

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JUN 30 2008

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF WILLIAMSON COUNTY ex rel )  
STATE'S ATTORNEY CHARLES GARNATI, )  
And THE WILLIAMSON COUNTY BOARD, )

Petitioners, )

v. )

KIBLER DEVELOPMENT CORPORATION, )  
MARION RIDGE LANDFILL, INC., and )  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )

Respondents. )

Case No. PCB 2008-93  
Permit Appeal-Land

**NOTICE OF FILING AND PROOF OF SERVICE**

The undersigned certifies that an original and three copies of the foregoing Interrogatories and Requests to Produce directed to Petitioners and of this Notice of Filing and Proof of Service, were served upon the Clerk of the Illinois Pollution Control Board, and one copy to each of the following parties of record and hearing officer in this cause by enclosing same in an envelope addressed to:

John Therriault, Acting Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

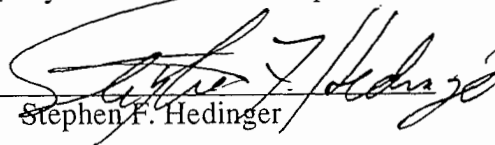
Michael J. Ruffley  
Assistant State's Attorney  
200 Jefferson  
Williamson County Courthouse  
Marion, IL 62959

Melanie Jarvis  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

Carol Webb, Hearing Officer  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Jennifer Sackett Pohlenz  
Querrey & Harrow  
75 West Jackson Boulevard  
Suite 1600  
Chicago, IL 60604-2827

with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mail Box in Springfield, Illinois before 5:30 p.m. on the 26th day of June, 2008. Copies were also served via fax and email before 8:30 p.m. on June 25, 2008.

  
Stephen F. Hedinger

Hedinger Law Office  
2601 South Fifth Street  
Springfield, IL 62703  
Telephone: (217) 523-2753  
Fax: (217) 523-4366

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**RESPONDENTS' FIRST SET OF INTERROGATORIES**

NOW COME Respondents, KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC., through their undersigned attorney, and hereby request that Petitioner PEOPLE OF WILLIAMSON COUNTY ex rel STATE'S ATTORNEY CHARLES GARNATI answer the following Interrogatories separately and fully, in writing under oath or certification within fourteen (14) days of the receipt hereof, in accordance with the hearing officer order in this case, at Hedinger Law Office, 2601 South Fifth Street, Springfield, Illinois 62703

**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).

c. “Petitioner” shall mean the Petitioner named herein to whom these interrogatories are directed, along with its employees, officers, divisions, departments, agencies, affiliates, attorneys, and any other person(s) acting or purporting to act on its behalf. “Petitioner” also means “you.”

d. “Illinois EPA” shall mean the Illinois Environmental Protection Agency.

e. “Williamson County Board” means the other Petitioner herein, along with its employees, officers, divisions, departments, agencies, affiliates, attorneys, and any other person(s) acting or purporting to act on its behalf.

f. “Kibler Development”, and “Marion Ridge Landfill” shall mean respectively Kibler Development Corporation and Marion Ridge Landfill, Inc., Respondents 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. “The landfill”, “the subject landfill”, “landfill”, “site”, or “facility” means the sanitary landfill or solid waste disposal site that is the subject of this proceeding, located in Williamson 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-toface 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 in formal, 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.

2. Please produce the answers to these interrogatories, along with the requested documents, at the offices of Hedinger Law Office, 2601 South Fifth Street,

Springfield, Illinois, 62703, on or before the day required.

3. For any responsive document that previously was in your possession, custody, or control but is no longer in your possession or custody or subject to your control, or which was known to you but is no longer in existence, please state what disposition was made of such document or what became of it.

4. For any responsive document that is withheld from production based on a claim of privilege, please provide the following information in a privilege log.

a. the name of the author(s) of the document and the employer of such author(s);

b. the name of each recipient of the document, including all persons to whom a copy was sent and persons with knowledge of the contents of the document, and each recipient's employer;

c. the name of each person who participated in the preparation of the document;

d. the date on which the document was first created and the date the document bears, if different; and

e. the specific basis for the privilege claimed with respect to the document.

5. 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.

6. Please produce all original responsive documents, as well as nonconforming copies and any copies with markings or other matter not appearing on the

face of the original, including blind copies for persons other than the recipient shown on the document.

### 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, indicate the Interrogatories with which each such person assisted or was consulted or provided information, and please identify all documents consulted in the preparation of your answers to these interrogatories and indicate the interrogatory for which each such document was consulted in preparation of an answer.

ANSWER:

INTERROGATORY NO. 2: Identify all facts you relied upon in each paragraph for the Petition For Review you filed in this case, including all factual matter, consultation, opinions and all other information pertinent to the allegations made, and identify all documents constituting or relating to such information.

ANSWER

INTERROGATORY NO. 3: Please provide the names and addresses of each individual with knowledge of any fact identified in your answer to Interrogatory No. 2 above.

ANSWER

INTERROGATORY NO. 4: Pursuant to Illinois Supreme Court Rule 213(f)(1), please provide the name and address of each witness who will testify at hearing in this matter and state the subject of each witness's testimony.

ANSWER:

INTERROGATORY NO. 5: Pursuant to Illinois Supreme Court Rule 213(f)(2) and (3) , please provide the name and address of each independent and controlled expert witness who will offer any testimony and state all information required by Supreme Court Rule 213(f)(2) and (3), including:

- (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;
- (d) The identity of 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; and
- (e) The identity of any written reports of the opinion witness regarding this occurrence, and any and all other documents that constitute, contain, report or otherwise related to the person's opinions.

ANSWER:

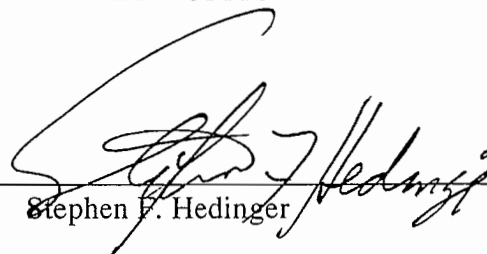
Respectfully Submitted,

KIBLER DEVELOPMENT  
CORPORATION and MARION RIDGE  
LANDFILL, INC.,  
Respondents,

By their attorney,

HEDINGER LAW OFFICE

BY:



Stephen F. Hedinger

HEDINGER LAW OFFICE  
2601 S. Fifth St.  
Springfield, Illinois 62703  
(217) 523-2753 phone  
(217) 523-4366 fax

*This pleading is being submitted on recycled paper.*



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Respondents. )

**RESPONDENTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

NOW COME Respondents, KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC., through their undersigned attorney, and hereby request that Petitioner WILLIAMSON COUNTY BOARD produce the following documents, under oath or certification within fourteen (14) days of the receipt hereof, in accordance with hearing officer order, at Hedinger Law Office, 2601 South Fifth Street, Springfield, Illinois 62703

**DEFINITIONS AND INSTRUCTIONS**

1. In construing and responding to these requests, 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).

c. "Petitioner" shall mean the Petitioner to whom these requests are directed, along with its employees, officers, divisions, departments, agencies, affiliates, attorneys, and any other person(s) acting or purporting to act on its behalf. "Petitioner" also means "you."

d. "Illinois EPA" shall mean the Illinois Environmental Protection Agency.

e. "People of Williamson County" means the other Petitioner herein, along with its employees, officers, divisions, departments, agencies, affiliates, attorneys, and any other person(s) acting or purporting to act on its behalf.

f. "Kibler Development", and "Marion Ridge Landfill" shall mean respectively Kibler Development Corporation and Marion Ridge Landfill, Inc. , Respondents herein, along with their predecessors, affiliates, divisions, parents, subsidiaries, successors, associates, directors, officers, agents, employees, servants, attorneys, and any other person(s) acting or purporting to act on their behalf.

g. "The landfill", "the subject landfill", "landfill", "site", or "facility" means the sanitary landfill or solid waste disposal site that is the subject of this proceeding, located in Williamson 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 in formal, 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.

2. Please produce the requested documents at the offices of Hedinger Law Office, 2601 South Fifth Street, Springfield, Illinois, 62703, on or before the day required.

3. For any responsive document that previously was in your possession, custody, or control but is no longer in your possession or custody or subject to your control, or which was known to you but is no longer in existence, please state what disposition was made of such document or what became of it.

4. For any responsive document that is withheld from production based on a claim of privilege, please provide the following information in a privilege log.

- a. the name of the author(s) of the document and the employer of such author(s);
- b. the name of each recipient of the document, including all persons to whom a copy was sent and persons with knowledge of the contents of the document, and each recipient's employer;
- c. the name of each person who participated in the preparation of the document;
- d. the date on which the document was first created and the date the document bears, if different; and
- e. the specific basis for the privilege claimed with respect to the document.

5. These requests are continuing; supplemental production must be served between the date these requests are answered and the time of the hearing in this matter.

6. Please produce all original responsive documents, as well as nonconforming copies and any copies with markings or other matter not appearing on the face of the original, including blind copies for persons other than the recipient shown on the document.

**REQUEST FOR PRODUCTION**

REQUEST NO. 1: Any and all documents relied upon by you in drafting your Petition For Review in this case.

ANSWER:

REQUEST NO. 2: Any and all documents relating to the retention of any Special Assistant State's Attorney for this matter or any other matter relating to the landfill, and/or relating to the retention of any other consultants with respect to this matter or the landfill.

ANSWER:

REQUEST NO. 3: Any and all documents in any way relating to or pertaining to Kibler Development Corporation and Marion Ridge Landfill, Inc. concerning any and all allegations, assertions or claims made within or in relation to the Petition For Review in this matter.

ANSWER:

REQUEST NO. 4: Any and all documents relied upon, or which you intend to introduce, refer to, mention, or in any other way relate to the hearing in this matter.

REQUEST NO. 5: All documents from, to, or concerning the Federal Aviation Administration (FAA), the Williamson County Airport, any hospital located in

Williamson County, any subdivision or individuals within any subdivision located within Williamson County, and any citizens group, not-for-profit organization, or unincorporated association, in any way referring to or relating to, or in any way involving or mentioning, Kibler Development, Marion Ridge Landfill, the landfill, or the permit that is the subject matter of this action or any predecessor permits.

Respectfully Submitted,

KIBLER DEVELOPMENT  
CORPORATION and MARION RIDGE  
LANDFILL, INC.,  
Respondents,

By their attorney,

HEDINGER LAW OFFICE

BY: 

Stephen F. Hedinger

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