

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WESLEY BRAZAS, JR.,)	PCB No. 06-131
)	
Petitioner,)	
)	Appeal from IEPA decision
vs.)	granting Modified NPDES Permit
)	
JEFFREY R. MAGNUSSEN,)	
PRESIDENT, VILLAGE OF)	
HAMPSHIRE, AND THE)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondents.)	

REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Mr. Wesley J. Brazas, Jr.
44 W 331 Big Timber Road
Hampshire, IL 60140

NOW COMES the Respondents JEFFREY R. MAGNUSSEN, VILLAGE PRESIDENT and VILLAGE OF HAMPSHIRE, and for their Request for Production of Documents, hereby request that Petitioner provide copies of, or produce for copying, on or before May 8, 2006, the following documents related to his Petition for Review of a Decision by the Illinois Environmental Protection Agency:

DEFINITIONS

A. As utilized herein, the term "documents" as used in this request includes but is not limited to papers, photographs, films, recordings, memoranda, e-mail messages, books, records, accounts, communications, written, typed, printed, transcribed, filed or graphic matter of every kind and description, originals, copies or originals, or copies, drafts, carbon copies, printouts, letters, correspondence, telegrams, transcripts, notes, statements, reports, memoranda (including those of telephone or other conversations), minutes, agenda, communications, plans specifications, diagrams, drawings, working papers, financial statements and records, accounting data, property records, travel records, purchase orders, invoices, receipts, checks, checkbooks, bank accounts, legal documents, stenographic notes, photostats, photographs, computer printouts, films, microfilms, summaries, discs, reels, tapes, computer programs or other forms of mechanical or electrical transcription of information, tables, diary entries, schedules, desk calendars or pads, appointment books, and time sheets or records.

B. The words "and" as well as "or" are to be construed either disjunctively or conjunctively so as to bring within the scope of this request any matters which otherwise might be construed as outside its scope.

C. The term "relating to in any way" means in any way logically or factually connected with the matter set forth.

D. To the extent that production of any document or documents is withheld by reason of the assertion of any privilege or otherwise, submit to the Defendants in writing the following information regarding each such document:

- i. The subject matter of such document;
- ii. the date of such document
- iii. the identity of the preparer of such document;
- iv. the identity of each receipt, or addressee, to whom said document or any copy thereof was shown, mailed or delivered; and
- v. the specific basis upon which such document was withheld.

E. The obligation to produce the documents requested herein is intended to be of a continuing nature so that, if at any time after compliance with this request the party responding to this Request for Production of Documents comes into possession of any falling within the scope of this request for production of documents, the Plaintiff should furnish such document or documents to the Defendants promptly after receipt.

F. The obligation to produce documents requested herein extends to any and all documents in the possession of the Plaintiff, his counsel, agents, employees, advisors, or any and all persons or other entities acting or purporting to act on his behalf. If any documents were, but no longer are, in the Plaintiff's possession or control, supply the information requested in Paragraph D above.

DOCUMENTS TO BE PRODUCED

1. A copy of your current or last held Professional Engineering License or Registration with the State of Illinois and/or any other governmental entity, including any correspondence, memoranda, notes, notices, or other documentation pertaining to suspension, revocation, discipline censure, or other disciplinary action pertaining to said license or registration.

2. Any and all correspondence, letters, memoranda, notes, or other written documentation submitted to the Illinois Environmental Protection Agency relating to the application of the Village of Hampshire for modification of its NPDES permit to allow discharge from its wastewater treatment facility as expanded to 1.5 mgd treatment capacity.

3. Any and all letters, correspondence, notes, or other written memoranda describing the delivery of EMS services to your location in or around the Village of Hampshire and Hampshire Township, including but not limited to call out reports and routes designated to be taken or actually taken by EMS vehicles in response to same.

4. Any and all correspondence, letters, notes, reports, tests, and other written memoranda relating to the water quality of Hampshire Creek.

5. Any and all letters, correspondence, notes, reports, studies, tests, written statements, affidavits, or other written memoranda relating to the amount of radium contained in water produced by any of the Village wells.

6. Any and all letters, correspondence, notes, studies reports, tests, written statements, affidavits, or other written memoranda including governmental regulations or rules that impose on the IEPA “an affirmative duty to insure that receiving waters are not degraded due to the single effect of a permit applicant, and/or to insure the cumulative effects of all permits on said receiving waters maintained the quality of waters that is better than water quality standards and/or prevents unnecessary deterioration of waters of the state.”

7. Any and all letters, correspondence, notes, reports, studies, tests, applications, affidavits, or written statements or other written memoranda, including any other NPDES permit issued by IEPA, which evidence “typical NPDES permits” stating pollutant limits as load limits in lbs/day and concentration limits in mg/l.

8. Any and all letters, correspondence, notes, studies reports, tests, written statements, affidavits, or other written memoranda, including governmental regulations or rules, that impose on the IEPA that would require the Village of Hampshire and/or IEPA to perform a study, prior to the issuance of a modified NPDES permit “assuring that the increase in discharge, when combined with other sources, will not cause a violation of any applicable water quality standard (as otherwise required by Special Condition 5).”

9. Any and all letters, correspondence, notes, studies reports, tests, written statements, affidavits, or other written memoranda, including governmental regulations or rules, that require the Village of Hampshire to report on radium “present in substantial quantities” in the effluent of its wastewater treatment facility.

10. Any and all letters, correspondence, notes, studies, reports, tests, written statements, affidavits, or other written memoranda which evidence that the increase in discharge from 1.5 mgd DAF and 4.17 mgd DMF “without evaluation of the results of Special Condition 9 parameters unnecessarily jeopardizes the water quality of Hampshire Creek.”

11. Any and all letters, correspondence, notes, studies, reports, tests, affidavits, written statements or other written memoranda relating to the average daily flow rate in the Village’s wastewater treatment facility.

12. Your Affidavit that your response is complete in accordance with this request.

VILLAGE OF HAMPSHIRE,

By: _____
Mark Schuster
Schnell, Bazos, Freeman, Kramer, Schuster
& Vanek

CERTIFICATE OF MAILING

TO: Mr. Wesley J. Brazas, Jr.
44 W 331 Big Timber Road
Hampshire, IL 60140

The undersigned states that he/she mailed a copy of the above Request for Production to the party indicated above, by sending same by e-mail transmission, and by depositing same, postage prepaid, in a U.S. Postal Box, with any and all attachments, in Elgin, Illinois on April 14, 2006.

Subscribed and sworn to before me
this ____ day of _____, 2006.

Notary Public

Hamp/NPDES/Document Req.