

ILLINOIS POLLUTION CONTROL BOARD
October 31, 2006

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

HEARING OFFICER ORDER

On October 16, 2006, respondent (the County) filed an objection to Peoria Disposal Company's (PDC) first set of requests to admit, or in the alternative, a motion for extension of time to respond. PDC filed a response on October 20, 2006.

The County argues that the 1,976 requests are burdensome and unreasonable. The first issue pertains to items 461 through 839. The issue is whether alleged *ex parte* communications sent by landfill opponents to County Board Members were sent to PDC by the author or sender of the communication. The County argues that it is no better position to answer these items than is PDC, and the County should not have to bear the burden and cost of acquiring this information.

PDC responds that, contrary to the County's assertion that these requests seek information about what third parties might have done, the specific requests seek only answers and information exclusively available to the County.

The hearing officer finds that PDC does not adequately explain why the County would have information on whether the members of the public who sent them communications also sent those communications to PDC. Either party wanting this information would have to seek out the member of the public directly. The hearing officer sustains the County's objection to items 461 through 839.

The County's second objection pertains to items 1,598 through 1,976. The requests ask the County to admit that the alleged *ex parte* communications were not included in the record filed with the Illinois Pollution Control Board (Board). The County argues that this is an attempt to transfer the cost and burden of comparing the documents in the request to admit with the documents in the County's record. Since the County should be aware of all documents filed with the Board as part of the record, the hearing officer overrules the County's objection.

On October 31, 2006, the parties participated in a telephone status conference with the hearing officer. The parties agree to the following discovery deadlines: the

County's responses to PDC's request to admit numbers 1-81 are due by November 8, 2006; responses to the remaining requests are due by November 30, 2006. The deadline for any additional summary judgment motions filed by PDC is November 29, 2006.

A hearing was set for January 8 through January 11, 2007. The parties stated that the issues to be presented at hearing differ from those addressed in the partial summary judgment motions, thus the hearing may continue even if the Board has not ruled on the outstanding motions.

The parties are directed to participate in a telephone status conference with the hearing officer at 1:00 p.m. on December 6, 2006. The status conference shall be initiated by the petitioner.

The decision deadline for this case is currently March 1, 2007. PDC may file an additional deadline waiver to extend the post-hearing briefing schedule.

IT IS SO ORDERED.



Carol Webb
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 31, 2006, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on October 31, 2006:

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