

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

PEORIA DISPOSAL COMPANY,

Petitioner,

v.

PEORIA COUNTY BOARD,

Respondent.

**COPY**

PCB 06-184

(Pollution Control Facility Siting  
Appeal)

**RESPONDENT, PEORIA COUNTY BOARD'S PARTIAL RESPONSE TO FIRST  
SET OF REQUESTS TO ADMIT OF PETITIONER, PEORIA DISPOSAL  
COMPANY (Requests 1 through 81)**

**NOW COMES** Respondent, Peoria County Board, by and through its attorneys David A. Brown, and hereby responds as follows:

(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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted. However, Respondent states that it has filed a Motion with the Pollution Control Board to supplement the Record to include this document as part of the Record on 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).

Response: Admitted.

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.

Response: Admitted.

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.

Response: Denied. Said document was in the files of the Peoria County Clerk and was available for review and viewing by the public as part of the Peoria County Clerk's regular County Board files. However, Respondent admits that it was not held with the application related files.

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.

Response: Respondent admits that it did not tender the document specifically to Peoria Disposal Company during the siting process. However, Respondent states the document was available to the Peoria Disposal Company and all other members of the public, both on the County's website as well as in the County Clerk's office.

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.

Response: Admitted.

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.

Response: Admitted.

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).

Response: Admitted.

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.

Response: Admitted

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.

Response: Denied. Said document was in the files of the Peoria County Clerk and was available for review and viewing by the public as part of the Peoria County Clerk's regular County Board files. However, Respondent admits that it was not held with the application related files.

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).

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Denied. Said document was in the files of the Peoria County Clerk and was available for review and viewing by the public as part of the Peoria County Clerk's regular County Board files. However, Respondent admits that it was not held with the application related files.

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.

Response: Admitted.

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 Ulrich to JoAnn Thomas and Megan Fulara.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Denied. Said document was in the files of the Peoria County Clerk and was available for review and viewing by the public as part of the Peoria County Clerk's regular County Board files. However, Respondent admits that it was not held with the application related files.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Denied. Said document was in the files of the Peoria County Clerk and was available for review and viewing by the public as part of the Peoria County Clerk's regular County Board files. However, Respondent admits that it was not held with the application related files.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Denied. Said document was in the files of the Peoria County Clerk and was available for review and viewing by the public as part of the Peoria County Clerk's regular County Board files. However, Respondent admits that it was not held with the application related files.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Denied. Said document was in the files of the Peoria County Clerk and was available for review and viewing by the public as part of the Peoria County Clerk's regular County Board files. However, Respondent admits that it was not held with the application related files.

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.

Response: Respondent admits that it did not tender the document specifically to Peoria Disposal Company during the siting process. However, Respondent states the document was available to the Peoria Disposal Company and all other members of the public, both on the County's website as well as in the County Clerk's office.

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.

Response: Respondent is not able to determine whether the transcripts from the May 3, 2006, Meeting of the Peoria County Board was first made available in the Clerk's office or on the County 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.

Response: Respondent is not able to determine whether the transcripts from the May 3, 2006, Meeting of the Peoria County Board was first made available in the Clerk's office or on the County 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.

Response: Admitted.

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.

Response: Denied. Said document was in the files of the Peoria County Clerk and was available for review and viewing by the public as part of the Peoria County Clerk's regular County Board files. However, Respondent admits that it was not held with the application related files.



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.

Response: Admitted.

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.

Response: Denied. The Print-out appears to be a true and accurate copy of a print-out from the County's website dated August 15, 2006, and not the Clerk's website.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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."

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Denied. Exhibit 27 appears to be a list of emails produced by G. Allen Mayer in discovery, and not the Sierra Club newsletter.

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.

Response: Denied. Exhibit 28 appears to be a copy of a newsletter promulgated by the Sierra Club, and produced by G. Allen Mayer in discovery, and not the list of e-mails.

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.

Response: Admitted.

#### **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.

Response: Admitted.

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.

Response: Admitted.

70. Exhibit A bears the signature of Megan Fulara.

Response: Admitted.

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

Response: Admitted.

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

Response: Admitted.

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

Response: Admitted.

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

Response: Admitted.

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.

Response: Admitted.

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

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

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.

Response: Admitted.

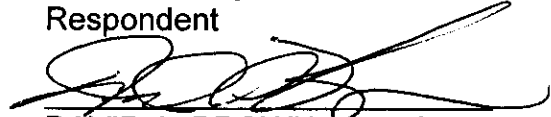
80. The filing fee for the application for siting approval prepared by the Peoria Disposal Company in the amount of \$50,000 was delivered to the Peoria County Clerk on November 9, 2005.

Response: Admitted.

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.

Response: Admitted.

Respectfully submitted,  
Peoria County Board,  
Respondent



DAVID A. BROWN, one of its  
Attorneys

### VERIFICATION

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 this instrument are true and correct, except as to matters therein stated to be on information and belief or that he has no knowledge sufficient to form a belief as to the truth of the allegations and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated: November 7, 2006.



Patrick Urich, Peoria County Administrator

Black, Black & Brown  
Attorneys at Law  
101 S. Main Street  
P.O. Box 381  
Morton, IL 61550  
Phone: (309) 266-9680  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

NOV 13 2006

STATE OF ILLINOIS  
Pollution Control Board

PEORIA DISPOSAL COMPANY

Petitioner,

v.

PEORIA COUNTY BOARD,

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COPY

PCB 06-184

(Pollution Control Facility Siting  
Appeal)

**AFFIDAVIT OF SERVICE**

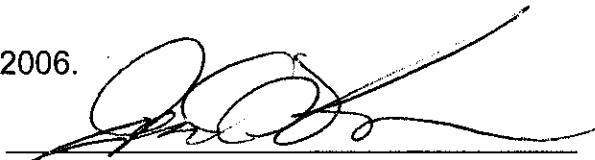
The undersigned, being duly sworn upon oath, states that a copy of the attached Respondent Peoria County Board's Partial Response to First Set of Requests to Admit of Petitioner, Peoria Disposal Company (Requests 1 through 81), was served upon the following persons by enclosing such documents in separate envelopes, addressed as follows, and depositing said envelopes in the U.S. Postal Service mail box at Morton, Illinois on the 8th day of November, 2006, before 5:00 p.m., with all fees thereon fully prepaid and addressed as follows:

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

George Mueller, P.C.  
Attorney at Law  
628 Columbus Street, Suite 204  
Ottawa, IL 61350

Brian J. Meginnes  
Elias, Meginnes, Riffle & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, IL 61602

Dated: November 8th, 2006.

  
David A. Brown

Subscribed and sworn to before me, a Notary Public, in the County and State as aforesaid, this 8th day of Nov., 2006.



  
Notary Public