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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEORIA DISPOSAL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 06-184
)	(Pollution Control Facility Siting
)	Appeal)
PEORIA COUNTY BOARD,)	
)	
Respondent.)	

**FIRST SET OF REQUESTS TO ADMIT OF PETITIONER, PEORIA DISPOSAL
COMPANY, DIRECTED TO RESPONDENT, PEORIA COUNTY BOARD**

NOW COMES Petitioner, Peoria Disposal Company, by and through its attorneys Brian J. Meginnis and George Mueller, P.C., and hereby requests that Respondent, Peoria County Board (the "County Board"), admit the truth of the following facts under oath, within 28 days of receipt of this request:

(Any and all capitalized terms not defined herein should be ascribed the meanings given them in the Petition for Review).

Admissions Regarding Exhibit Volume for Depositions

1. Exhibit 1(A) in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of the Certificate of Record on Appeal, dated July 27, 2006 (with cover letter and Index), filed in this appeal by the County Board.
2. Exhibit 1(B) in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of the Certificate of Supplemental Record on Appeal, dated August 17, 2006 (with cover letter and Index), filed in this appeal by the County Board.
3. Exhibit 2 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of the Staff Report, dated March 27, 2006, filed with the Peoria County Clerk on March 28, 2006.
4. Exhibit 2 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of pages C12093-198 of the Record filed in this appeal by the County Board, and is missing C12156-57 and C12160-61.
5. Exhibit 3 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of the Supplemental Staff Report, dated April 3, 2006.
6. Exhibit 3 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board has not been filed in the Record submitted to the Pollution Control Board in this appeal.

7. Exhibit 4 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of the Transcript of the April 3, 2006 Site Hearing Subcommittee Meeting (without index).

8. Exhibit 4 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of pages C13353-88 of the Record filed in this appeal by the County Board.

9. Exhibit 4 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not placed in the files of the Peoria County Clerk for review by the public during the siting process.

10. Exhibit 4 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not tendered to the Peoria Disposal Company during the siting process.

11. Exhibit 4 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was first made available to the public when it was posted on the County's website.

12. Exhibit 4 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was first made available to the Peoria Disposal Company when same was posted on the County's website.

13. Exhibit 5 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of the April 6, 2006 Regional Pollution Control Site Hearing Committee Meeting (without index).

14. Exhibit 5 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of pages C13410-44 of the Record filed in this appeal by the County Board.

15. Exhibit 5 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not placed in the files of the Peoria County Clerk for review by the public during the siting process.

16. Exhibit 6 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a Memorandum regarding the PDC Expansion Vote, dated April 26, 2006 (two copies).

17. Exhibit 6 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of pages C13459-60 and C13625-26 of the Record filed in this appeal by the County Board.

18. Exhibit 6 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not placed in the files of the Peoria County Clerk for review by the public during the siting process.

19. Exhibit 7 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a typed page with packet titled "Special Conditions" attached thereto.

20. Exhibit 7 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of pages C13606-11 of the Record filed in this appeal by the County Board.

21. Exhibit 7 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not placed in the files of the Peoria County Clerk for review by the public during the siting process.

22. Exhibit 7 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not tendered to Peoria Disposal Company during the siting process.

23. Exhibit 8 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of an email from Patrick Urich to JoAnn Thomas and Megan Fulara.

24. Exhibit 8 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of page C13612 of the Record filed in this appeal by the County Board.

25. Exhibit 8 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not placed in the files of the Peoria County Clerk for review by the public during the siting process.

26. Exhibit 8 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not tendered to Peoria Disposal Company during the siting process.

27. Exhibit 9 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of an agenda.

28. Exhibit 9 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of page C13613 of the Record filed in this appeal by the County Board.

29. Exhibit 9 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not placed in the files of the Peoria County Clerk for review by the public during the siting process.

30. Exhibit 10 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board are true and accurate copies of "Citizens Remarks" cards, dated May 3, 2006.

31. Exhibit 10 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board are copies of pages C13614-24 of the Record filed in this appeal by the County Board.

32. Exhibit 11 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a document titled "Recommended Findings of Fact," filed with the Peoria County Clerk on April 27, 2006.

33. Exhibit 11 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of pages C13627-40 of the Record filed in this appeal by the County Board.

34. Exhibit 12 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board are true and accurate copies of two Agenda Briefings dated April 26, 2006.

35. Exhibit 12 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board are copies of pages C13641 and C13642 of the Record filed in this appeal by the County Board.

36. Exhibit 12 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not placed in the files of the Peoria County Clerk for review by the public during the siting process.

37. Exhibit 13 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a document titled "Special Conditions" with certain portions thereof highlighted.

38. Exhibit 13 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of pages C13643-47 of the Record filed in this appeal by the County Board.

39. Exhibit 13 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not placed in the files of the Peoria County Clerk for review by the public during the siting process.

40. Exhibit 13 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was not tendered to the Peoria Disposal Company during the siting process.

41. Exhibit 14 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of the Transcript of the May 3, 2006 Meeting of the Peoria County Board, and four pages of charts with hand-written notes thereon.

42. Exhibit 14 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a copy of pages C13711-34 of the Record filed in this appeal by the County Board.

43. The Transcript of the May 3, 2006 Meeting of the Peoria County Board, included in Exhibit 14 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board, was not placed in the files of the Peoria County Clerk for review by the public during the siting process.

44. The Transcript of the May 3, 2006 Meeting of the Peoria County Board, included in Exhibit 14 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board, was not tendered to the Peoria Disposal Company during the siting process.

45. The Transcript of the May 3, 2006 Meeting of the Peoria County Board, included in Exhibit 14 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board, was first made available to the public when it was posted on the County's website.

46. The Transcript of the May 3, 2006 Meeting of the Peoria County Board, included in Exhibit 14 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board, was first made available to the Peoria Disposal Company when same was posted on the County's website.

47. The Transcript of the May 3, 2006 Meeting of the Peoria County Board, included in Exhibit 14 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board, was first posted on the County's website on May 12, 2006.

48. The four pages of charts with hand-written notes thereon, included in Exhibit 14 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board, were not placed in the files of the Peoria County Clerk for review by the public during the siting process.

49. The four pages of charts with hand-written notes thereon, included in Exhibit 14 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board, were not tendered to the Peoria Disposal Company during the siting process.

50. Exhibit 15 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a Print-out from Clerk's website, dated August 15, 2006.

51. Exhibit 18 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of an email dated March 3, 2006, from Megan Fulara to Karen Raithel.

52. Exhibit 18 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was produced by Megan Fulara during her discovery deposition in this appeal.

53. Exhibit 19 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of an email dated November 9, 2005, from Karen Raithel to Megan Fulara.

54. Exhibit 19 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was produced by Megan Fulara during her discovery deposition in this appeal.

55. Exhibit 20 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a document titled "Timeline for Review of Peoria Disposal Company's Application for Site Review."

56. Exhibit 20 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was produced by Megan Fulara during her discovery deposition in this appeal.

57. Exhibit 21 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a document titled "Subpart C: Filing of Local Record," with certain handwritten notes thereon.

58. The handwritten notes on Exhibit 21 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board were made by Megan Fulara.

59. Exhibit 21 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was produced by Megan Fulara during her discovery deposition in this appeal.

60. Exhibit 22 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of an email dated June 23, 2006, from Lyn Schmidt to Megan Fulara.

61. Exhibit 22 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board was produced by Megan Fulara during her discovery deposition in this appeal.

62. Exhibit 23 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a packet of copies produced in discovery by Carol Trumpe.

63. Exhibit 25 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a packet of notes produced in discovery by Phil Salzer.

64. Exhibit 26 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of an email dated April 5, 2006, from Ted Converse to Brian Elsasser.

65. Exhibit 27 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a newsletter promulgated by the Sierra Club, produced by G. Allen Mayer in discovery.

66. Exhibit 28 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of a list of emails dated June 23, 2006, produced by G. Allen Mayer in discovery.

67. Exhibit 29 in the Exhibit Volume for Depositions previously tendered to counsel for the County Board is a true and accurate copy of an email dated May 3, 2006, from Melva Hunter to David Williams.

Admissions Regarding Documents Attached Hereto

68. Exhibit A attached hereto consists of true and accurate copies of a cover letter and a check delivered to the Peoria County Clerk on November 9, 2005.

69. Exhibit A was received by the Peoria County Clerk on November 9, 2005, with the application for siting approval prepared by the Peoria Disposal Company.

70. Exhibit A bears the signature of Megan Fulara.

71. Megan Fulara was Deputy County Clerk on November 9, 2005.

72. Megan Fulara signed Exhibit A on November 9, 2005.

73. The application for siting approval prepared by the Peoria Disposal Company was delivered to the Peoria County Clerk on November 9, 2005.

74. The application for siting approval prepared by the Peoria Disposal Company was received by the Peoria County Clerk on November 9, 2005.

75. Exhibit B attached hereto is a true and accurate copy of a receipt created or generated by the Peoria County Clerk on November 9, 2005.

76. Exhibit B was created or generated by Megan Fulara.

77. Exhibit B records the receipt by the Peoria County Clerk of a check in the amount of \$50,000.00 on November 9, 2005.

78. Exhibit C attached hereto is a true and accurate copy of the check received by the Peoria County Clerk from Peoria Disposal Company on November 9, 2005.

79. Exhibit B records the receipt by the Peoria County Clerk of the filing fee for the application for siting approval prepared by the Peoria Disposal Company.

80. The filing fee for the application for siting approval prepared by the Peoria Disposal Company in the amount of \$50,000 was delivered to the Peoria County Clerk on November 9, 2005.

81. The filing fee for the application for siting approval prepared by the Peoria Disposal Company in the amount of \$50,000 was received by the Peoria County Clerk on November 9, 2005.

Admissions Regarding Binder Produced Herewith

82. Document 1, enclosed in the binder produced herewith, is a true and accurate copy of a communication received by one or more members of the County Board.

83. Document 2, enclosed in the binder produced herewith, is a true and accurate copy of a communication received by one or more members of the County Board.

84. Document 3, enclosed in the binder produced herewith, is a true and accurate copy of a communication received by one or more members of the County Board.

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103. Document 22, enclosed in the binder produced herewith, is a true and accurate copy of a communication received by one or more members of the County Board.

446. Document 365 , enclosed in the binder produced herewith, is a true and accurate copy of a communication received by one or more members of the County Board.
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850. Document 11 was not filed with the Peoria County Clerk prior to May 3, 2006.

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1202. Document 363 was not filed with the Peoria County Clerk prior to May 3, 2006.
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1598. Document 1 has not been filed in the Record submitted to the Pollution Control Board in this appeal.

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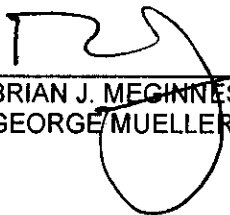
1973. Document 376 has not been filed in the Record submitted to the Pollution Control Board in this appeal.

1974. Document 377 has not been filed in the Record submitted to the Pollution Control Board in this appeal.

1975. Document 378 has not been filed in the Record submitted to the Pollution Control Board in this appeal.

1976. Document 379 has not been filed in the Record submitted to the Pollution Control Board in this appeal.

Respectfully submitted,
Peoria Disposal Company, Petitioner



BRIAN J. MCINNIS and
GEORGE MUELLER, Its Attorneys

906-1048

STATE OF ILLINOIS)
)
COUNTY OF PEORIA) SS

AFFIDAVIT OF SERVICE & FILING

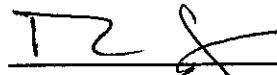
The undersigned being first duly sworn on oath, states that a copy of the foregoing FIRST SET OF REQUESTS TO ADMIT OF PETITIONER, PEORIA DISPOSAL COMPANY DIRECTED TO RESPONDENT, PEORIA COUNTY BOARD was served upon the following persons as set forth below on the 20th day of September, 2006:

Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
via U.S. Mail from Peoria, IL
(without the binder referenced therein)
[FIVE (5) Copies]

Mr. Kevin Lyons
Peoria County State's Attorney
324 Main Street, Room #111
Peoria, Illinois 61602
via hand delivery
(with the binder referenced therein)

Mr. David A. Brown
Black, Black & Brown
101 South Main Street
P.O. Box 381
Morton, Illinois 61550
via U.S. Mail from Peoria, IL
(without the binder referenced therein)
and via Federal Express from Peoria, IL
(with the binder referenced therein)

Ms. Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
via U.S. Mail from Peoria, IL
(without the binder referenced therein)
and via Federal Express from Peoria, IL
(with the binder referenced therein)



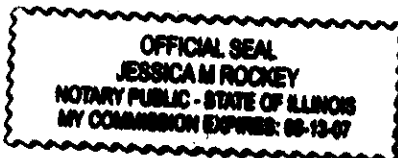
Brian J. Meginnes
(print name)

Subscribed and sworn to before me this 20th day of September, 2006.



Notary Public

GEORGE MUELLER
628 Columbus Street, Suite #204
Ottawa, Illinois 61350
(815) 431-1500 - Telephone
(815) 431-1501 - Facsimile
george@muelleranderson.com



BRIAN J. MEGINNES
416 Main Street, Suite #1400
Peoria, Illinois 61602-1611
(309) 637-8000 - Telephone
(309) 637-8514 - Facsimile
bmeiginnes@emrslaw.com



Peoria Disposal Company

Received: Megan Elara
Printed Name: Megan Elara
Date: 11/9/05

November 9, 2005

Peoria County Clerk
324 Main Street
Peoria, Illinois 61602

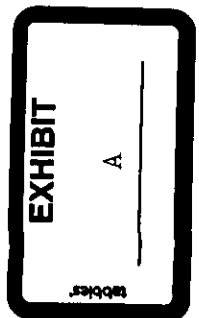
**RE: Pollution Control Facility Siting Application
PDC No. 1 Landfill Expansion
Peoria Disposal Company**

Dear County Clerk:

Peoria Disposal Company (PDC) is submitting the attached Pollution Control Facility Siting Application to expand the PDC No. 1 Landfill. A check for the \$50,000.00 siting application fee is enclosed. The application provides the information required by Chapter 7.5 Article II of the Peoria County Code and the Illinois Environmental Protection Act (415 ILCS 5/39).

In accordance with the Peoria County Code, 37 copies of the siting application are submitted. These include 35 copies for Peoria County and one copy for each of the two municipalities within one and one-half (1-1/2) miles of the proposed facility (i.e. City of Peoria and City of West Peoria). As previously agreed, one paper copy of Exhibit A to the application (Permit Applications and Related Correspondence with U. S. EPA and Illinois EPA), which comprises 43 boxes of documents, is provided. An electronic copy (pdf file format) of Exhibit A is included with each application copy. Furthermore, eight of the application copy sets include a full paper copy of all application appendices. Electronic copies of the appendices are provided in the remaining application copy sets. The following provides a summary of the attachments:

- Copy Nos. 1 through 8 – seven binders, each with a paper copy of the text and all appendices, and an electronic copy of Exhibit A. The original signature by PDC's principal executive officer is provided in Copy No. 1. In addition, an electronic copy of the full application text and appendices is provided on a CD in the front pocket of Copy No. 1, Volume 1.



P.O. Box 9071
Peoria, IL 61612-9071
(309) 688-0760



100% recycled paper

4700 N. Sterling Ave.
Peoria, IL 61615-3647
Fax: (309) 688-0881

- Copy Nos. 9 through 37 – two binders, each with a paper copy of the application text and an electronic copy of all appendices and Exhibit A.
- One paper copy of Exhibit A (43 boxes).

As you know, communications between the County and PDC regarding this application are highly restricted by the Illinois Environmental Protection Act. We, therefore, are unable to answer questions regarding the content of the application, except during the siting hearing.

Thank you in advance for your consideration of our siting application.

Sincerely,

Peoria Disposal Company



Ron L. Edwards

Vice President – Landfill Development and Operations

Enclosure: Siting Application Fee

Attachments: 37 copies: Siting Application Text and Appendices (23 boxes)
1 paper copy: Exhibit A (43 boxes)

cc: Royal Coulter
Brian Meginnes
PDC Technical Services, Inc.

t:\projects\91-143 pdc 1\expansion siting\application\siting application transmittal.doc

Peoria Disposal Company



100% recycled paper


CHECK NO. 29246 DATE 11/03/2005

Peoria Disposal Company P.O. Box 9071 Peoria, Illinois 61612-9071 309-688-8033

VENDOR PEORIA COUNTY CLERK

INVOICE NUMBER	INVOICE DATE	GROSS AMOUNT	DISCOUNTS, RETENTIONS PAYMENTS TO DATE	PAYMENT AMOUNT
SITING APP FEE	10/20/2005	50,000.00	.00	50,000.00
		50,000.00	.00	50,000.00


THE FACE OF THIS DOCUMENT HAS COLORED BACKGROUND ON WHITE PAPER AND MICROPRINTING

 <p>Peoria Disposal Company P.O. Box 9071 Peoria, Illinois 61612-9071</p>	<p>TO ORDER 741</p>	<p>National City Bank Springfield, Illinois</p>	<p>NO. 29246</p>
	<p>DATE 11/03/2005</p>		
<p>Fifty Thousand and 00/100 Dollars</p>			
<p>PAY TO THE ORDER OF</p>		<p>AMOUNT</p>	<p>\$*****50,000.00</p>
<p>PEORIA COUNTY CLERK</p>		<p><i>Royal A. Coulter</i> _____ AUTHORIZED SIGNATURE</p>	

THE BACK OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK

29246 1071100049 0010116645

THE FACE OF THIS DOCUMENT HAS COLORED BACKGROUND ON WHITE PAPER AND MICROPRINTING

 **Peoria Disposal Company**
P.O. Box 9071 Peoria, Illinois 61612-9071

70-1191
711 National City Bank
Springfield, Illinois

NO. **29246**

DATE 11/03/2008

Fifty Thousand and 00/100 Dollars

PAY TO THE ORDER OF

PEORIA COUNTY CLERK

AMOUNT \$*****50,000.00

Royal J. Gault
AUTHORITY SIGNATURE

THE BACK OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK

29246# 00711000490 0010116645# 0005000000#

PO410001241
4100110406

FOR DEPOSIT ONLY
JOANN THOMAS
PEORIA COUNTY CLERK

EXHIBIT

C