; please include all of Murphy Farms', Bion's and BioSun's obligations under each respective contract or working agreement.

ANSWER

INTERROGATORY NO. 8: Please indicate all involvement of Smithfield Foods in and with The Highlands facility, including the names of all Smithfield personnel who have authority for decisions regarding The Highlands facility and please indicate the nature and level of authority each such individual has, please identify Smithfield personnel who been contacted regarding The Highlands, who have contacted The Highlands, who have visited the site, who have been consulted about the site or who have issued any opinions, correspondence or statements of any kind regarding The Highlands facility; please indicate the dates of their employment with Smithfield, whether they were originally Murphy or Smithfield employees and their current status with regard to Smithfield, and the subject matter, nature, dates, times and duration of their involvement or activity with or regarding The Highlands facility.

ANSWER

INTERROGATORY NO. 9: Please identify all Murphy Farms personnel who have authority for decisions regarding The Highlands facility and please indicate the nature and level of authority each such individual has, please identify all Murphy Farms personnel who have been directly involved in all decision-making regarding any and all aspects of waste handling, management, storage and disposal at The Highlands facility and indicate exactly what aspects of waste management each such individual has been involved in and what decisions each such individual has been responsible for please; please identify all Murphy Farms personnel who have been contacted regarding The Highlands, who have contacted The Highlands, who have visited the site, who have been consulted about the site or who have issued any opinions, correspondence or statements of any kind regarding The Highlands facility; please indicate the subject matter, nature, dates, times and duration of all Murphy personnel's involvement, contact or activity with or regarding The Highlands facility.

ANSWER

INTERROGATORY NO. 10 Please indicate the following with regard to all matters of ownership of the various elements and aspects of The Highlands facility and its operation, including, but not limited to: which entity owns and has control of the hogs, and which entity has what responsibility for and control of all transactions regarding all hogs; which entity owns and has control of all inputs to the hogs, such as medication, feed, feed additives, feed supplements, veterinary services; which entity owns and controls each physical facility, piece of equipment, structure; each entity's role in regard to labor at the facility, including training of the employees; each entity's share and interest in all revenues generated; each entity's responsibility regarding liabilities and expenses; each entity's responsibility for each aspect of the business organization and the agreement that governs the operation of The Highlands

facility.

ANSWER

INTERROGATORY NO. 11. Please indicate the reasoning and factors that form the basis for The Highlands and Murphy Farms insistence on utilizing a partially aerated system or biological additive system in its attempts to control odors at The Highlands facility rather than a physical system, such as lagoon covers, a covered digester, a solids separator and aeration that maintains a minimum of 2 milligrams/liter throughout the system.

ANSWER

INTERROGATORY NO. 12 Please indicate the basis for Murphy Farms refusal to install physical barriers to the emission of odor at The Highlands facility in light of Smithfield's and Murphy Farms' recent settlement agreement in the State of North Carolina that acknowledges the need for technologies that are environmentally superior to lagoons and sprayfields and which obligates Smithfield and Murphy to the development and installation of technologies in that state that are to meet performance standards such as substantial elimination of atmospheric emissions of ammonia and substantial elimination of the emission of odor that is detectable beyond the boundaries of the parcel or tract of land on which the swine farm is located.

ANSWER

INTERROGATORY NO. 13. Please provide a detailed description of the installation and

initiation of the BioSun System at The Highlands facility, including timetables, schedules and actual installation and initiation dates, and all pertinent information as to all that was entailed in the initiation of the system and all data, monitoring information, sampling, test results and records of any kind that have been generated and kept regarding the initiation and performance of the BioSun system.

ANSWER

INTERROGATORY NO. 14 Please indicate the size and volume of all livestock waste handling and storage pits, lagoons or lagoon cells that have existed at any time at The Highlands facility, and the amount of waste or other material that has been contained in all pits, lagoons or lagoon cells at all times since the facility was brought into operation, and please include all calculations performed to arrive at these amounts..

ANSWER

INTERROGATORY NO. 15: For both the Bion and BioSun waste systems, please provide the following: all instructions, guidance and advice received at any time from Bion and BioSun personnel; all management activities undertaken with regard to each system, including schedules established for all management activities and the dates such activities were actually undertaken; all performance testing, sampling and evaluations conducted for each system; identify and describe all bacteria added to create or initiate each system or modify each system and all other biological or chemical additives, including the volume of bacteria or additive placed in the system, the purpose of the bacteria or additive, and the dates each bacteria or additive

was placed in either system; please indicate and describe all modifications made to either system and the date the modification took place; indicate the size and number of aerators used at all times and any changes made to the size or number of aerators in use and indicate all repairs or maintenance work done on any and all aerators in use and the dates of all repair and maintenance work done on the aerators; indicate the number, description and size of equipment used for agitation, the schedule of operation for any equipment used for agitation and the repair and maintenance record and schedule for such equipment; please indicate all efforts undertaken to keep trash, residual feed and farrowing byproducts out of each system or to manage such materials in each system; please identify and provide all monitoring and management information utilized for both systems regarding the impact of swine feeding regimens and use of medications on each waste management system.

ANSWER

INTERROGATORY NO. 16. Please provide production information for The Highlands facility for all time since the facility was placed into operation.

ANSWER

INTERROGATORY NO. 17. Please identify all farmers and contractors who receive hogs from The Highlands facility for feeding and growing, and please list and indicate the number of hogs that have been shipped to each, please describe the terms of the contractual or working agreement that governs such relationship and all consideration or compensation that has been exchanged between each and The Highlands and/or Murphy Farms for the animals or

services.

ANSWER

INTERROGATORY NO. 18. Please describe all aspects of any ventilation systems proposed for, proposed for but not implemented, and installed and utilized at The Highlands facility since operations were begun, including specifications as to all components including design and operating capacities; all data and records pertaining to the performance and operation of all ventilation systems, or portions thereof, utilized at The Highlands facility; and all data and records pertaining to maintenance, repair and modification of the ventilation system or any portion of the ventilation system utilized at The Highlands facility.

ANSWER

INTERROGATORY NO. 19. Please provide any and all weather and climatic data and landscape, terrain or topography data and information that has been collected or generated for the vicinity of The Highlands facility and the facility itself, and please provide any conclusions that have been made based on this data regarding odor movement or dispersion from the facility.

ANSWER

INTERROGATORY NO. 20. Please provide the methodology, pertinent site information and information regarding conditions during testing, the date and time of testing and results of any sampling or testing, including and particularly air and odor sampling and testing designed to

document odors, gases, dust or insects, performed at The Highlands facility and performed on or at any and all properties neighboring or in the vicinity of The Highlands facility.

ANSWER

INTERROGATORY NO. 21 Please provide, from your records and information, a list of dates and times where there have been instances of odor emanating from The Highlands facility.

ANSWER

INTERROGATORY NO. 22: Please provide your position as to whether neighbors of The Highlands facility have been impacted by odors emanating from The Highlands facility and whether offensive odors have been generated at The Highlands facility or have traveled from The Highlands facility to neighboring homes, and please identify all information and documentation upon which you rely in support of your position.

ANSWER

INTERROGATORY NO. 23. Please provide your position as to whether the neighbors' complaints of offensive odors emanating from The Highlands facility are valid, and please identify all information and documentation upon which you rely in support of your position.

ANSWER

INTERROGATORY NO. 24. Please indicate all production, ventilation and waste management activities or modifications undertaken at The Highlands facility which may have caused odor to emanate from The Highlands facility on the dates that are included in Exhibit A attached hereto.

ANSWER

INTERROGATORY NO. 25. Please provide your position as to whether it is technically feasible and economically reasonable to significantly reduce the incidence of detectable unreasonably offensive odors generated at The Highlands facility. To define "significantly reduce the incidence of detectable unreasonably offensive odors" for the purposes of this interrogatory only, please utilize an odor objective of 44 hours per year, which would mean that detectable odors would emanate from The Highlands facility and be detected at The Highlands facility property line, at a maximum of, 44 hours per year, or 0.5 percent of the year.

ANSWER

INTERROGATORY NO. 26: Pursuant to Illinois Supreme Court Rule 213(f), please provide the name, address and phone number of each witness who will testify at trial and state the subject of each witness's testimony.

ANSWER

INTERROGATORY NO. 27: Pursuant to Illinois Supreme Court Rule 213(g), please provide the name, address and phone number of each opinion witness who will offer any



testimony and state:

- (a) The subject matter on which the opinion witness is expected to testify;
- (b) The conclusions and/or opinions of the opinion witness and the basis therefor, including reports of the witness, if any;
- (c) The qualifications of each opinion witness, including a curriculum vitae and/or resume', if any; and
- (d) The identity of any written reports of the opinion witness regarding this occurrence.

ANSWER:

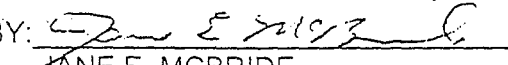
Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS,

ex. rel. JAMES E. RYAN, Attorney General  
of the State of Illinois

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

BY:

  
JANE E. MCBRIDE  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

Dated: 11/15/00

EXHIBIT A

Calendar Year 2000

November, 2000

November 3  
6:45 a.m. to mid-afternoon

October, 2000

October 2  
9:15 a.m. to 9:25 a.m.

October 9  
7:05 a.m. to 8:30 a.m.

October 10  
6:45 a.m. to 10:25 a.m.

October 11  
11:55 a.m. to 12:10 p.m.

October 14  
9:50 a.m. to 5:00 p.m.

October 17  
10:00 a.m. to 4:00 p.m.

October 18  
11:a.m. to 4:30 p.m.

October 19  
2:00 p.m. to 8:00 p.m.

October 20  
1:35 p.m. to 4:30 p.m.

October 24  
5:40 a.m. to 2:30 p.m.

October 26  
11:30 a.m. to 1:40 p.m.

October 27  
8:45 a.m. to 1:00 p.m.

September, 2000

September 3, 7, 8, 9 & 10  
Odor was present

September 12  
1:20 a.m. to 5:00 a.m.

September 13  
began noticing odor at 2:35 p.m.

September 16 & 17  
Odor present

September 18  
12:25 p.m.

September 20  
1:10 a.m. 1:35 a.m.  
odor returned at 12:35 p.m.

August, 2000

August 1  
5:25 a.m. to 6:50 p.m.

August 2  
5:20 a.m. 3:20 p.m.

August 5  
10:30 p.m. to 11:40 p.m.

August 6  
5:00 a.m. to 3:35 p.m.

August 7  
8:10 a.m. to 11:45 a.m.

August 8  
8:40 a.m. to 8:00 p.m.

August 9  
5:00 a.m. to 6:40 a.m.

August 11  
12:05 a.m. to 8:35 a.m.

August 13  
7:00 a.m. to 12:10 p.m. (On and Off)

August 15  
9:10 a.m. to 3:00 p.m.

August 18  
11:50 a.m. to 2:05 p.m.

August 20  
5:45 a.m. to 6:15 a.m.

August 22  
2:40 p.m. to 3:20 p.m.

August 28  
8:30 a.m. to 8:45 a.m.

July, 2000

July 3  
12:25 a.m. to 10:00 a.m.

July 4  
1:15 p.m. to 2:00 p.m.

July 9  
9:30 a.m. to 10:45 a.m.

July 12  
5:20 p.m. to 6:10 p.m.

July 13  
5:15 p.m. to 9:05 p.m.

July 17  
2:10 a.m. to 1:30 p.m.

July 20  
4:50 a.m. to 3:00 p.m.

July 22  
6:10 a.m. to 8:20 a.m.

July 25  
8:20 a.m. to 8:25 a.m.

July 26  
1:25 a.m. to 3:20 p.m.

July 27  
2:30 p.m. to 4:45 p.m.

July 28  
12:01 a.m. to 1:20 p.m.

July 31  
7:25 a.m. to 8:20 a.m.

June, 2000

June 6  
6:00 p.m. to 8:20 p.m.

June 8  
8:20 a.m. to 1:30 p.m.

June 11  
5:00 p.m. to 9:00 p.m.

June 12  
3:45 p.m. to 8:30 p.m.

June 14  
1:55 p.m. to 11:00 p.m.

June 15  
7:45 a.m. to 3:20 p.m.

June 16  
4:30 a.m. to 3:30 p.m.

June 18  
8:50 p.m. to 9:45 p.m.

June 20  
7:30 p.m. to 7:35 p.m.

June 21  
3:16 a.m. to 9:00 p.m.

June 22  
12:50 a.m. to 10:30 a.m.  
9:10 p.m. to 12:25 a.m.

June 23  
5:10 p.m. to 6:45 p.m.

June 25  
6:25 a.m. to 12:30 p.m.

June 26  
5:10 a.m. to 9:30 a.m.

June 27  
9:20 a.m. to 9:20 p.m.

June 28  
1:20 a.m. to 9:20 p.m.

June 29  
2:10 a.m. to 9:30 p.m.  
10:25 p.m. to 4:30 a.m.

June 30  
4:30 a.m. to 7:30 a.m.

May, 2000

May 1  
6:3 a.m. to 5:15 p.m.

May 7  
10:15 a.m. to 5:30 p.m.

May 8  
2:05 p.m. to 7:00 p.m.

May 9  
6:25 a.m. to 2:30 p.m.

May 10  
4:45 a.m. to 1:30 p.m.

May 12  
9:05 p.m. to

May 14  
8:45 a.m. to 9:10 p.m.

May 16  
11:00 a.m. to 2:00 p.m.

May 18  
1:00 a.m. to 4:30 p.m.

May 22  
10:45 a.m. to 6:55 p.m.

May 23  
7:40 p.m. to 12:00 a.m.

May 24  
12:00 a.m. to 6:30 a.m.

May 25  
2:15 p.m. to 8:35 p.m.

May 26  
10:45 a.m. to 6:35 p.m.

April, 2000

April 3  
6:10 a.m. to 7:40 a.m.

April 5  
8:45 p.m. to 10:30 p.m.

April 8  
9:00 p.m. to 10:30 p.m.

April 9  
6:35 a.m. to 3:20 p.m.

April 16  
5:30 p.m. to 7:30 p.m.

April 20  
12:20 p.m. to 5:05 p.m.

April 22  
4:10 a.m. to 7:20 p.m.

April 26  
4:20 p.m. to 5:10 p.m.

April 27  
10:20 a.m. to 9:30 p.m.

April 28  
3:35 a.m. to 9:25 p.m.

March, 2000

March 3  
4:00 a.m. to 4:38 a.m.

March 4  
5:30 a.m. to 5:15 p.m.

March 5  
6:00 a.m. to 6:30 a.m.

March 7  
1:10 p.m. to 6:10 p.m.

March 9  
12:10 a.m. to 4:30 p.m.

March  
5:50 a.m. to 6:30 p.m.

March 13  
2:40 a.m. to 9:00 p.m.

March 15  
1:15 p.m. to 6:30 p.m.

March 24  
12:50 p.m. to 7:30 p.m.

March 27  
5:50 p.m. to 7:00 p.m.

March 31  
10:30 a.m. to 6:30 p.m.

February, 2000

February 2  
4:00 a.m. to 9:00 a.m.

February 3  
5:50 a.m. to 9:35 a.m.

February 5  
10:00 a.m. to 10:10 p.m.

February 8  
10:00 a.m. to 12:30 p.m.

February 9  
9:20 a.m. 2:30 p.m.

February 10  
8:00 a.m. to 11:05 a.m.



February 19  
2:05 p.m. to 8:00 p.m.

February 21  
5:10 p.m. to 5:20 p.m.

February 24  
10:00 a.m. to 6:15 p.m.

February 25  
7:50 p.m. to 8:30 p.m.

February 27  
9:30 p.m. to 10:30 p.m.

January, 2000

January 6  
10:15 a.m. to 6:30 p.m.

January 10  
6:10 a.m. to 8:30 p.m.

January 18  
11:35 a.m. to 5:17 p.m.

January 19  
10:47 a.m. to 11:30 a.m.

January 21  
6:45 a.m. to 7:40 a.m.

January 30  
8:00 a.m. to 10:30 a.m.

January 31  
6:15 a.m. to 1:30 p.m.

Calendar Year 1999

November, 1999

November 1  
1:00 p.m. to 1:30 p.m.

November 3  
5:35 a.m. to 6:00 p.m.

November 10  
10:00 a.m. to 2:33 p.m.

November 13  
7:15 a.m. to unknown

November 15  
10:00 a.m. to 12:35 p.m.

November 17  
9:25 a.m. to 10:15 p.m.

November 19  
7:50 a.m. to 2:15 p.m.

November 20  
4:45 a.m. to 2:30 p.m.

November 22  
6:55 a.m. to 8:30 a.m.

November 23  
1:15 a.m. to 3:05 p.m.

November 27  
8:15 a.m. to 9:45 a.m.

October, 1999

October 5  
2:00 p.m. to 4:55 p.m.

October 8  
2:05 p.m. to 3:06 p.m.

October 10  
7:35 a.m. to 2:00 p.m.

October 13  
6:45 a.m. to 7:05 a.m.

October 18  
10:20 a.m. to 1:15 p.m.

October 19  
11:35 a.m. to 1:30 p.m.

October 20  
8:30 a.m. to 5:30 p.m.

October 21  
12:05 p.m. to 2:00 p.m.

October 24  
11:53 a.m. to 1:30 p.m.

October 25  
1:00 p.m. to 4:00 p.m.

October 28  
9:05 a.m. to 6:35 p.m.

October 30  
12:35 p.m. to 7:44 p.m.

October 31  
5:35 p.m. to 6:30 p.m.

September, 1999

September 4  
7:14 p.m. to 8:05 p.m.

September 5  
8:14 a.m. to 12:30 p.m.

September 6  
7:50 p.m. to 9:20 p.m.

September 8  
6:25 a.m. to 10:00 p.m.

September 9  
4:45 a.m. to 1:00 p.m.

September 10  
8:22 a.m. to 7:00 p.m.

September 12  
12:20 p.m. to 2:37 p.m.

September 13  
6:30 a.m. to 2:15 p.m.

September 15  
3:22 a.m. to 4:15 a.m.

September 18  
3:55 p.m. to 4:30 p.m.

September 22  
6:35 a.m. to 8:00 p.m.

September 26  
7:02 p.m. to 7:45 p.m.

September 30  
10:15 a.m. to 11:00 p.m.

August, 1999

August 1  
5:30 a.m. to 8:00 a.m.

August 3  
7:20 a.m. to 8:00 a.m. - 12:00 p.m. to 5:30 p.m.

August 4  
3:23 a.m. to 6:00 a.m.

August 5  
3:35 a.m. to 7:00 a.m.

August 6  
3:37 a.m. to 11:18 a.m.

August 7  
8:57 a.m. to 9:20 a.m.

August 9  
1:15 p.m. to 2:00 a.m.

August 10  
5:46 a.m. to 8:21 a.m.

August 11  
11:13 a.m. to 12:00 p.m.

August 12  
3:15 p.m. to 4:00 p.m.

August 13  
1:32 a.m. to 7:10 a.m.

August 18  
6:30 a.m. to 7:45 a.m.

August 21  
12:10 p.m. to 1:30 p.m.

August 23  
6:15 p.m. to 7:30 p.m.

August 26  
3:57 a.m. to 5:00 a.m.

August 27  
5:38 a.m. to 4:22 p.m.

August 28  
4:25 a.m. to 12:23 p.m.

July, 1999

July 1  
9:00 a.m. to 7:35 p.m.

July 7  
5:12 a.m. to 11:21 p.m.

July 9  
4:40 a.m. to 10:45 p.m.

July 12  
6:20 p.m. to 1:30 a.m.

July 13  
8:20 a.m. to 3:30 p.m.

July 17  
2:41 a.m. to 10:00 p.m.

July 19  
7:35 a.m. to 6:30 p.m. - 9:30 p.m. to 1:01 a.m.

July 21  
7:30 a.m. to 3:20 p.m.

July 22  
7:55 a.m. to 9:26 p.m.

July 23  
1:05 a.m. to 3:25 p.m.

July 26  
7:52 a.m. to 9:00 a.m. - 10:45 a.m. to 12:41 a.m.

July 27  
5:02 p.m. - went away

July 28

6:28 a.m. to 6:40 a.m. - 7:30 p.m. to 11:00 p.m.

July 30

12:53 a.m. to 11:05 a.m.

July 31

5:50 a.m. to 4:30 p.m.

June, 1999

June 1

12:30 p.m. to 7:00 p.m.

June 2

6:00 a.m. to 10:00 a.m.

June 7

12:35 p.m. to 2:00 p.m.

June 10

1:30 p.m. to 4:00 p.m.

June 11

4:35 p.m. to 9:00 p.m.

June 12

9:00 a.m. to 11:30 p.m.

June 16

12:45 p.m. to 2:35 p.m.

June 17

4:50 p.m. to 6:00 p.m.

June 18

6:15 p.m. to 7:10 p.m.

June 19

off and on all day

June 22

2:30 p.m. to 6:40 p.m.

June 23

4:20 a.m. to 9:55 a.m.

June 25

9:20 a.m. to 9:55 a.m.

June 26

11:20 a.m. to 1:15 p.m.

June 27

11:15 a.m. to 12:10 p.m.

June 29

7:50 a.m. to 12:20 p.m.

June 30

4:20 a.m. to 7:35 a.m.

May, 1999

May 5

2:30 p.m. to 6:00 p.m.

May 13

4:30 p.m. to 8:15 p.m.

May 15

2:30 p.m. to 6:00 p.m.

May 16

7:00 a.m. to 12:00 p.m.

May 19

9:30 a.m. - off and on all day

May 24

9:00 a.m. to 10:00 a.m.

May 28

10:00 a.m. all day

May 31

6:00 a.m. to 8:00 a.m.

April, 1999

April 1

All day

April 2

9:00 a.m. to 10:00 a.m. - 11:00 a.m. to 2:15 p.m.

April 6

12:15 a.m. to 11:30 p.m.

April 7  
3:30 p.m. to 9:00 p.m.

April 8  
7:10 p.m. to 9:30 p.m.

April 9  
6:10 a.m. to 6:30 p.m.

April 11  
7:00 a.m. to 2:00 p.m.

April 12  
1:30 p.m. to 2:35 p.m.

April 13  
7:00 a.m. to 3:37 p.m.

April 16  
11:45 a.m. to 5:00 p.m.

April 17  
6:40 a.m. to 1:15 p.m.

April 18  
7:05 a.m. to 5:30 p.m.

April 20  
9:30 a.m. to 12:50 a.m.

April 22  
2:00 p.m. to 3:10 p.m.

April 25  
All day

April 26  
7:00 a.m. to 1:00 p.m.

#### March, 1999

March 1  
2:10 p.m. to 4:30 p.m.

March 15  
1:00 p.m. to 3:15 p.m.

March 17  
10:00 a.m. to 1:30 p.m.



March 29  
8:10 a.m.

February, 1999

February 7  
3:00 p.m. to 4:30 p.m.

February 9  
3:00 p.m. to 6:15 p.m.

February 12  
11:00 a.m. to 3:30 p.m.

February 13  
7:00 a.m. to 3:30 p.m.

February 17  
7:40 p.m. to 9:55 p.m.

January, 1999

January 16  
10:30 a.m. to 5:50 p.m.

January 22  
9:40 a.m. to 5:00 p.m.

January 24  
7:15 a.m. to 2:30 p.m.

Calendar Year 1998

December, 1998

December 8  
8:00 a.m. to 7:00 p.m.

December 9  
12:10 p.m. to 3:30 p.m.

December 10  
7:45 a.m. to 3:00 p.m.

December 11  
8:00 a.m. to 4:55 p.m.

December 14  
9:50 a.m. to 5:50 p.m.

December 15  
4:40 a.m. to 5:50 p.m.

December 17  
6:55 a.m. to 6:50 p.m.

December 18  
1:20 p.m. to 7:35 p.m.

December 22  
5:45 p.m. to

December 23  
6:50 p.m. to 11:00 p.m.

December 24  
4:30 p.m. to 6:22 p.m.

December 31  
9:00 a.m. to 9:00 p.m.

November, 1998

November 10  
8:45 a.m. to 8:00 p.m.

November 11  
5:45 a.m. to 4:30 p.m.

November 12  
12:05 p.m. to 2:50 p.m.

November 13  
2:50 a.m. to 4:35 p.m.

November 15  
10:00 p.m. to 1:30 a.m.

November 23  
11:30 p.m. to 9:00 p.m.

November 25  
7:25 a.m. to 5:30 p.m.

November 26  
7:35 p.m. to 9:30 p.m.

November 27  
11:30 a.m. to 2:00 p.m.

October, 1998

October 7  
7:25 a.m. to 8:35 a.m.

October 18  
7:40 a.m. to all day

October 19  
8:20 a.m. to 1:30 p.m.

October 20  
7:40 a.m. to 9:30 a.m.

October 21  
6:30 a.m. to 9:30 a.m.

October 22  
1:35 p.m. to 4:37 p.m.

September, 1998

September 1  
5:15 a.m. to 11:30 p.m.

September 2  
1:14 p.m. to 8:30 p.m.

September 6  
2:10 p.m. to 3:48 p.m.

September 7  
5:02 a.m. to 6:30 a.m.

September 11  
10:15 a.m. to 2:27 p.m.

September 12  
8:15 a.m. to 6:25 p.m.

September 13  
6:15 p.m. to 10:30 p.m.

September 14  
10:12 p.m. to 10:51 p.m.

September 15  
4:37 a.m. to 8:10 a.m.

September 18  
7:15 p.m. to 8:20 p.m.

September 19  
2:15 p.m. to 9:30 p.m.

September 27  
6:35 a.m. to 9:30 a.m.

September 29  
7:35 a.m. to 2:30 p.m.

September 30  
8:00 a.m. to 5:10 p.m.

August, 1998

August 4  
8:15 p.m. to 9:00 p.m.

August 5  
11:55 a.m. to 12:30 p.m.

August 6  
6:10 p.m. to 9:30 p.m.

August 7  
2:05 p.m. to 2:50 p.m.

August 9  
8:35 p.m. to 10:05 p.m.

August 10  
10:50 a.m. to 10:45 a.m.

August 14  
5:45 a.m. to 12:30 p.m.

August 15  
7:15 a.m. to 7:30 p.m.

August 16  
5:25 a.m. to 9:30 a.m.

August 17  
9:30 a.m. to 3:28 p.m.

August 20  
7:25 a.m. to 2:00 p.m.

August 21  
9:56 a.m. to 5:25 p.m.

August 24  
9:55 a.m. to 2:30 p.m.

August 28  
9:22 a.m. to 11:30 p.m.

August 29  
6:04 a.m. to 7:29 p.m.

July, 1998

July 1  
9:00 a.m. to 7:35 p.m.

July 2  
5:20 p.m. to 7:00 p.m.

July 3  
6:40 p.m. to 7:05 p.m.

July 5  
12:33 p.m. to 3:30 p.m.

July 6  
7:23 p.m. to 12:05 p.m.

July 7  
5:12 a.m. to 8:29 p.m.

July 9  
8:10 a.m. to 9:00 p.m.

July 12  
6:20 p.m. to 1:30 a.m.

July 13  
8:15 p.m. to 9:45 p.m.

July 14  
7:35 a.m. to 6:30 p.m.; 9:30 p.m. to 1:00 a.m.

July 15  
11:00 a.m. to 8:00 p.m.

July 17  
2:00 p.m. to 5:55 p.m.

July 19  
11:20 a.m. to 10:00 p.m.

July 21  
7:30 a.m. to 3:20 p.m.

July 22  
7:55 a.m. to 9:20 a.m.

July 23  
10:55 a.m. to 3:25 p.m.

July 26  
7:52 a.m. to 9:00 a.m.; 10:45 p.m. to 12:40 a.m.

July 27  
5:02 p.m.

July 28  
6:28 a.m. to 6:40 a.m.; 7:33 p.m. to 11:00 p.m.

July 30  
12:55 a.m. to 11:05 p.m.

July 31  
5:50 a.m. to 4:30 p.m.

June, 1998

June 1  
12:30 p.m. to 7:00 p.m.

June 2  
6:00 a.m. to 10:00 a.m.

June 7  
12:35 p.m. to 2:00 p.m.

June 10  
1:30 p.m. to 4:00 p.m.

June 11  
4:35 p.m. to 9:00 p.m.

June 12  
9:00 a.m. to 11:20 p.m.

June 15  
4:50 a.m. to 6:00 p.m.

June 16  
12:45 p.m. to 3:35 p.m.

June 18  
6:15 a.m. to 7:10 p.m.

June 19  
7:24 a.m. to 5:00 p.m.

June 22  
2:30 p.m. to 6:40 p.m.

June 23  
11:30 a.m. 1:05 p.m.

June 26  
11:15 a.m. to 12:00 p.m.

June 27  
11:15 a.m. to 12:10 p.m.

June 29  
7:59 a.m. to 12:20 p.m.

June 30  
4:20 a.m. to 7:35 a.m.

May, 1998

May 5  
2:30 p.m. to 6:00 p.m.

May 13  
4:00 p.m. to 5:00 p.m.

May 15  
7:30 p.m. to 11:30 p.m.

May 16  
7:00 a.m. to 12:00 p.m.

May 17  
9:30 a.m. to all day

May 24  
9:00 a.m. all day

May 28  
7:00 a.m. to 9:30 a.m.

May 29  
6:00 a.m. to 8:00 a.m.

May 31  
all day



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS )  
)  
Complainant, ) PCB No. 00-104  
) (Enforcement)  
v. )  
)  
THE HIGHLANDS, LLC, an Illinois limited )  
Liability corporation, MURPHY FARMS, INC., )  
a/k/a MURPHY FAMILY FARMS, a North )  
Carolina corporation, and BION )  
TECHNOLOGIES, INC., a Colorado )  
corporation )  
)  
Respondents. )

RESPONDENT HIGHLANDS, LLC  
FIRST SET OF INTERROGATORIES TO COMPLAINANT

Respondent Highlands, LLC, pursuant to Illinois Supreme Court Rules 201 and 213, hereby demands that Complainant People of the State of Illinois, *ex rel.* James E. Ryan, Attorney General of the State of Illinois, answer the following interrogatories within 28 days of the date of service hereof.

DEFINITIONS AND INSTRUCTIONS

1. In construing and responding to these interrogatories, the following words and phrases, unless otherwise indicated, shall have the following meanings:
  - a. "Person" means any individual, firm, association, corporations, company, partnership, joint venture, business organization, or any other entity, including, without limitation, any party to this action.
  - b. "Document" shall have the meaning given to it in Illinois Supreme Court Rule 201(b)(1).

EXHIBIT F

c. "State" shall mean People of the State of Illinois, the complainant herein, along with its employees, officers, divisions, departments, agencies, affiliates, attorneys, and any other person(s) acting or purporting to act on its behalf.

d. "Murphy" shall mean Murphy Farms, Inc., respondent herein, along with its predecessors, affiliates, divisions, parents, subsidiaries, successors, associates, directors, officers, agents, employees, servants, attorneys, and any other person(s) acting or purporting to act on its behalf.

e. "Highlands" shall mean Highlands, L.L.C., respondent herein, along with its predecessors, affiliates, divisions, parents, subsidiaries, successors, associates, directors, officers, agents, employees, servants, attorneys, and any other person(s) acting or purporting to act on its behalf.

f. "Bion" shall mean Bion Technologies, Inc., respondent herein, along with its predecessors, affiliates, divisions, parents, subsidiaries, successors, associates, directors, officers, agents, employees, servants, attorneys, and any other person(s) acting or purporting to act on its behalf.

g. "Highlands Farm" or "Farm" means the farm that is the subject of this enforcement action, as identified in paragraph 6 of the complaint, located south of Williamsfield, in Elba Township, Knox County, Illinois.

h. "Refer," "refers to," "referring to," "relates," "relates to," "relating to," "concerns," "concerning," "associated," and "associated with" shall be interpreted to encompass that which is legally, logically, factually, or in any way connected to, in whole or in part, the subject matter identified so as to be included within the scope of discovery set forth in Supreme Court Rule 201.

i. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of a request any document which might otherwise be construed as outside its scope.

j. The singular form of any and all words shall include the plural, and the plural shall include the singular.

k. "Communication" means any transfer or exchange of information or ideas which is made orally, electronically, by document, or otherwise, and which occurs in a face-to-face meeting, by telephone, by mail, by personal delivery, or by any other means.

l. "Statement," when used in connection with a witness, shall include any and all oral or written communications of any kind or nature, whether formal or informal, and whether made in the context of a formal or informal interview, telephone conversation, computer e-mail, or any other format, including but not limited to any discussions, interviews, responses to questions, volunteered information or unsolicited reports.

m. "Possession, custody, or control" shall mean joint or several possession, custody, or control not only by the person to whom this request for production is addressed, but also joint or several possession, custody, or control by each or any other person acting or purporting to act on that person's behalf, whether as employee, contractor, attorney, accountant, agent, sponsor, spokesman, or otherwise.

n. "You" or "your" means the State (see definition of "State" above).

2. For any information that is withheld based on a claim of privilege, please expressly state the claim of privilege, state the specific basis of the claim of privilege, describe the information withheld including the nature and general subject matter of the information, and provide the factual basis for your claim of privilege with respect to such information.

3. "State all facts" shall mean to state all facts discoverable under the Code of Civil Procedure which are known by the person(s) answering these interrogatories or which such person(s) can obtain.

4. "Describe in detail" shall mean to set forth with particularity the facts or events being requested including, when referring to an act, discussion, communication, meeting or event, a complete description of:

- a. when and where it occurred;
- b. who was present and involved (including the identity, employment, business title, and responsibilities of each participant);
- c. what was said or done by each of the participants;
- d. whatever information on setting, context, or surrounding circumstances is necessary to make the description complete, accurate, and not misleading; and
- e. the purposes and results of the conduct or event being described.

5. "Identify," when used in reference to a document, means to state:

- a. the nature or type of document;
- b. a brief description of its contents;
- c. the name, business address, job title and responsibilities of the author and of each person who has made any notation thereon, or has signed or initialed the document;
- d. the date of the document;
- e. the name, business address, job title and responsibilities of each recipient and designated recipient of the document or any copy thereof;
- f. the name, business address, job title and responsibilities of any person who now has (or is last known to have had) possession, custody or control of the document; and

g. whether the document will be withheld under a claim of privilege or otherwise, and the legal or factual basis for any such claim.

6. "Identify," when used in reference to a person, means to state the person's full name, present or last known business and home addresses and telephone numbers of employer, or business or professional affiliation, job title, position or vocation.

7. "Identify," when used in reference to an entity, means to state its full name, form of the business (corporation or other), the address of its principal office or place of business, and its telephone number.

8. These interrogatories are continuing; supplemental answers must be served between the date these interrogatories are answered and the time of the hearing in this matter.

9. If any interrogatory cannot be answered fully, as full an answer as possible should be provided. As to any partial answer, state the reason(s) for your inability to answer fully and give any information, knowledge, or belief regarding the portion unanswered.

### INTERROGATORIES

1. Identify any person who participated, assisted, was consulted, or provided any information used, in the preparation of your answers to these interrogatories, and identify all documents consulted in the preparation of your answers to these interrogatories.

2. Describe in detail all information relied upon in preparing the Complaint in this matter, and identify all documents constituting or relating to such information.

3. Identify all communications between the State and any other person concerning the Highlands Farm, and identify all documents concerning such communications.

4. Identify all communications between the State and any other person concerning odors associated with the Highlands Farm, and identify all documents concerning such communications.

5. Identify and describe in detail all complaints made by any person concerning odors associated with the Highlands Farm, and identify all documents concerning such complaints.

6. Describe in detail any testing, sampling, observations, or any other analysis concerning wastes, waste treatment, air quality, and odors at or in the vicinity of the Highlands Farm, and identify all documents relating to any such testing, sampling, observations, or other analysis.

7. Identify any photographs, videotapes, drawings, maps, or other pictorial representations of any kind relating to the Highlands Farm.

8. Describe in detail any site visit, inspection, or other observation, by any person, of conditions at or in the vicinity of the Highlands Farm, and identify all documents relating to any such site visit, inspection, or other observation.

9. Identify all livestock farms in the State of Illinois which utilize biological treatment systems for treatment of livestock waste and describe in detail the systems in place on each such farm.

10. Identify all weather, climatic, landscape, and topographical information or data that has been collected or generated relating to the location and vicinity of the Highlands Farm, describe in detail all theories or conclusions of any person that have been made based on this information or data concerning odor movement or dispersion from the Highlands Farm, and identify all documents relating to such information, data, theories and conclusions.

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11. Describe in detail any observations, evaluations, or conclusions of any person, including but not limited to any consultant, relating to odors emanating from or likely to emanate from the Highlands Farm, and identify all documents relating to such observations, evaluations, or conclusions.

12. Describe in detail any evaluation or analysis performed by any person concerning waste treatment practices at the Highlands Farm, and identify all documents relating to such evaluation or analysis.

13. Describe in detail any evaluation or analysis performed by any person concerning the validity or corroboration of any complaint or comment concerning odors emanating from the Highlands Farm, and identify all documents relating to such evaluation or analysis.

14. Describe in detail any evaluation or analysis performed by any person concerning the factors causing or contributing to odor generation in connection with livestock waste and livestock waste treatment, and identify all documents relating to such evaluation or analysis.

15. Identify the factual bases for the State's conclusions, as stated in paragraph 26 of the Complaint in this matter, that (1) respondents have caused or allowed odors to emanate from the Highlands Farm, (2) such odors are offensive, and (3) such allegedly offensive odors have unreasonably interfered with the enjoyment of life and property by neighboring residents, and identify all documents relating to such factual bases.

16. Identify all documents concerning the cost and the economic and practical feasibility of the odor reduction alternatives identified in paragraph 81 of the Complaint in this matter.

17. Identify all documents concerning the State's interpretation and application of the standard set forth in Section 9(a) of the Illinois Environmental Protection Act, 415 ILCS 5/9(a) (the "Section 9(a) standard"), as the Section 9(a) standard relates to any livestock facility

including but not limited to any livestock confinement farm. Responsive documents include but are not limited to all documents relating to the State's application of the Section 9(a) standard to any situation involving allegations of offensive odors at or from livestock facilities, settlement documents concerning the State's compromise of matters relating to the Section 9(a) standard as applied to livestock facilities, correspondence between the State and any person concerning the application of the Section 9(a) standard to livestock facilities, internal or external memoranda concerning the applicability of the Section 9(a) standard to livestock facilities, interpretive guidance documents to the regulated community, any member of the regulated community, or any other stakeholder concerning the applicability of the Section 9(a) standard to livestock facilities, and any other document that illuminates the State's interpretation or otherwise relates to the State's application of the Section 9(a) standard to livestock facilities.

18. Identify any person who you anticipate will testify at the hearing in this matter and describe in detail the anticipated subject matter of such persons' testimony

19. Identify any person who you anticipate will provide opinion testimony at the hearing in this matter and, for each such person:

- a. describe in detail the anticipated subject matter of the opinion witness's testimony;
- b. describe in detail the conclusions and opinions of the opinion witness and the basis for such conclusions and opinions;
- c. describe in detail the qualifications of each opinion witness to provide the anticipated testimony;
- d. identify all documents and other things that provide the basis for the person's opinions, or on which the person relied in developing his or her opinions;



e. identify any and all occasions on which the person has given opinion testimony in a deposition, trial, arbitration, mediation, or other evidentiary proceeding;


f. identify all occasions on which the State has retained the person in the past;

g. identify all documents that constitute, contain, report, or otherwise relate to the person's opinions;

h. state whether such person has been involved in the past, or currently is involved, in any way, as a consultant or otherwise, in any livestock facility's effort to come into compliance or to remain in compliance with the standard set forth in Section 9(a) of the Illinois Environmental Protection Act, 415 ILCS 5/9(a); and

i. state the estimate of such person of the costs associated with implementation of each of the odor reduction alternatives identified in paragraph 81 of the Complaint in this matter and identify all documents relating to such estimate(s).

HIGHLANDS, LLC

By:   
One of its attorneys

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