

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY	)	
	)	
Complainant,	)	
	)	
v.	)	AC 2012-051
	)	(IEPA No. 87-12-AC)
NORTHERN ILLINOIS	)	(Administrative Citation)
SERVICE COMPANY,	)	
	)	
Respondent.	)	

COMPLAINANT'S FIRST INTERROGATORIES TO RESPONDENT

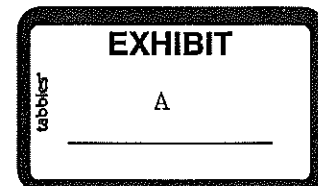
NOW COMES the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its counsel, Special Assistant Attorney General Scott B. Sievers, and, pursuant to 35 Ill. Adm. Code 101.620, does serve its first interrogatories upon the Respondent, Northern Illinois Service Company.

DEFINITIONS

“Administrative Citation” means the administrative citation filed on May 7, 2012 by the Complainant, Illinois Environmental Protection Agency, with the Pollution Control Board in the action styled *Illinois Environmental Protection Agency v. Northern Illinois Service Company*, (PCB No. AC 2012-051).

“Petition for Review” means the Petition for Review filed on June 11, 2012 by the Respondent, Northern Illinois Service Company, with the Pollution Control Board in the action styled *Illinois Environmental Protection Agency v. Northern Illinois Service Company*, (PCB No. AC 2012-051).

“Records” means all correspondence, documents, e-mails, invoices, letters, memoranda, notes,



notices, papers, photographs, receipts, recordings, reports, statements, writings, and other documentary materials, including—but in no way limited to—those materials in paper and electronic form.

“Site” means the Respondent’s facility at 4781 Sandy Hollow Road, Rockford, Winnebago County, Illinois.

“You” means the Respondent, Northern Illinois Service Company.

### INTERROGATORIES

1. State the full name, title, current residence address, and telephone number of each individual who participated in answering Complainant’s First Interrogatories to Respondent, and describe the nature of each individual’s participation.

2. Describe in detail the Respondent’s business, including its operations, legal structure, and its owners.

3. Identify the owner(s) of all real property at the Site, stating which owners own which property.

4. In paragraph (1) of your Response to Violations within your Petition for Review, you state that the Respondent “denies the allegations of the violations set forth as ‘(1)’ because Respondent did not cause or allow ‘open dumping,’ did not dump ‘waste,’ and its activities did not result in ‘litter’ as alleged in ‘(1).” State all facts upon which you base your assertion that the Respondent did not cause or allow open dumping.

5. In paragraph (1) of your Response to Violations within your Petition for Review, you state that the Respondent “denies the allegations of the violations set forth as ‘(1)’ because Respondent did not cause or allow ‘open dumping,’ did not dump ‘waste,’ and its activities did

not result in 'litter' as alleged in '(1).'" State all facts upon which you base your assertion that the Respondent did not dump waste.

6. In paragraph (1) of your Response to Violations within your Petition for Review, you state that the Respondent "denies the allegations of the violations set forth as '(1)' because Respondent did not cause or allow 'open dumping,' did not dump 'waste,' and its activities did not result in 'litter' as alleged in '(1).'" State all facts upon which you base your assertion that the Respondent's activities did not result in litter.

7. In paragraph (2) of your Response to Violations within your Petition for Review, you state that the Respondent "denies the allegations of the violations set forth as "(2)" because Respondent did not cause or allow "open dumping," and did not dump "waste." State all facts upon which you base your assertion that the Respondent did not cause or allow open dumping.

8. In paragraph (2) of your Response to Violations within your Petition for Review, you state that the Respondent "denies the allegations of the violations set forth as "(2)" because Respondent did not cause or allow "open dumping," and did not dump "waste." State all facts upon which you base your assertion that the Respondent did not dump waste.

9. Identify in detail the source of the lumber, plastic, fabric, metal, white pipe, and other miscellaneous materials piled together at your site on March 14, 2012, including how long those materials had been so piled together as of that date.

10. Identify in detail the source of the off-rim tires present at your site on March 14, 2012, including how long those tires had been so present as of that date.

11. Do you contend that individuals and/or entities other than you were responsible for placing at your site the lumber, plastic, fabric, metal, white pipe, and other miscellaneous materials

piled together on March 14, 2012? If your answer is anything other than an unequivocal "No," state all facts upon which you base your contention.

12. Do you contend that individuals and/or entities other than you were responsible for placing at your site the off-rim tires that were present on March 14, 2012? If your answer is anything other than an unequivocal "No," state all facts upon which you base your contention.

13. If your answer to either Interrogatory No. 11 or No. 12 above was anything other than an unequivocal "No," identify all steps you have taken to restrict access to your site from unauthorized individuals or entities.

14. If your answer to either Interrogatory No. 11 or No. 12 above was anything other than an unequivocal "No," identify all steps you have taken to determine the responsible individuals and/or entities as well as the names and addresses of each individual or entity you determined to be so responsible.

15. Identify in detail all U.S. Environmental Protection Agency, Illinois Environmental Protection Agency, and Winnebago County permits you had as of March 14, 2012 concerning solid waste or used tires.

16. Do you contend that, as of March 14, 2012, your site fulfilled the requirements for a sanitary landfill in Illinois? If so, state all facts upon which you base your contention.

17. State the full name, address, and telephone number of each person who has knowledge of the matters alleged in your Petition for Review, and specify the knowledge each person possesses.

18. Pursuant to Illinois Supreme Court Rule 213(f) and 35 Ill. Adm. Code 101.616, provide the name and address of each witness who will testify at trial and all other information required for each witness.

19. Has any person identified in your answers to Interrogatories Nos. 17 and 18 above been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered as a conviction.

20. Have you (or has anyone acting on your behalf) had any conversations with any person at any time regarding the alleged conduct that is the subject of the violations set forth against you in the Administration Citation, or have you overheard any statements made by any person at any time regarding the alleged conduct that is the subject of the violations set forth against you in the Administration Citation? If the answer to this interrogatory is in the affirmative, state the following:

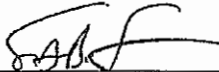
- (a) The date or dates of such conversations and/or statements;
- (b) The place of such conversations and/or statements;
- (c) All persons present for the conversations and/or statements;
- (d) The matters and things stated by the person in the conversations and/or statements;
- (e) Whether the conversation was oral, written and/or recorded; and
- (f) Who has possession of the statement if written and/or recorded.

21. Do you know of any statements made by any individual or entity relating to the alleged conduct that is the subject of the violations set forth against you in the Administrative

Citation? If so, give the name and address of each such individual or entity, the date of the statement, and state whether such statement was written and/or oral.

22. Identify all records documenting any of the facts asserted in your answers to the previous interrogatories, describing each record with specificity, including its subject, date, author, and addressee, where applicable, and state the full name and address of the individual or entity having possession, custody, or control of each record.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



---

Scott B. Sievers  
Special Assistant Attorney General

Dated: December 18, 2012  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on December 18, 2012, I served true and correct copies of COMPLAINANT'S FIRST INTERROGATORIES TO RESPONDENT by first class mail of the United States Postal Service upon the following persons:

Peter DeBruyne  
Peter DeBruyne, P.C.  
838 North Main Street  
Rockford, IL 61103

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



---

Scott B. Sievers  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
(217) 782-9143 (TDD)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

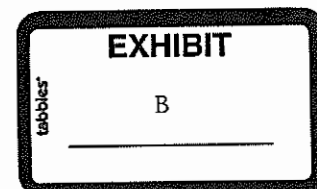
ILLINOIS ENVIRONMENTAL	)
PROTECTION AGENCY,	) AC 12-51
	)
Complainant,	) (IEPA No. 87-12-AC)
	) Administrative Citation
v.	)
	)
NORTHERN ILLINOIS	)
SERVICE COMPANY,	)
	)
Respondent.	)

**RESPONDENT'S SECOND SUPPLEMENTAL ANSWERS TO  
COMPLAINANT'S FIRST  
INTERROGATORIES TO RESPONDENT**

NOW COMES respondent, NORTHERN ILLINOIS SERVICE COMPANY, and for its second supplemental answers to complainant's interrogatories, states as follows:

**GENERAL OBJECTIONS**

Respondent objects to each and every answer to the extent that it exceeds the scope of discovery permitted by the Illinois Supreme Court Rules or the Rules of Civil Procedure or requires respondent to do more than is required by the Illinois Supreme Court Rules or the Rules of Civil Procedure. This objection shall apply to, and is hereby incorporated by reference in, each and every answer to Complainant's First Interrogatories to Respondent.





**INTERROGATORIES**

1. State the full name, title, current residence address, and telephone number of each individual who participated in answering Complainant's First Interrogatories to Respondent, and describe the nature of each individual's participation.

**ANSWER:** Objection; attorney/client privilege; without waiving the foregoing objection, Paul Munson, P.O. Box 471, 438 Perley Avenue, Pecatonica, IL 61063; telephone No.: 815-239-9200; William Hoff, 16735 Comly Road, Pecatonica, IL 61063; telephone No.: 815-509-5247.

2. Describe in detail the respondent's business, including its operations, legal structure, and its owners.

**ANSWER:** Northern Illinois Service Co. is an Illinois corporation, owned by Wayne Klinger. The company is engaged in heavy construction work.

3. Identify the owner(s) of all real property at the Site, stating which owners own which property.

**ANSWER:** Northern Illinois Service Company.

4. In paragraph (1) of your Response to Violations within your Petition for Review, you state that the respondent "denies the allegations of the violations set forth as '(l)' because respondent did not cause or allow 'open dumping,' did not dump 'waste,' and its activities did not result in 'litter' as alleged in '(1).'" State all facts upon which you base your assertion that the respondent did not cause or allow open dumping.

**ANSWER:** Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the

Citation is respondent's equipment; further, the material pictured in exposure 006 attached to the Citation are respondent's supplies; investigation continuing.

5. In paragraph (1) of your Response to Violations within your Petition for Review, you state that the Respondent "denies the allegations of the violations set forth as '(1)' because Respondent did not cause or allow 'open dumping,' did not dump 'waste' and its activities did not result in 'litter' as alleged in '(1).'" State all facts upon which you base your assertion that the respondent did not dump waste.

ANSWER: Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the Citation is respondent's equipment; further, the material pictured in exposure 006 attached to the Citation are respondent's supplies; further most, if not all, of the material depicted in the exposures attached to the Citation were generated from respondent's site; investigation continuing.

6. In paragraph (1) of your Response to Violations within your Petition for Review, you state that the respondent "denies the allegations of the violations set forth as '(1)' because respondent did not cause or allow 'open dumping,' did not dump 'waste,' and its activities did not result in 'litter' as alleged in '(1).'" State all facts upon which you base your assertion that the respondent's activities did not result in litter.

ANSWER: Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the Citation is respondent's equipment; further, the material pictured in exposure 006

attached to the Citation are respondent's supplies; further most, if not all, of the material depicted in the exposures attached to the Citation were generated from respondent's site; further the material depicted in the exposures and referenced in the Citation were not discarded and respondent is the owner of the site in question; further, the material depicted in the exposures attached to the Citation did not constitute a public nuisance nor was there any chance of the material being transported by natural elements on to the real property of any other person; investigation continuing.

7. In paragraph (2) of your Response to Violations within your Petition for Review, you state that the respondent "denies the allegations of the violations set forth as "(2)" because respondent did not cause or allow "open dumping," and did not dump "waste." State all facts upon which you base your assertion that the respondent did not cause or allow open dumping.

**ANSWER:** Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the Citation is respondent's equipment; further, the material pictured in exposure 006 attached to the Citation are respondent's supplies; investigation continuing.

8. In paragraph (2) of your Response to Violations within your Petition for Review, you state that the respondent "denies the allegations of the violations set forth as "(2)" because respondent did not cause or allow "open dumping," and did not dump "waste." State all facts upon which you base your assertion that the Respondent did not dump waste.

ANSWER: Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the Citation is respondent's equipment; further, the material pictured in exposure 006 attached to the Citation are respondent's supplies; further most, if not all, of the material depicted in the exposure attached to the Citation were generated from respondent's site; investigation continuing.

9. Identify in detail the source of the lumber, plastic, fabric, metal, white pipe, and other miscellaneous materials piled together at your site on March 14, 2012, including how long those materials had been so piled together as of that date.

ANSWER: Objection inasmuch as the interrogatory does not define with particularity the "lumber, plastic, fabric, metal, white pipe, and other miscellaneous materials" referenced; without waiving the foregoing objection, and assuming solely for the purposes of responding to these interrogatory but without admitting the veracity thereof, that the material referred to is that referenced in the photograph attached to the Administrative Citation, the source is Northern Illinois Service Company and the materials had been so collected for a matter of weeks; investigation continuing.

10. Identify in detail the source of the off-rim tires present at your site on March 14, 2012, including how long those tires had been so present as of that date.

ANSWER: Objection inasmuch as the interrogatory does not define with particularity the "off-rim" tires referenced; without waiving the foregoing objection, and assuming solely for the purposes of responding to these interrogatory but without admitting the veracity thereof, that the material referred to is that referenced in the

photograph attached to the Administrative Citation, the tire with designated file name 2010301120-031412-001-006, page 1 of 3, had its source as a Northern Illinois Service Company vehicle from which it had been removed; regarding file name 2010301120-031412-001-006, page 2 of 3, attached to the Administrative Citation, the source is Northern Illinois Service Company and the tires in both cases are part of equipment used by Northern Illinois Service Company.

11. Do you contend that individuals and/or entities other than you were responsible for placing at your site the lumber, plastic, fabric, metal, white pipe, and other miscellaneous materials piled together on March 14, 2012? If your answer is anything other than an unequivocal "No," state all facts upon which you base your contention.

ANSWER: Objection; interrogatory asks for a legal opinion and not facts; without waiving the foregoing objection and assuming the interrogatory is directed toward the materials depicted in the photographs attached to the Complaint, no.

12. Do you contend that individuals and/or entities other than you were responsible for placing at your site the off-rim tires that were present on March 14, 2012? If your answer is anything other than an unequivocal "No," state all facts upon which you base your contention.

ANSWER: Objection; interrogatory asks for legal opinion and not facts; without waiving the foregoing objection and assuming the interrogatory is directed toward the materials depicted in the photographs attached to the Complaint, no.

13. If your answer to either interrogatory No. 11 or No. 12 above was anything other than an unequivocal "No," identify all steps you have taken to restrict access to your site from unauthorized individuals or entities.

ANSWER: See answers to interrogatory Nos. 11 and 12.

14. If your answer to either interrogatory No. 11 or No. 12 above was anything other than an unequivocal "No," identify all steps you have taken to determine the responsible individuals and/or entities as well as the names and addresses of each individual or entity you determined to be so responsible.

ANSWER: See answers to interrogatory Nos. 11 and 12.

15. Identify in detail all U. S. Environmental Protection Agency, Illinois Environmental Protection Agency, and Winnebago County permits you had as of March 14, 2012 concerning solid waste or used tires.

ANSWER: See response to request to produce No. 2.

16. Do you contend that, as of March 14, 2012, your site fulfilled the requirements for a sanitary landfill in Illinois? If so, state all facts upon which you base your contention.

ANSWER: Objection; interrogatory asks for a legal opinion and not facts; without waiving the foregoing objection, no.

17. State the full name, address, and telephone number of each person who has knowledge of the matters alleged in your Petition for Review, and specify the knowledge each person possesses.

ANSWER: Objection, burdensome and oppressive as a number of people would have some, perhaps minute, knowledge of the matters alleged in the Petition for Review;

without waiving the foregoing objection, Paul Munson, P.O. Box 471, 438 Perley Avenue, Pecatonica, IL 61063; telephone No.: 815-239-9200; William Hoff, 16735 Comly Road, Pecatonica, IL 61063; telephone No.: 815-509-5247.

Paul Munson encountered the inspector. He knows the nature of the materials shown in the photographs; he is aware of the procedures employed by respondent with respect to the allegations of the Petition.

William Hoff manages the field operations for respondent. He also is aware of the nature of the material contained in the photographs attached to the Petition; he also is aware of the procedures employed by Northern in connection with the production and disposition of the material shown in the photographs attached to the Petition.

18. Pursuant to Illinois Supreme Court Rule 213(f) and 35 Ill. Adm. Code 101.616, provide the name and address of each witness who will testify at trial and all other information required for each witness.

ANSWER: None identified as yet other than Paul Munson and William Hoff; at his time respondent identifies Mr. Munson and Mr. Hoff only as lay witnesses. These witnesses will testify as to the nature of the material shown in the photographs attached to the Petition, the intent of respondent, the collection, retention and disposition of the material shown in the photographs as well as general background information with respect to respondent.

Respondent reserves the right to designate either Mr. Munson or Mr. Hoff as an expert witness as well as the right to designate other independent expert witnesses or controlled expert witness; investigation continuing.

19. Has any person identified in your answers to interrogatories Nos. 17 and 18 above been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered as a conviction.

**ANSWER:** No.

20. Have you (or has anyone acting on your behalf) had any conversations with any person at any time regarding the alleged conduct that is the subject of the violations set forth against you in the Administration Citation, or have you overheard any statements made by any person at any time regarding the alleged conduct that is the subject of the violations set forth against you in the Administration Citation? If the answer to this interrogatory is in the affirmative, state the following:

- (a) The date or dates of such conversations and/or statements;
- (b) The place of such conversations and/or statements;
- (c) All persons present for the conversations and/or statements;
- (d) The matters and things stated by the person in the conversations and/or statements;
- (e) Whether the conversation was oral, written and/or recorded; and
- (f) Who has possession of the statement if written and/or recorded.

**ANSWER:** Objection; irrelevant and immaterial; also burdensome and oppressive; without waiving the foregoing objections, none other than general conversations of extremely brief duration at respondent noting the existence of a Citation and a brief conversation between Paul Munson and Donna Shehane, on March 14, 2012,



involving Paul Munson's repetition to Donna Shehane of an instruction he had given to respondent's employees in reference to a comment made by Shehane about what she had observed on respondent's property which, at the time of the conversation, had not been observed by Mr. Munson.

21. Do you know of any statements made by any individual or entity relating to the alleged conduct that is the subject of the violations set forth against you in the Administrative Citation? If so, give the name and address of each such individual or entity, the date of the statement, and state whether such statement was written and/or oral.

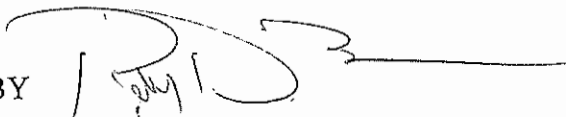
ANSWER: Objection; irrelevant and immaterial; also burdensome and oppressive; without waiving the foregoing objection, respondent is not aware of any statements at this time; investigation continuing.

22. Identify all records documenting any of the facts asserted in your answers to the previous interrogatories, describing each record with specificity, including its subject, date, author, and addressee, where applicable, and state the full name and address of the individual or entity having possession, custody, or control of each record.

ANSWER: Objection; burdensome and oppressive; see responses to document requests.

NORTHERN ILLINOIS SERVICE  
COMPANY, Respondent

BY: PETER DeBRUYNE, P.C.

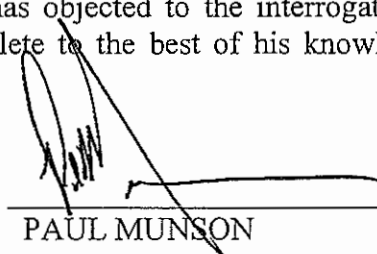
BY 

Peter DeBruyne, Its Attorney

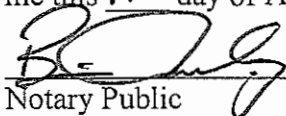
ATTESTATION

STATE OF ILLINOIS            )  
  )     SS.  
COUNTY OF WINNEBAGO     )

PAUL MUNSON, being first duly sworn on oath, deposes and states that he is a management employee of respondent in the above-captioned matter, that he has read the foregoing document and, except as respondent has objected to the interrogatories, the answers made herein are true, correct and complete to the best of his knowledge and belief.

  
\_\_\_\_\_  
PAUL MUNSON

SUBSCRIBED and SWORN to before  
me this 19<sup>th</sup> day of August, 2013.

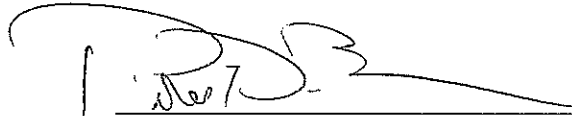
  
\_\_\_\_\_  
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that I did on the 19<sup>th</sup> day of August, 2013 by regular mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the foregoing Respondent's Second Supplemental Answers to Complainant's First Interrogatories to Respondent on the following:

Scott B. Sievers  
Special Assistant Attorney General  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

  
Peter DeBruyne

**ORIGINAL**

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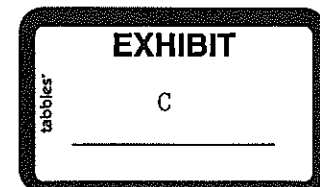
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )

vs.

NORTHERN ILLINOIS )AC2012-051  
SERVICE COMPANY, ) (IEPA No.  
Respondent. ) (87-12-AC)  
) (Administrative  
) (Citation)

The discovery deposition of PAUL  
MUNSON, taken in the above-entitled cause before DIANE  
HROMEK, C.S.R. and Notary Public at the Law Offices of  
Peter DeBruyne, P.C., Rockford, Illinois on the 22nd day  
of October, 2013, at the hour of 1:00 o'clock p.m.



1 PRESENT:

2

3

THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

4

BY: MR. SCOTT B. SIEVERS

5

1021 North Grand Avenue East

6

P.O. Box 19276

7

Springfield, Illinois 62794-9276

8

Telephone: 217-558-3959

9

Fax: 217-782-9807

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Email: Scott.Sievers@Illinois.gov

11

Appeared on behalf of the Complainant.

12

13

PETER DeBRUYNE, P.C.

14

838 North Main Street

15

Rockford, Illinois 61103

16

Telephone: 815-964-3810

17

Appeared on behalf of the Respondent.

18

19 ALSO PRESENT:

20

MS. DONNA SHEHANE

21

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23

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**EXHIBITS**

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(Documents marked prior  
to the deposition)

PAUL MUNSON,  
after having first been duly sworn,  
deposeth and saith as follows:

EXAMINATION

BY: MR. SIEVERS

Q. Mr. Munson, could you please spell your name  
for the court reporter?

A. Paul P-a-u-l, Munson M-u-n-s-o-n.

Q. And have you ever had your deposition taken  
before?

A. Yes.

Q. Have you had it taken more than once?

A. Yes.

Q. So you are familiar with the -- and you have  
observed Miss Shehane's deposition earlier this morning,  
correct?

A. Yes.

Q. So you are familiar that I will be posing  
questions to you and you will be answering those  
questions and that the court reporter will be taking a  
written transcript of our question/answer session,

1 correct?

2 A. Yes.

3 Q. I just ask, I think you probably been told this  
4 before, if you can try not to answer with a gesture or  
5 um's or ah's and so forth because it makes it very  
6 difficult for the court reporter to transcribe that.

7 A. Understood.

8 Q. And also if you would let me finish my question  
9 before answering, it's obviously very difficult for the  
10 court reporter to, if you were talking over my question  
11 with your answer, for her to get down two peoples'  
12 speech at the same time?

13 A. Okay.

14 Q. And if you don't understand a question, would  
15 you agree to tell me that you don't understand that  
16 question and to not answer it until you do understand  
17 it?

18 A. Yes.

19 Q. Good.

20 Alright. Are you employed?

21 A. Yes.

22 Q. Where are you employed?

23 A. Northern Illinois Service Company.

24 Q. What is Northern Illinois Service Company?



1           A. We are an excavation, demolition and site  
2 utility contractor.

3           Q. What does that mean?

4           A. We do heavy construction work -- um -- anything  
5 from road building to building demolition to subdivision  
6 construction -- building site work.

7           Q. So give me an example of some projects that the  
8 Northern Illinois Service Company has done in the last,  
9 you know, couple weeks, if you think that would fairly  
10 represent what you guys do?

11          A. We recently tore down a building -- starting on  
12 a new parking lot that goes in -- in place of the  
13 building.

14                         We are getting ready to start a new  
15 roadway extension -- a small service drive extension.

16                         Recently tore down a few houses, you  
17 know, single residential homes.

18          Q. So you -- you both do demolition and  
19 construction, correct?

20          A. Yes.

21          Q. Would those two -- aspects of your business  
22 comprise all of your business, construction or  
23 demolition?

24          A. They are most of our business.

1                   We also operate limestone quarries. We  
2 use stone, you know, to build parking lots, to build  
3 roads, so we crush some of our own stone, produce some  
4 of our own stone.

5           Q. Do you sell that stone to other companies?

6           A. We do.

7           Q. Are there any other aspects to the Northern  
8 Illinois Service Company business that you haven't  
9 already disclosed?

10          A. Not really.

11          Q. As between those three components, the  
12 construction, the demolition and the quarries, what  
13 would you say is the percentage breakdown between the  
14 three of those as far as volume that you are doing?

15          A. Can I go back to my last answer?

16          Q. Sure.

17          A. We do also, in addition to making limestone, we  
18 make stone out of concrete. We recycle concrete, also.

19          Q. Okay.

20          A. It's part of our site, you know. We reclaim  
21 concrete from sites we crush that also, at one of our  
22 locations.

23          Q. Any other aspects to your business?

24          A. I don't think so.

1 Q. If in the course of this deposition you have  
2 given an answer earlier on in the deposition and you  
3 realize there was something wrong about it or you would  
4 like to add something to it, please let me know and, you  
5 know, let me -- you can do it just as you did there and  
6 say, "Hey, can we go back, I just recalled something."  
7 So would you agree to let me know if in the course of  
8 this deposition you realize one of your prior answers  
9 was incomplete or you will try to correct that?

10 A. Yes.

11 Q. You will try to complete that?

12 A. Yes.

13 Q. Very good.

14 As far as the -- the breakdown from the  
15 various aspects of Northern Illinois Service Company's  
16 business, could you give me just a rough percentage, you  
17 know, between how much business you do that is  
18 construction, demolition, quarry, concrete recycling?

19 A. It varies every year depending on what projects  
20 we are able to win bids on.

21 Generally speaking, I would say that our  
22 recycling and quarry operations comprise approximately  
23 ten percent of our -- our volume -- five to ten percent.

24 Our building site work, our excavating

1 work, our road construction I would say is probably 70  
2 percent of our work and then the remainder what, 20 --  
3 20 percent plus or minus would be demolition work.

4 Q. How many employees do you have at Northern  
5 Illinois Service Company?

6 A. Approximately 30.

7 Q. Now, you are employed there. What is your  
8 title?

9 A. I don't have a specific title. I refer to  
10 myself as Project Manager Estimator or Office Manager.

11 Q. Are you an owner of the business?

12 A. I am not.

13 Q. And how long -- how long have you had that  
14 position with Northern Illinois Service Company?

15 A. Approximately 15 years.

16 Q. Did you have any prior positions with the  
17 company besides that?

18 A. No.

19 Q. Tell me what -- what are your duties in that  
20 position?

21 A. I am responsible for finding bid opportunities,  
22 preparing bids for projects and then managing the  
23 aspects, you know, the administrative aspects of  
24 completing the projects -- project invoicing, change

1 orders, any kind of project correspondence, that sort of  
2 thing.

3 Q. Does that mean that you are primarily in an  
4 office position?

5 A. Yes.

6 Q. Do your duties take you outside the office at  
7 all?

8 A. Occasionally.

9 Q. Do you go out to the site at times?

10 A. Yes.

11 Q. Is that a major component of your job?

12 A. No, it is not.

13 Q. And does your job involve you going outside an  
14 office building at your location and, you know,  
15 supervising people on site?

16 A. Not generally.

17 Um -- we have other people that -- that  
18 supervise the work.

19 Q. Do you supervise anyone?

20 A. Not directly, no.

21 Q. Do you indirectly supervise people?

22 A. I am the senior employee in the office so there  
23 are three other people in the office that I guess would  
24 fall under me in regards to how long they have been

1 there.

2 Q. Are you expected to exert some supervisory  
3 duties over them, those other employees in the office?

4 A. No, not that I know of.

5 Q. Who is William Hoff?

6 A. I am sorry, who?

7 Q. William Hoff?

8 A. William Hoff is our general field  
9 superintendent. He is in charge of scheduling our crews  
10 for all the work that we do.

11 Q. You don't supervise him, correct?

12 A. No, that is correct.

13 Q. Does he supervise you?

14 A. No.

15 Q. What is your relationship in the management  
16 organizational hierarchy at Northern Illinois Service  
17 Company with William Hoff?

18 A. I would say we are on the same level as far as  
19 the organizational structure.

20 Q. He is out in the field, correct?

21 A. Correct.

22 Q. And you are in the office, correct?

23 A. Yes.

24 Q. You are in the business development end of it,

1 would that be correct?

2 A. Yes.

3 Q. And he is sort of carrying out -- executing the  
4 business, would that be correct?

5 A. Generally, yes. Yup.

6 Q. Who is William Klinger?

7 A. William Klinger is the owner of Northern  
8 Illinois Service.

9 Q. And how have you -- do you know him?

10 A. Yes.

11 Q. How do you know him?

12 A. He owns the company I work for. He is my  
13 direct supervisor. He is my boss. And I talk to him  
14 daily about anything that's going on.

15 Q. How about communications with William Hoff, how  
16 frequently do you communicate with him?

17 A. Minute by minute. It could be many times each  
18 day. It could be an hour or two between conversations  
19 but many times per day.

20 Q. What is the highest level of education that you  
21 have completed?

22 A. I have a four-year college degree.

23 Q. Where is that from?

24 A. University of the Wisconsin, Platteville.

1 Q. And what is that degree in?

2 A. It's a Bachelor of Science, Industrial  
3 Technology Management, Building Construction Management.

4 Q. Besides that degree, do you have any other  
5 certifications or specializations?

6 A. No.

7 Q. Do you have any training that is specific to  
8 your job besides that -- besides that degree?

9 A. No.

10 Q. Do you have any educational training in  
11 environmental matters?

12 A. No.

13 Q. Where is -- where is your office located?

14 A. The address is 4781 Sandy Hollow Road in  
15 Rockford, Illinois.

16 Q. Do you have any other locations?

17 A. Those are our only office locations.

18 As I said earlier, we operate quarries.  
19 We have a quarry that we own in -- on the west side of  
20 Rockford, and we -- operate quarries where we don't own  
21 the property but we -- we lease the land also in Roscoe  
22 and Rockton.

23 Q. But the only office location is where -- is  
24 where you work out of, correct?



1 A. Correct.

2 Q. Now, tell me a little bit about this property  
3 that your office is on. How big a piece of property  
4 would you estimate that to be?

5 A. I don't know the exact size. I would say  
6 it's -- minimum -- 20 or 30 acres.

7 Q. Do you have more than one building on the site?

8 A. No, there is one building.

9 Q. How large would you say that building is?

10 A. It's approximately 700 feet long, square  
11 footage wise, maybe 80,000 square feet.

12 Q. How much of your operations are outside that  
13 office on the property?

14 A. Our concrete recycling operation is set up on  
15 the property.

16 Other than that, the property is just  
17 used for equipment and material storage, you know,  
18 trucks and vehicles.

19 Q. What sort of materials are stored there?

20 A. A wide range of things. All the materials that  
21 go along with the recycling operation which is concrete  
22 and asphalt pavement, brick, block, masonry materials,  
23 those are all things that are brought in for recycling.

24 As far as our construction operations, we

1 have pipe materials, precast concrete, manhole materials  
2 and many different pieces of equipment and apparatus  
3 that we use, you know, in our heavy construction work.

4 Q. Sounds like a pretty big operation.

5 A. It -- it's a large amount of equipment, yes.

6 Q. How many -- how many vehicles would you say  
7 your Northern Illinois Service Company has at any one  
8 time?

9 A. I would guess 40 or more.

10 Q. How many of those would be trucks?

11 A. Majority of them -- 35 or more.

12 Q. Now, this property that you are located on, is  
13 there a fence around it?

14 A. There is a fence around portions of it -- not  
15 the entire property.

16 Q. Where -- are their portions that are not fenced  
17 in?

18 A. There is a portion along the south and east  
19 side where there is a swamp or low-lying area. There is  
20 no fence there. There is no fence on the south and  
21 west -- the southwest property line. Again, that's a  
22 swamp tree area that the state owns, I believe, prior to  
23 Highway 20.

24 Most of the north perimeter is fenced.

1 There is a small gap, again, just some woods,  
2 neighboring woods, possibly on the north side where  
3 there is a gap in the fencing.

4 Q. Do you have a gate to any entrance?

5 A. We do have gates at all entrances.

6 Q. How many entrances are there?

7 A. There is one entrance that is used on a daily  
8 basis and -- our main, I would call it the west  
9 entrance.

10 There is a secondary entrance to the east  
11 also off of Sandy Hollow Road that can be opened if need  
12 be for emergency situations or if our operations would,  
13 you know, require it. It's currently closed.

14 Q. Is it usually closed?

15 A. It is, yes.

16 Q. Besides those two entrances, are there any  
17 other ways that a vehicle can readily get onto your  
18 property?

19 A. There is not.

20 Q. The swampy or low-lying areas prevent that,  
21 would that be correct?

22 A. Correct.

23 Q. Do you have times where you have difficulty  
24 controlling people getting onto your property?

1           A. We have had problems with theft at our yard.  
2 People come in on foot and steal things from the  
3 property.

4           Q. Have you had any instances where you have had  
5 someone come on with a vehicle and take any property?

6           A. Yes -- they access through the driveway when  
7 the gate was open.

8           Q. Were those individuals or those entities that  
9 you were able to get access, were they authorized to be  
10 on the premises like an employee or a vendor?

11          A. The people who were stealing from us were not  
12 authorized to be on the property. They are in jail  
13 right now.

14          Q. They were employees?

15          A. No.

16          Q. Were they vendors?

17          A. No. Scrap people.

18          Q. You don't have a scrap operation, do you?

19          A. Not -- not like a commercial scrap operation.  
20 We recycle so we generate materials as part of our  
21 recycling.

22          Q. Am I correct that you have said that you have  
23 materials that are stored out in the yard on the  
24 property, that would be correct?

1 A. Yes.

2 Q. Are they stored in any way that protects them  
3 from the elements?

4 A. No. They are just laying on the ground.

5 Q. Are they materials that are just generally not  
6 sensitive or damaged in any way by the elements?

7 A. Correct.

8 Q. Let me call your attention to March 14th, 2012,  
9 and an inspection that was conducted by Inspector Donna  
10 Shehane on that day. Are you familiar with that  
11 inspection?

12 A. Yes, I have knowledge of it.

13 Q. Do you recall seeing Ms. Shehane on that date?

14 A. Yes. She came into the office when she came on  
15 the property and said that she would like to do an  
16 inspection.

17 Q. Is that the first time you saw her that day?

18 A. Yes.

19 Q. So your first observation of Miss Shehane was  
20 when she entered the office building, would that be  
21 correct?

22 A. Yes.

23 Q. Did she knock on the door or ring a bell or do  
24 you know how she got into the office?

1 A. She just walked through the front door.

2 Q. Is that how other people come into the office?

3 A. Yes.

4 Q. When she came in, did she speak to you first or  
5 did you speak to her first?

6 A. I don't remember.

7 Q. What do you recall her saying to you?

8 A. I don't recall for sure. I -- remember that  
9 she was there for an inspection, so I -- I guess that's  
10 why she was there.

11 Q. Do you recall -- so you recall her indicating  
12 that or saying to you that she was there at the facility  
13 at Northern Illinois Service Company to conduct an  
14 inspection, correct?

15 A. That's what I remember, yes.

16 Q. And this would have been prior to conducting an  
17 inspection, is that your understanding?

18 A. Yes.

19 Q. Did you have any response to what her statement  
20 was about conducting an inspection?

21 A. I told her to go ahead and inspect.

22 Q. Okay. So you authorized her to go conduct an  
23 inspection on the Northern Illinois Service Company site  
24 that day?

1 A. Yes.

2 Q. Do you recall any other conversation that  
3 occurred prior to her inspection between you and  
4 Inspector Shehane?

5 A. Could we go off the record for a second? I  
6 want to ask him a question.

7 Q. Well, you can't actually ask him.

8 A. Oh, okay.

9 Q. Not with a question pending.

10 A. Okay.

11 Q. Is there an aspect of my question that confuses  
12 you?

13 A. Well, I remember from -- witnessing the  
14 deposition this morning that we talked about tickets,  
15 landfill tickets from a previous inspection, so --

16 Q. Okay. So you discussed landfill tickets in the  
17 course of conversation with Inspector Shehane?

18 A. We must have because they were present.

19 Q. You don't recall that personally?

20 A. I don't --

21 Q. It's --

22 A. -- a long time ago.

23 Q. Sure.

24 Other than that, other than what you

1 already testified to so far, do you recall any other  
2 aspect of the conversation you had with Inspector  
3 Shehane on March 14, 2012, prior to her conducting the  
4 inspection?

5 A. Not that I remember.

6 Q. Did you take any notes of your conversation  
7 with her that day?

8 A. No.

9 Q. Was there any recording or documentation  
10 anywhere of that conversation other than Inspector  
11 Shehane's inspection report?

12 A. No, there is not.

13 Q. So you don't have anything that would -- that  
14 would refresh your recollection about that conversation,  
15 any further, would that be correct?

16 A. That is correct.

17 Q. After you completed your conversation, initial  
18 conversation on March 14, 2012 with Inspector Shehane,  
19 did she leave the office?

20 A. Yes, she went out onto the property.

21 Q. Did you see her go out on the property?

22 A. Yes.

23 Q. You did not accompany her on the property,  
24 though, is that correct?



1 A. I don't think I did.

2 A. I am pretty sure I did not.

3 Q. Okay.

4 If you had accompanied her on the  
5 inspection, would you have documented that anywhere,  
6 recorded that anywhere?

7 A. No.

8 Q. If Inspector Shehane were to testify that you  
9 did not accompany her on her -- on-site inspection of  
10 the Northern Illinois Service Company property that day,  
11 do you have any knowledge or facts that you can point to  
12 to say that she, her memory is incorrect or her  
13 testimony is false?

14 A. Not at all.

15 Q. Do you recall how long -- well, strike that.

16 Did Inspector Shehane eventually come  
17 back to your office?

18 A. Yes.

19 Q. Do you have any estimate as the time frame  
20 between when she initially came into your office and you  
21 spoke and when she returned to your office after the  
22 inspection?

23 A. I would say about half an hour plus or minus.

24 Q. At any time during the course of that time

1 period, when you induced her to be out on the property  
2 conducting an inspection, did you observe her conducting  
3 the inspection at all?

4 A. No.

5 Q. Did you ever speak to anyone who witnessed her  
6 conducting the inspection?

7 A. I spoke to some of our employees after the  
8 inspection. Whether they saw her or not, I don't know.  
9 I would assume they may have because we had people  
10 working in the yard that day.

11 Q. Do you recall having a conversation with any of  
12 your employees where they -- where you discussed their  
13 observations of Inspector Shehane conducting her -- her  
14 inspection?

15 A. I don't think so, no.

16 Q. When Inspector Shehane returned to your office,  
17 did you speak again with her?

18 A. Yes.

19 Q. What did she say to you?

20 A. She said, "There is a pile of debris in the  
21 yard -- " and I think she was saying there is trees,  
22 landscape waste on the east end of the property. And  
23 then she mentioned some tires. We had a stack of tires,  
24 large tires that she mentioned that were not covered.

1 Q. Do you recall her saying anything else to you?

2 A. I don't.

3 Q. Did you say anything back to Inspector Shehane?

4 A. I said -- she said, "In regards to waste, the  
5 pile of debris." I said, "I don't know why it's there  
6 because I told the guys, 'Don't dump it from demolition  
7 jobs.'" And; I said, "The trees on the east, there is  
8 landscape waste there, there could be from someone else  
9 fly dumping on our property," because we have had  
10 problems in the past, people depositing waste on the  
11 property.

12 Q. Is that coming from an area that is not fenced  
13 in all the way around?

14 A. We have a property on the far, far east that  
15 you can get to off of Sandy Hollow Road that is kind of  
16 hidden from view. It's not really -- I guess it's kind  
17 of contiguous now but it wasn't -- I don't know if it  
18 was at the time. There is kind of a low area there. I  
19 don't know if we could get to it. We have had piles of  
20 grass show up, and that sort of thing.

21 Q. Is there any physical barrier stopping a  
22 vehicle or an individual from entering that area?

23 A. At the time, no.

24 Q. So on March 14th, 2012, there was no such

1 barrier, correct?

2 A. Yeah, they could -- there is a field to the  
3 east they could drive in through that, that property.

4 Q. Besides physical barriers, was there any other  
5 kind of barrier that would stop somebody from coming in  
6 and dumping grass clippings or tree branches or other  
7 landscape waste?

8 A. Besides -- we have a gate on that end of the  
9 property so -- but if they drive around the gate they  
10 could have got onto the property.

11 Q. If the gate were closed and locked, would they  
12 be able to get onto that part of the property?

13 A. Yeah, at the time they would have. We have  
14 since changed that.

15 Q. Okay, there are alternative ways to get onto  
16 it, is that right?

17 A. Yeah, the far, far east side.

18 Q. And in that area, it was not secured, that far  
19 east side?

20 A. I have to look back and see because the  
21 properties have kind of -- I don't know, there was a low  
22 area between. We couldn't get to the one. We have kind  
23 of joined them together. I don't know when that was  
24 done.

1 Q. But at that time somebody could gain access to  
2 that part of the property without encountering any  
3 physical barriers, like a fence or a gate, is that  
4 correct?

5 A. I would have to look, yeah. I think that is  
6 correct. If they came from a neighboring property, I  
7 think they could find a way in there.

8 Q. What do you recall Inspector Shehane telling  
9 you about tires on March 14th, 2012?

10 A. That we had some tires that had water in them,  
11 they weren't properly covered.

12 Q. Did you know which tires she was speaking  
13 about?

14 A. She told me which tires they were.

15 Q. Were you familiar with those tires?

16 A. It wasn't until she told me about them.

17 Q. Did you -- subsequent to that conversation --  
18 go take a look at those tires?

19 A. Yes.

20 Q. And did those tires at that time have water in  
21 them?

22 A. I believe they did, yes.

23 Q. Did you take any action at that point to deal  
24 with the water in those tires?

1 A. Yes.

2 Q. What action did you take?

3 A. I instructed one of the guys in the yard to  
4 pick them up and shake them out and then stack them back  
5 up and put a cover on them.

6 Q. And so did they do that afterwards?

7 A. Yes.

8 Q. What do you recall Inspector Shehane telling  
9 you about the trees that were -- the tree waste that was  
10 on the property?

11 A. I think she said "landscape waste" that was  
12 just on the east side of the property. I'm not sure  
13 where -- where it was on the property because I hadn't  
14 seen it.

15 Q. Do you recall responding to her or talking to  
16 her about that issue at all?

17 A. Yeah. Like I said earlier, I said, "There  
18 could be something fly dumped on the east end of the  
19 property." I am not sure where -- where she was on the  
20 property. Like I say, it's a large, large property.

21 Q. You thought it might have been fly dumped, is  
22 that correct?

23 A. I thought she was referring to the -- the far  
24 east end of the property where the pass, where we had

1 people dumping the debris.

2 Q. Did you know which tree waste she was referring  
3 to?

4 A. No, I didn't. I was just assuming. She said  
5 "landscape waste." I assumed.

6 Q. What did she tell you about the pile of debris  
7 in the yard?

8 A. That we couldn't dump it on the ground.

9 Q. Were you familiar with the pile of debris to  
10 which she was referring?

11 A. No.

12 Q. And I believe you said that you told the guys  
13 not to do that?

14 A. I've told the guys in the past not to dump  
15 demolition debris on the ground.

16 Q. When you say "the guys," to whom are you  
17 referring?

18 A. Employees in general. The guys that go out and  
19 do the work.

20 Q. Let me show you what has previously been marked  
21 as -- could we go off the record for a second?

22 (Discussion off the  
23 record.)

24 MR. SIEVERS: Okay, back on the record.

1 BY MR. SIEVERS:

2 Q. I am handing you what has previously been  
3 marked as Exhibits 1 and 2.

4 Take a moment to look at those.

5 (Exhibits 1 and 2 first  
6 referenced.)

7 THE WITNESS: Okay.

8 BY MR. SIEVERS:

9 Q. Do you recognize those to be the tires that  
10 had -- that contained water on them on March 14th, 2012  
11 at Northern Illinois Service Company that you observed?

12 A. I can't say for sure where they are. They are  
13 assumed in pictures of a tire, with water in them. It  
14 could be or could not be.

15 Q. If Inspector Shehane were to testify that those  
16 exhibits, 1 and 2, were true and accurate depictions of  
17 the tires that were on Northern Illinois Service Company  
18 property on March 14th 2012, would you have any reason  
19 to disagree with her?

20 A. No.

21 Q. If she were to testify, if Inspector Shehane  
22 were to testify that Exhibits 1 and 2 depict tires  
23 containing accumulations of water on them that were  
24 present at the Northern Illinois Service Company site on



1 March 14th, 2012, would you have any basis or reason to  
2 disagree with her testimony?

3 A. You just asked me that, I think. The answer is  
4 no or is that -- did you ask a different question?

5 Q. If I did ask a different question, maybe not,  
6 so I apologize if I did.

7 A. Yeah, the answer is no, in both cases.

8 Q. Okay. Okay.

9 If Inspector Shehane were to testify that  
10 she observed tires on the Northern Illinois Service  
11 Company property that had water accumulated in them on  
12 March 14th, 2012, do you know of any facts that would  
13 contradict her testimony?

14 A. I don't because I don't have knowledge of them.

15 It is just those three tires that she  
16 pointed out to me and that was all.

17 Q. I am going to hand you what has previously been  
18 marked as Exhibit 3.

19 Exhibit 3 first  
20 referenced.)

21 BY MR. SIEVERS:

22 Q. If Inspector Shehane were to testify that that  
23 is an accurate depiction of what you would characterize  
24 as "landscape waste" on the Northern Illinois Service

1 Company property on March 14th, 2012, do you have any  
2 reason to disagree with her testimony?

3 MR. DeBRUYNE: I am going to object to the legal  
4 conclusion that is encapsuled in the term "landscape  
5 waste." You are asking for a legal conclusion from the  
6 witness.

7 The witness may answer.

8 THE WITNESS: I don't have any knowledge of what is  
9 in this picture.

10 MR. SIEVERS: Okay.

11 BY MR. SIEVERS:

12 A. So I can't agree or disagree with it.

13 Q. Fair enough.

14 Taking a look at Exhibit 3, the materials  
15 that are shown there, had you seen them at all prior to  
16 Inspector Shehane's inspection on March 14th, 2012?

17 A. No.

18 Q. Did you see them after her inspection that day?

19 A. I have seen the photo that showed up with the  
20 inspection report. I don't remember seeing them at any  
21 other time but I am not sure which -- which part of the  
22 site this was on because I think we were doing some work  
23 there that spring.

24 Q. Subsequent to her March 14th, 2012 inspection,

1 did you go and view the site to look for landscape  
2 debris, tree branches and the like, to which she was  
3 referring when she spoke to you in the office that day?

4 A. No.

5 Q. Mr. Munson, I am handing you what has been  
6 marked as Exhibit 4.

7 (Exhibit 4 first  
8 referenced.)

9 BY MR. SIEVERS:

10 Q. If Inspector Shehane were to testify that  
11 Exhibit 4 accurately, truly and accurately depicts  
12 materials that were on site at Northern Illinois Service  
13 Company on March 14th, 2012, will you have any reason or  
14 basis to disagree with her testimony?

15 A. No.

16 Q. She reported in her inspection report that  
17 those drums contain mastic, and I believe she obtained  
18 that information from speaking with you?

19 A. Yes.

20 Q. Would that be accurate that those -- that those  
21 drums on your site contained mastic?

22 A. Yes.

23 Q. What is mastic?

24 A. It's a compound that we use on storm sewer pipe

1 to seal the joints. As they put pieces of pipe  
2 together, they put mastic on the joint and push it  
3 together.

4 Q. So the drums depicted on Exhibit 4 contain  
5 materials and supplies that Northern Illinois Service  
6 Company uses in the course of its business?

7 A. Yes.

8 Q. Handing you what has previously been marked as  
9 Exhibit No. 5.

10 (Exhibit 5 first  
11 referenced.)

12 BY MR. SIEVERS:

13 Q. If Inspector Shehane were to testify that  
14 Exhibit No. 5 truly and accurately depicted materials  
15 that she observed on site at Northern Illinois Service  
16 Company on March 14th, 2012, would you have any reason  
17 to disagree or contradict her testimony?

18 A. No.

19 Q. Have you seen those materials on your site  
20 before?

21 A. Yes.

22 Q. That photograph shows tires, isn't that  
23 correct?

24 A. There are tires in the picture but that's not

1 what I see when I first see it.

2 I mean I see tires, but I see wrecking  
3 balls, demolition equipment.

4 Q. And is there a chain in the photograph?

5 A. Yes.

6 Q. And does the chain go through the tires?

7 A. Yes, it does.

8 Q. Does the chain connect it to the wrecking  
9 balls?

10 A. Yes.

11 Q. Is that a piece of equipment that you use, that  
12 Northern Illinois Service Company uses in the course of  
13 its business?

14 A. Yes, it is.

15 Q. What use does it put to that equipment?

16 A. What use does what put to the equipment?

17 Q. How does -- how does Northern Illinois Service  
18 Company use the equipment that is depicted in Exhibit 5?

19 A. This is attached to an excavator and is used to  
20 either swing against large concrete foundations or drop  
21 on concrete slabs to break them up so they can be  
22 removed during the demolition project.

23 Q. What use are the tires to that equipment?

24 A. It's a shock absorbing material, you know, so

1 the -- ball doesn't swing against the equipment or, you  
2 know, damage anything you don't want damaged.

3 Kind of absorbs the impact and kind of  
4 acts like a bumper, like a bumper on a car.

5 Q. Those tires, those are used tires, correct?

6 A. Yes.

7 Q. Would they have come off equipment or vehicles?

8 MR. DeBRUYNE: Objection. Late. But objection to  
9 the legal conclusion that you are asking the witness to  
10 answer, "used tires" defined in the Act.

11 BY MR. SIEVERS:

12 Q. Does Exhibit No. 5 depict any tires that were  
13 brand new, in your mind?

14 A. At one time they were, you know, I am sure.

15 Q. Were they new at the time that photograph was  
16 taken?

17 A. No.

18 Q. Were they worn?

19 A. Yes, they had been used during demolition.

20 Q. They are not mounted on a vehicle, correct?

21 A. Correct.

22 Q. They are not even on a wheel rim, correct?

23 A. Correct.

24 Q. Are they damaged?

1 A. Yes.

2 Q. And this equipment that is depicted in Exhibit  
3 5, that was stored outside on -- in the yard at Northern  
4 Illinois Service Company on March 14th, 2012, correct?

5 A. It is stored in the yard. I assume it was  
6 there on that day, yeah. She has got pictures of it, it  
7 must have been.

8 Q. Okay.

9 A. Yes.

10 Q. You have no reason to disagree with her or  
11 contradict her testimony if she were to so testify?

12 A. No reason at all.

13 Q. After her inspection and when she came back  
14 into your office on March 14th, 2012, did you go out  
15 into the yard and see that equipment that is shown in  
16 Exhibit 5?

17 A. I don't remember seeing these, no.

18 Q. Okay.

19 I believe you previously testified that  
20 you did observe the tire, the two tires that were  
21 depicted on Exhibits 1 and 2 on the premises on March  
22 14th, 2012, isn't that correct?

23 A. I observed a stack of three large tires. If  
24 those pictures are those tires, then yes.

1 Q. Where -- where did those tires come from on  
2 that day?

3 MR. DeBRUYNE: Objection. Ambiguous.

4 BY MR. SIEVERS:

5 Q. The tires you observed on March 14, 2012, that  
6 were stacked up, do you know how they came to be on the  
7 Northern Illinois Service property that day?

8 A. They would have been our tires -- from  
9 equipment.

10 Q. Okay. I hand you what was previously marked as  
11 Exhibit 6.

12 (Exhibit 6 first  
13 referenced.)

14 BY MR. SIEVERS:

15 Q. If Inspector Shehane were to testify that  
16 Exhibit 6 truly and accurately depicts a pile of debris  
17 that she observed in the course of her inspection of the  
18 Northern Illinois Service Company site on March 14,  
19 2012, would you have any reason or basis to contradict  
20 her testimony?

21 MR. DeBRUYNE: Objection to the word "debris."  
22 Ambiguous.

23 MR. SIEVERS: You may answer.

24 THE WITNESS: None, no.



1 BY MR. SIEVERS:

2 Q. After she spoke to you about the results of her  
3 inspection on March 14th, 2012, did you go onto the yard  
4 at Northern Illinois Service Company and observe that  
5 pile of debris?

6 A. I may have. I don't remember. I know my focus  
7 was on the tires to find somebody to get the tires  
8 straightened out.

9 I probably went by this pile, also.

10 Q. Have you ever seen the materials that are shown  
11 in Exhibit 6 before?

12 A. Yeah. I have seen materials like this before.

13 We have a yard full of materials like  
14 this.

15 Q. Well, specifically, have you seen that pile of  
16 materials as depicted in Exhibit 6?

17 A. I would have seen this pile if I went by it  
18 that day. Otherwise, I don't see it. I think we  
19 removed it.

20 Q. Do you contend that that pile of material, as  
21 depicted in Exhibit 6, was not on the Northern Illinois  
22 Service Company property on March 14th, 2012?

23 A. Not at all.

24 Q. Now, tell me, does that pile of materials

1 include pallets?

2 A. Yes.

3 Q. Does it include dimensional lumber?

4 MR. DeBRUYNE: What kind of lumber?

5 MR. SIEVERS: Dimensional.

6 THE WITNESS: Yes.

7 BY MR. SIEVERS:

8 Q. Does it include any other kind of lumber?

9 A. It's hard to tell.

10 Q. Does it include tarp material?

11 A. It doesn't look like a tarp.

12 Q. A plastic material?

13 A. There is some sort of plastic there, yes.

14 Q. Plastic piping?

15 A. Yes.

16 Q. Does it include concrete material?

17 A. I see a -- what appears to be a concrete brick  
18 but no, would be the only concrete material in there.

19 Q. Does it include soil?

20 A. It's hard to tell. I don't know.

21 It looks like there may be either stone  
22 or something piled up here on this end but it's -- hard  
23 to tell.

24 Q. I am handing you what has previously been

1 marked as Exhibit 7.

2 (Exhibit 7 first  
3 referenced.)

4 MR. SIEVERS: I am going to ask you some questions.  
5 If you want to take a moment to review it and when you  
6 feel you have had time to review it and can answer my  
7 questions, let me know.

8 THE WITNESS: Go ahead.

9 BY MR. SIEVERS:

10 Q. Looking at that, do you recognize Exhibit 7?

11 A. Yes.

12 Q. What do you recognize Exhibit 7 to be?

13 A. It's a open dump inspection checklist.

14 Q. Have you seen that prior to today?

15 A. Yes, I believe I have.

16 Q. Do you understand Exhibit 7 to be Inspector  
17 Shehane's Inspection Report from March 14, 2012 of the  
18 Northern Illinois Service Company site?

19 A. Yes.

20 Q. Are there any facts that are set forth in  
21 Exhibit 7 that you believe are inaccurate?

22 MR. DeBRUYNE: I am going to object to the question  
23 on the ground that it's manifestly unfair.

24 We have got Exhibit 7. It's a multi-page

1 document. It contains legal conclusions. It contains  
2 facts. And the question is really asking the witness to  
3 review all of these -- all this substance line by line  
4 and in his deposition come up with any facts contrary to  
5 what he is reading and I think the question is unfair.

6 I mean --

7 MR. SIEVERS: Let me re-ask the question.

8 MR. DeBRUYNE: Well, he is asking you.

9 MR. SIEVERS: Sir, are you doing a speaking  
10 objection or are you coaching your witness?

11 MR. DeBRUYNE: He is asking you to read the entire  
12 report --

13 MR. SIEVERS: I am going to --

14 MR. DeBRUYNE: -- line by line.

15 MR. SIEVERS: I am going to object to your  
16 statement at this point.

17 MR. DeBRUYNE: So, Paul, you go ahead and take it  
18 line by line and take all the time in the world. If you  
19 need to take an hour to read it, if you want to, I can  
20 make a copy of it so you can mark up a copy. He is  
21 asking you and you can correct me, if I am wrong.

22 MR. SIEVERS: Okay.

23 At this time, I am going to suspend the  
24 deposition.

1 MR. DeBRUYNE: Any facts inconsistent with what you  
2 are seeing.

3 THE WITNESS: So what do I do now?

4 MR. DeBRUYNE: Wait until he calls the judge.

5 MR. SIEVERS: You certify the statement that --  
6 that Mr. DeBruyne just made to his witness.

7 (CERTIFIED QUESTION  
8 REQUESTED.)

9 (Whereupon, the deposition  
10 was suspended, a call was  
11 made to Judge Bradley  
12 Halloran, a Hearing  
13 Officer with the  
14 Pollution Control Board,  
15 and the question was read  
16 to the judge by the court  
17 reporter off the record.)

18  
19 BY MR. SIEVERS:

20 Q. Okay. Can you read that first sentence out  
21 loud?

22 A. "On March 14th, 2012, I, Donna Shehane --" I am  
23 sorry, " -- conducted a follow-up inspection at Northern  
24 Illinois Service located at 4781 Sandy Hollow Road,

1 Rockford, Illinois, 61109."

2 Q. Do you know of any facts that are incorrect in  
3 that statement?

4 A. No.

5 Q. Okay. Why don't you move on to the next  
6 sentence, read that out loud, please.

7 A. "The last inspection of this facility occurred  
8 on December 7, 2011, for which an Open Dump  
9 Administrative Citation Warning Notice was issued."

10 Q. Do you know of any facts that make that  
11 sentence inaccurate or contradict that fact?

12 A. I don't know for sure the dates, if the dates  
13 are correct dates or not, but -- I mean that is just a  
14 detail, I don't know.

15 Q. Do you have any basis to believe that any of  
16 those facts in that sentence are inaccurate?

17 A. No, not -- not on this level, no.

18 Q. The next sentence, please.

19 A. "The weather at the time of this inspection was  
20 61 degrees Farenheit with south, southwest winds of 15  
21 miles per hour and cloudy skies."

22 Q. Do you have any reason to believe that that  
23 sentence contains any facts that are inaccurate?

24 A. No.

1 Q. Let's move on to the next sentence.

2 A. "I drove onto the property approximately 9:35  
3 am, and met with Mr. Paul Munson in the office."

4 Q. I will try to speed this up. Why don't you  
5 read that paragraph to yourself and when you are done  
6 reviewing that, let me know.

7 A. I am done reading that.

8 MR. DeBRUYNE: I'm not.

9 Alright.

10 BY MR. SIEVERS:

11 Q. Do you know of any statements in that second  
12 paragraph on Bates stamp page 5 of the March 14th, 2012  
13 Inspection Report that are inaccurate?

14 A. No.

15 Q. Do you know of any facts in that paragraph that  
16 you contradict or disagree with?

17 A. No.

18 Q. Okay, let's move on to the next paragraph. Why  
19 don't you read that to yourself as well.

20 A. The third paragraph?

21 Q. Yes.

22 A. Okay.

23 Q. Do you know of any facts set forth in that  
24 third paragraph on Bates stamp page No. 5 of the exhibit

1 that are inaccurate?

2 MR. DeBRUYNE: I object to the question in that it  
3 contains a legal -- asks the witness to answer with a  
4 legal conclusion and that it's got several terms that  
5 are defined in the law and -- in the regulation.

6 Further, no foundation.

7 THE WITNESS: Can I answer?

8 MR. DeBRUYNE: You can answer.

9 THE WITNESS: I don't know for sure if it's  
10 correct. It seems like it is but I -- it's an  
11 observation made by Miss Shehane.

12 BY MR. SIEVERS:

13 Q. We are talking about the paragraph that begins,  
14 "I observed four large tires," correct?

15 A. Yes.

16 At the time she wrote this, I guess I  
17 believe her.

18 Q. Let's move on to the next paragraph. It be  
19 says, "As of December 7, 2011." Why don't you read that  
20 to yourself as well.

21 A. Okay.

22 Q. Having read the fourth paragraph on Bates stamp  
23 Page 5 of the exhibit, do you know of any facts set  
24 forth in that paragraph that you contend are inaccurate?



1 MR. DeBRUYNE: I object to the question in that the  
2 paragraph contains several terms which would require the  
3 answer, would require the deponent to give a legal  
4 conclusion, including law, but not limited to open  
5 dumped waste and demolition and debris. In addition,  
6 there has been a foundation already established as to  
7 part of that paragraph that the witness was not in a  
8 position to observe Mrs. Shehane.

9 MR. SIEVERS: You may answer.

10 THE WITNESS: My turn?

11 MR. DeBRUYNE: You may answer.

12 THE WITNESS: I didn't see the pile until after the  
13 inspection, if I saw it at all. I can't say this is  
14 true or not. I would believe it.

15 BY MR. SIEVERS:

16 Q. So you have no basis to contradict any of the  
17 facts set forth in Paragraph 4 on Bates stamp page 5 of  
18 the exhibit, correct?

19 MR. DeBRUYNE: Objection; asked and answered. Same  
20 objection.

21 As I said before, the witness has  
22 answered the question.

23 MR. SIEVERS: You may answer.

24 THE WITNESS: I don't know of anything either way.

1 BY MR. SIEVERS:

2 Q. Let's move on to the next paragraph. Begins,  
3 "Photo No. 5 was taken toward --" would you review that  
4 paragraph, please?

5 A. Okay.

6 Q. And please review the next paragraph that  
7 begins, "I left the property at about 9:55 am." And  
8 that concludes --

9 A. Okay.

10 Q. Now, do you know of any factual ascertions set  
11 forth in those two paragraphs that you contend are  
12 inaccurate?

13 MR. DeBRUYNE: Objection in that the question asked  
14 the witness to answer with a legal conclusion. There  
15 are terms such as "landscape waste." I have heard the  
16 word "fly dumped" requiring the witness to give a legal  
17 conclusion and, further, there is no foundation of the  
18 witness's knowledge of Mrs. Shehane's activities other  
19 than face-to-face on that date.

20 You may answer.

21 MR. SIEVERS: You may answer.

22 THE WITNESS: I don't know what was in -- at the  
23 time I stated that debris was fly dumped. I was unsure  
24 where on the property she was talking about, and I have

1 not seen the photo, so I -- I guess I wouldn't dispute  
2 that.

3 I have later learned, now, that those are  
4 trees from our property, so they weren't fly dumped.

5 BY MR. SIEVERS:

6 Q. Okay.

7 A. So I would have to dispute that.

8 Q. Any other facts in that paragraph with which  
9 you dispute?

10 A. That we were out of compliance.

11 MR. DeBRUYNE: He didn't ask you to read that -- he  
12 ended "9:55."

13 THE WITNESS: No, that is all for that paragraph.

14 BY MR. SIEVERS:

15 Q. Okay, I have -- I don't have anything further  
16 with Exhibit 7.

17 I am going to hand you what has  
18 previously by marked as Exhibits 8 and 9.

19 (Exhibits 8 and 9 were  
20 first referenced.)

21 BY MR. SIEVERS:

22 Q. Do you recognize Exhibit -- Exhibits 8 and 9?

23 A. Yeah, they look familiar.

24 Q. Do you recognize Exhibit 8 as "Respondent's

1 Second Supplemental Answers to Complainant's First  
2 Interrogatories to Respondent"?

3 A. Yes.

4 Q. Do you?

5 Do you recognize Exhibit 9 as  
6 Respondent's Second Supplemental Response To  
7 Complainant's First Requests to Produce to Respondent"?

8 A. Yes.

9 Q. On the second to the last page of both Exhibit  
10 8 and Exhibit 9, does your signature appear on those  
11 pages?

12 A. My signature appears on Exhibit 8 page 11.

13 Exhibit 9, page 5. Yes.

14 Q. And the Verification on page 5 and the  
15 Attestation on page 11, do you see those?

16 A. Yes.

17 Q. Do you have any reason, sitting here today, to  
18 believe that any of those statements made in that  
19 Verification or Attestation are false or inaccurate?

20 A. No.

21 Q. Do you have any reason to believe, sitting here  
22 today, that the Answers to the Interrogatories or  
23 Responses to the Interrogatories or -- do you have any  
24 reason to believe, sitting here today, that the Answers

1 to the Interrogatories in Exhibit 8 or the Request to  
2 Produce in Exhibit 9, are inaccurate or false in any  
3 way?

4 A. I don't have any reason to believe that, no.

5 Q. You answered those discovery requests  
6 truthfully and completely, would that be correct?

7 A. Yes.

8 Q. Now, referring you back to Exhibit 3.

9 Do you understand the material depicted  
10 in Exhibit 3 to have been from your property, is that  
11 what you just testified to recently?

12 A. I think these are trees from our property, yes.

13 Q. And what makes you think that?

14 A. I talked to Will Hoff, our Field  
15 Superintendent, regarding this case, and he said we were  
16 clearing trees at the time when this was all going on,  
17 so I assume it's on our property from clearing the trees  
18 from the property.

19 Q. Did Mr. Hoff say anything else to you involving  
20 the facts in this case?

21 A. Not that I recall.

22 Q. Did you say anything else to him about this  
23 case?

24 MR. DeBRUYNE: Objection. No foundation as to date

1 and time.

2 THE WITNESS: Just that -- just that I thought it  
3 was stupid.

4 BY MR. SIEVERS:

5 Q. Okay. When you spoke to Mr. Hoff about this,  
6 what day was that?

7 A. We have had several conversations, I imagine,  
8 over the last couple months.

9 Q. Okay. Do you know when the first conversation  
10 was?

11 A. No.

12 Q. Okay. Do you remember when -- how -- do you  
13 know how many conversations you think you have had with  
14 Mr. Hoff about this, the facts of the subject of this  
15 case?

16 A. Probably two or three -- oh, maybe more.

17 Q. Do you remember those conversations well enough  
18 to tell me about them?

19 A. Just -- we talked about the trees. I asked  
20 where the trees came from. He said we cleared trees on  
21 the site.

22 Q. Did you discuss anything further?

23 A. Not that I remember.

24 Q. Did he tell you anything further?

1 MR. DeBRUYNE: I am going to object. No Foundation  
2 as to date and time.

3 THE WITNESS: Just the trees were removed from the  
4 site.

5 BY MR. SIEVERS:

6 Q. And you don't -- you don't know when any of  
7 these conversations occurred with Mr. Hoff, is that  
8 correct?

9 A. I talked to him this week about it.

10 Q. What day?

11 A. Oh, boy. Is today Wednesday?

12 MR. DeBRUYNE: Tuesday.

13 THE WITNESS: It must have been yesterday.

14 BY MR. SIEVERS:

15 Q. And what did you say to him yesterday?

16 MR. DeBRUYNE: Objection. I was present.

17 Attorney/client privilege.

18 BY MR. SIEVERS:

19 Q. Okay. Why are you instructing him not to  
20 answer the question?

21 MR. DeBRUYNE: I am, unless he speaks. He talked  
22 to him some other time other than when I was talking to  
23 both of them.

24 BY MR. SIEVERS:

1 Q. Well let me ask you this: Other than  
2 conversation you had in the course of communicating with  
3 your attorney and he with you, did you speak to Mr. Hoff  
4 yesterday?

5 A. About this issue?

6 Q. Yes.

7 A. No.

8 Q. Okay. Now, prior to yesterday, when did you  
9 speak to Mr. Hoff about the subject of this case?

10 A. With Mr. DeBruyne?

11 Q. Prior to yesterday?

12 A. Yeah.

13 Q. Okay. Have you ever spoken to Mr. Hoff about  
14 the subject of this case outside of meeting with Mr.  
15 DeBruyne?

16 A. I am sure I have in casual conversation just  
17 expressing my frustration with it.

18 Q. Do you recall any specific date when you did  
19 have that conversation with Mr. Hoff?

20 A. No.

21 Q. Any month?

22 A. No. When did it happen? 2011. Probably the  
23 first month we got it.

24 Q. Have you told me, other than the conversations



1 you have had with Mr. Hoff in the course of meeting with  
2 Mr. DeBruyne, have you told me all you recall about  
3 conversations with Mr. Hoff concerning the subject of  
4 this case?

5 A. Uh-huh.

6 Q. Is that, "Yes"?

7 A. Yes.

8 Q. Let's go back to Exhibit 6.

9 Have you seen piles of material like this  
10 in the eastern Northern Illinois Service Company site  
11 before?

12 A. Yes.

13 Q. And do you know where those materials in the  
14 past have come from?

15 A. From the site. They get collected up from the  
16 site.

17 Q. From the work site?

18 A. Could be a work site, could be the property.

19 Q. Could it be the actual --

20 A. I am not sure.

21 Q. It could be the actual Northern Illinois  
22 Service Company site, the yard?

23 A. Yes.

24 Q. I see.

1                   On Exhibit 6, do you know where those  
2 materials came from?

3           A. I don't know for certain but it looks like they  
4 came from the yard.

5           Q. But you don't know, is that correct?

6           A. I don't know for sure, no.

7           MR. SIEVERS: I have nothing further.

8           MR. DeBRUYNE: I don't have any questions.

9           THE WITNESS: That's it?

10                               (Whereupon, the  
11 deposition ended at 2:20  
12 o'clock p.m., and further  
13 deponent saith not.)

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**Court Reporter Certificate**

I, Diane Hromek, a Certified Shorthand Reporter in the State of Illinois, #084-000942, do hereby certify that heretofore, to-wit, that on October 22, 2013, in the case of Illinois Environmental Protection Agency, Complainant versus Northern Illinois Service Company, before the Illinois Pollution Control Board, No. AC 12-51, said witness, PAUL MUNSON, was first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by said witness, PAUL MUNSON, was reported stenographically by me in the presence of said witness and afterwards reduced to text via computer, and the foregoing is a true and correct transcript of the testimony so given by said witness.

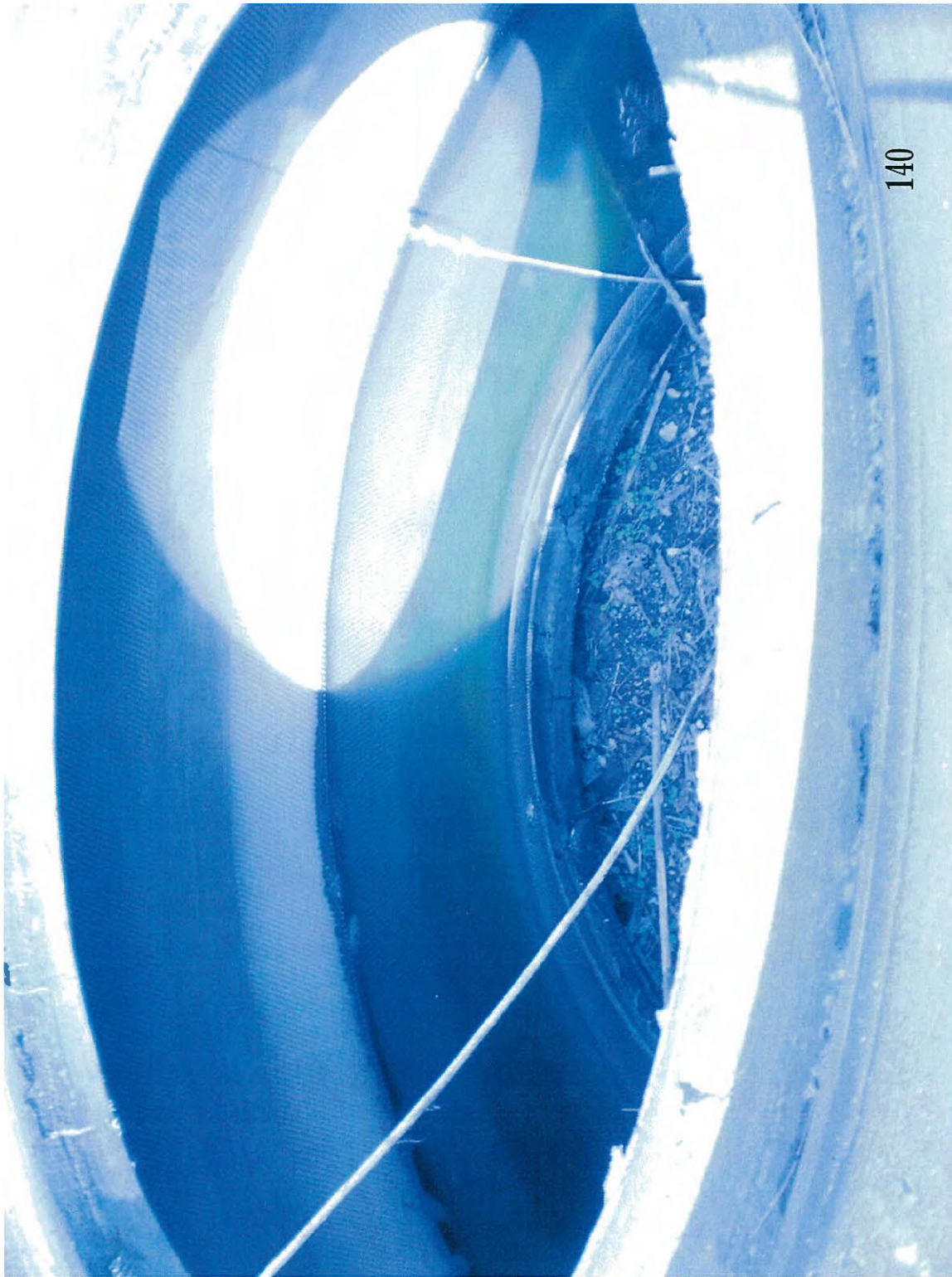
I further certify that there were present at the taking of this deposition Mr. Scott B. Sievers, who appeared on behalf of the petitioner; and Mr. Peter DeBruyne, who appeared on behalf of the respondent.

I further certify that the witness signature process was reserved.



Diane Hromek

Certified Shorthand Reporter



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Munson & Hoff	DEP
EX. NO. 1	D
DATE: 10-22-13	
DIANE HIRCHEK'S COURT REPORTERS, INC.	
REPORTER: D.H.	
1-800-556-5554	



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Munson & Hoff	DEP
EX. NO. 2	10
DATE: 10-22-13	
DIANE HROMEK'S COURT REPORTERS, INC	
REPORTER: LOH	
1-800-556-5554	

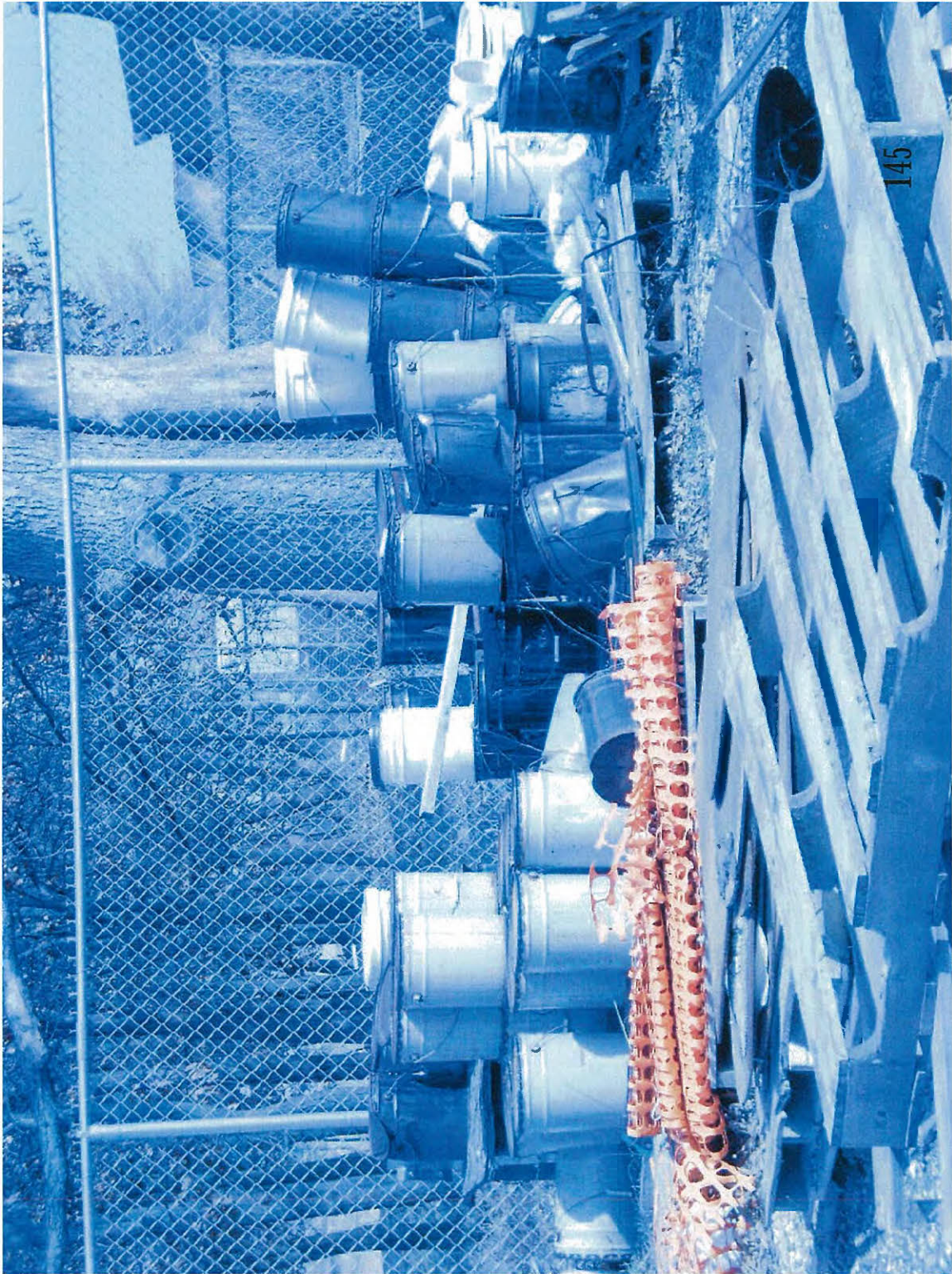




144

<i>munson + Hoff</i>	DEP
EX. NO. <i>3</i>	ID
DATE: <i>10-22-13</i>	
DIANE HROBEK'S COURT REPORTERS, INC.	
REPORTER: <i>DH</i>	
1-800-556-5554	





Munson • Hoff DEP  
EX. NO. 4  
DATE: 10-22-13  
DIANE HADJEKIS COURT REPORTERS, INC  
REPORTER: KH  
1-800-556-5554





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Imunson • Heff	DEP
EX. NO. 5	D
DATE: 10-22-13	
DIANE HROCK'S COURT REPORTERS, INC.	
REPORTER: LH	
1-800-556-5554	





143

Amunson & Hoff	DEP
EX. NO. 6	10
DATE: 10-22-13	
DIANE HROBEK'S COURT REPORTERS, INC.	
REPORTER: DPH	
1-800-556-5554	

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Open Dump Inspection Checklist**

County: Winnebago LPC#: 2010301120 Region: 1 - Rockford  
 Location/Site Name: Rockford/Northern Illinois Service  
 Date: 03/14/2012 Time: From 9:35 am To 9:55 am Previous Inspection Date: 12/07/2011  
 Inspector(s): Shehane Weather: 61 °F, SSW winds @ 15 mph; cloudy  
 No. of Photos Taken: # 6 Est. Amt. of Waste: 75 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Paul Munson Complaint #:       
 Latitude: 42.22122 Longitude: -89.02172 Collection Point Description: Center of Site -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation -

Responsible Party Mailing Address(es) and Phone Number(s):  

Northern Illinois Service Attention: Paul Munson 4781 Sandy Hollow Road Rockford, IL 61109	
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	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

Munson + Hoff DEP  
 EX. NO. 7  
 DATE: 10-22-13  
 DIANE HROMEK'S COURT REPORTERS, INC.  
 REPORTER: PH  
 1-800-556-5654

LPC # 2010301120

Inspection Date: 03/14/2012

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:	55(k)(1) Cause or Allow water to accumulate in used or waste tires	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

**Informational Notes**

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

**2010301120 – Winnebago County  
Rockford/Northern Illinois Service**

**NARRATIVE INSPECTION REPORT DOCUMENT**

On March 14, 2012, I (Donna Shehane) conducted a follow-up inspection at Northern Illinois Service, located at 4781 Sandy Hollow Road, Rockford, IL 61109. The last inspection of this facility occurred on December 7, 2011, for which an Open Dump Administrative Citation Warning Notice was issued. The weather at the time of this inspection was 61 °F with SSW winds at 15 mph and cloudy skies.

I drove onto the property at approximately 9:35 am and met with Mr. Paul Munson in the office. Mr. Munson provided me with a tire disposal receipt from S.T.A.R. Used Tire Disposal dated February 21, 2012 for the pickup of used tires, as well as two receipts from Veolia ES Orchard Hills Landfill dated February 8, 2012 for waste/construction and demolition debris disposal. Mr. Munson stated that he had not yet submitted the registration form and \$100 annual fee for 2011, but would submit them shortly. He then allowed me to access the yard area to conduct an inspection.

I observed four large tires at the southwest corner of the site and took two photographs which document water accumulation in the tires (See photos # 1 and # 2). I also observed a few on-rim tires, as well as several used tires hooked together with chains (See photo # 3).

As on December 7, 2011, and an earlier inspection on September 15, 2009, I observed a pile of open dumped waste, including construction or demolition debris, on the ground (See photo # 4). The waste in this pile included lumber, plastic, fabric, metal, white pipe, and other miscellaneous debris. Back in the office, I reminded Mr. Munson that this facility is not allowed to bring off-site generated waste to this property for disposal and/or further transfer to a disposal site, as that constitutes a waste transfer station that must be permitted by the Agency. Mr. Munson stated that "he tries to tell the guys" not to dump the materials from demolitions but they don't always listen.

Photo # 5 was taken toward the southeast of a few piles of landscape waste on the property, which Mr. Munson stated were fly-dumped there. I then took photo # 6 of buckets/containers which, according to Mr. Munson contained mastic to be used by the facility.

I left the property at about 9:55 am

Northern Illinois Service was found to be out of compliance at the time of this inspection. Apparent violations noted:

1. Section 21(a) of the Act.
2. Section 21(d)(1) of the Act.
3. Section 21(d)(2) of the Act.

IEPA - DEPT. OF ENVIRONMENTAL MANAGEMENT  
PERMITS

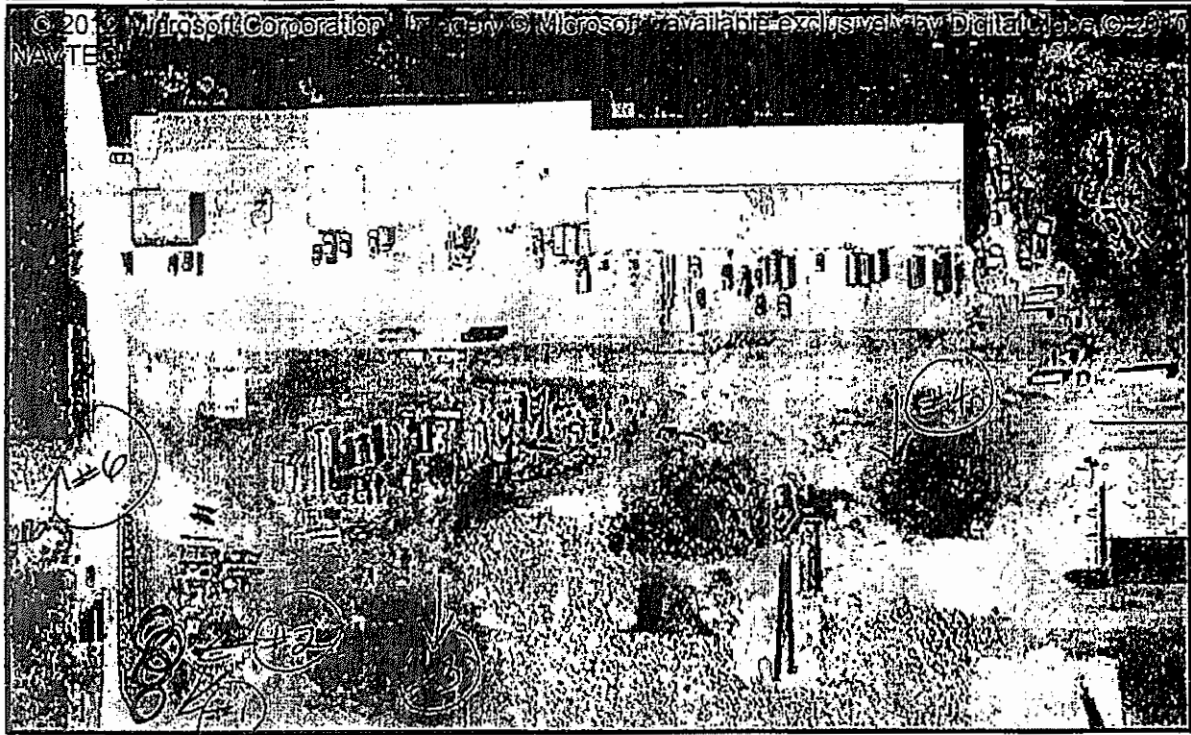
APR 23 2012

REVIEWER MED

4. Section 21(e) of the Act.
5. Section 21(p)(1) of the Act.
6. Section 21(p)(7) of the Act.
7. Section 55(k)(1) of the Act.
8. Section 812.101(a) of 35 IAC Subtitle G.

END NARRATIVE BY DONNA SHEHANE

Print this page in a more readable format: Click Print next to the upper-right corner of the map.



4781 Sandy Hollow Rd, IL 6110942.2239103168249 -89.0237476676703

↑  
 State of Illinois  
 Environmental Protection Agency  
 Site Sketch

Date: 3/14/2012

County: Winnebago

Site Code: 2010301120

Inspector: Sheehan

Site Name: Northern  
 Illinois  
 Service

Time: 9:35 - 9:55  
am am

NOT TO SCALE  
 2010301120 2031412-001-  
 006

**RECEIVED**  
 Division of Legal Counsel  
 APR 09 2012

Environmental Protection



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	AC 12-51
	)	
Complainant,	)	(IEPA No. 87-12-AC)
	)	Administrative Citation
v.	)	
	)	
NORTHERN ILLINOIS	)	
SERVICE COMPANY,	)	
	)	
Respondent.	)	

**RESPONDENT'S SECOND SUPPLEMENTAL ANSWERS TO  
COMPLAINANT'S FIRST  
INTERROGATORIES TO RESPONDENT**

NOW COMES respondent, NORTHERN ILLINOIS SERVICE COMPANY, and for its second supplemental answers to complainant's interrogatories, states as follows:

**GENERAL OBJECTIONS**

Respondent objects to each and every answer to the extent that it exceeds the scope of discovery permitted by the Illinois Supreme Court Rules or the Rules of Civil Procedure or requires respondent to do more than is required by the Illinois Supreme Court Rules or the Rules of Civil Procedure. This objection shall apply to, and is hereby incorporated by reference in, each and every answer to Complainant's First Interrogatories to Respondent.

<i>Munson</i>	DEP
EX. NO. <u>8</u>	<input checked="" type="checkbox"/>
DATE: <u>10-22-13</u>	
TIANE HROMEK'S COURT REPORTERS, INC.	
REPORTER: <u>DM</u>	
1-800-556-5554	

**INTERROGATORIES**

1. State the full name, title, current residence address, and telephone number of each individual who participated in answering Complainant's First Interrogatories to Respondent, and describe the nature of each individual's participation.

**ANSWER:** Objection; attorney/client privilege; without waiving the foregoing objection, Paul Munson, P.O. Box 471, 438 Perley Avenue, Pecatonica, IL 61063; telephone No.: 815-239-9200; William Hoff, 16735 Comly Road, Pecatonica, IL 61063; telephone No.: 815-509-5247.

2. Describe in detail the respondent's business, including its operations, legal structure, and its owners.

**ANSWER:** Northern Illinois Service Co. is an Illinois corporation, owned by Wayne Klinger. The company is engaged in heavy construction work.

3. Identify the owner(s) of all real property at the Site, stating which owners own which property.

**ANSWER:** Northern Illinois Service Company.

4. In paragraph (1) of your Response to Violations within your Petition for Review, you state that the respondent "denies the allegations of the violations set forth as '(l)' because respondent did not cause or allow 'open dumping,' did not dump 'waste,' and its activities did not result in 'litter' as alleged in '(1).'" State all facts upon which you base your assertion that the respondent did not cause or allow open dumping.

**ANSWER:** Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the



Citation is respondent's equipment; further, the material pictured in exposure 006 attached to the Citation are respondent's supplies; investigation continuing.

5. In paragraph (1) of your Response to Violations within your Petition for Review, you state that the Respondent "denies the allegations of the violations set forth as '(1)' because Respondent did not cause or allow 'open dumping,' did not dump 'waste' and its activities did not result in 'litter' as alleged in '(1).'" State all facts upon which you base your assertion that the respondent did not dump waste.

ANSWER: Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the Citation is respondent's equipment; further, the material pictured in exposure 006 attached to the Citation are respondent's supplies; further most, if not all, of the material depicted in the exposures attached to the Citation were generated from respondent's site; investigation continuing.

6. In paragraph (1) of your Response to Violations within your Petition for Review, you state that the respondent "denies the allegations of the violations set forth as '(1)' because respondent did not cause or allow 'open dumping,' did not dump 'waste,' and its activities did not result in 'litter' as alleged in '(1).'" State all facts upon which you base your assertion that the respondent's activities did not result in litter.

ANSWER: Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the Citation is respondent's equipment; further, the material pictured in exposure 006

attached to the Citation are respondent's supplies; further most, if not all, of the material depicted in the exposures attached to the Citation were generated from respondent's site; further the material depicted in the exposures and referenced in the Citation were not discarded and respondent is the owner of the site in question; further, the material depicted in the exposures attached to the Citation did not constitute a public nuisance nor was there any chance of the material being transported by natural elements on to the real property of any other person; investigation continuing.

7. In paragraph (2) of your Response to Violations within your Petition for Review, you state that the respondent "denies the allegations of the violations set forth as "(2)" because respondent did not cause or allow "open dumping," and did not dump "waste." State all facts upon which you base your assertion that the respondent did not cause or allow open dumping.

**ANSWER:** Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the Citation is respondent's equipment; further, the material pictured in exposure 006 attached to the Citation are respondent's supplies; investigation continuing.

8. In paragraph (2) of your Response to Violations within your Petition for Review, you state that the respondent "denies the allegations of the violations set forth as "(2)" because respondent did not cause or allow "open dumping," and did not dump "waste." State all facts upon which you base your assertion that the Respondent did not dump waste.

ANSWER: Objection inasmuch as the interrogatory requests legal conclusions; without waiving the foregoing objection, the site alleged in the Citation was not a disposal site; further, the material depicted in exposures 001, 002 and 003 attached to the Citation is respondent's equipment; further, the material pictured in exposure 006 attached to the Citation are respondent's supplies; further most, if not all, of the material depicted in the exposure attached to the Citation were generated from respondent's site; investigation continuing.

9. Identify in detail the source of the lumber, plastic, fabric, metal, white pipe, and other miscellaneous materials piled together at your site on March 14, 2012, including how long those materials had been so piled together as of that date.

ANSWER: Objection inasmuch as the interrogatory does not define with particularity the "lumber, plastic, fabric, metal, white pipe, and other miscellaneous materials" referenced; without waiving the foregoing objection, and assuming solely for the purposes of responding to these interrogatory but without admitting the veracity thereof, that the material referred to is that referenced in the photograph attached to the Administrative Citation, the source is Northern Illinois Service Company and the materials had been so collected for a matter of weeks; investigation continuing.

10. Identify in detail the source of the off-rim tires present at your site on March 14, 2012, including how long those tires had been so present as of that date.

ANSWER: Objection inasmuch as the interrogatory does not define with particularity the "off-rim" tires referenced; without waiving the foregoing objection, and assuming solely for the purposes of responding to these interrogatory but without admitting the veracity thereof, that the material referred to is that referenced in the

photograph attached to the Administrative Citation, the tire with designated file name 2010301120-031412-001-006, page 1 of 3, had its source as a Northern Illinois Service Company vehicle from which it had been removed; regarding file name 2010301120-031412-001-006, page 2 of 3, attached to the Administrative Citation, the source is Northern Illinois Service Company and the tires in both cases are part of equipment used by Northern Illinois Service Company.

11. Do you contend that individuals and/or entities other than you were responsible for placing at your site the lumber, plastic, fabric, metal, white pipe, and other miscellaneous materials piled together on March 14, 2012? If your answer is anything other than an unequivocal "No," state all facts upon which you base your contention.

ANSWER: Objection; interrogatory asks for a legal opinion and not facts; without waiving the foregoing objection and assuming the interrogatory is directed toward the materials depicted in the photographs attached to the Complaint, no.

12. Do you contend that individuals and/or entities other than you were responsible for placing at your site the off-rim tires that were present on March 14, 2012? If your answer is anything other than an unequivocal "No," state all facts upon which you base your contention.

ANSWER: Objection; interrogatory asks for legal opinion and not facts; without waiving the foregoing objection and assuming the interrogatory is directed toward the materials depicted in the photographs attached to the Complaint, no.

13. If your answer to either interrogatory No. 11 or No. 12 above was anything other than an unequivocal "No," identify all steps you have taken to restrict access to your site from unauthorized individuals or entities.

**ANSWER:** See answers to interrogatory Nos. 11 and 12.

14. If your answer to either interrogatory No. 11 or No. 12 above was anything other than an unequivocal "No," identify all steps you have taken to determine the responsible individuals and/or entities as well as the names and addresses of each individual or entity you determined to be so responsible.

**ANSWER:** See answers to interrogatory Nos. 11 and 12.

15. Identify in detail all U. S. Environmental Protection Agency, Illinois Environmental Protection Agency, and Winnebago County permits you had as of March 14, 2012 concerning solid waste or used tires.

**ANSWER:** See response to request to produce No. 2.

16. Do you contend that, as of March 14, 2012, your site fulfilled the requirements for a sanitary landfill in Illinois? If so, state all facts upon which you base your contention.

**ANSWER:** Objection; interrogatory asks for a legal opinion and not facts; without waiving the foregoing objection, no.

17. State the full name, address, and telephone number of each person who has knowledge of the matters alleged in your Petition for Review, and specify the knowledge each person possesses.

**ANSWER:** Objection, burdensome and oppressive as a number of people would have some, perhaps minute, knowledge of the matters alleged in the Petition for Review;

without waiving the foregoing objection, Paul Munson, P.O. Box 471, 438 Perley Avenue, Pecatonica, IL 61063; telephone No.: 815-239-9200; William Hoff, 16735 Comly Road, Pecatonica, IL 61063; telephone No.: 815-509-5247.

Paul Munson encountered the inspector. He knows the nature of the materials shown in the photographs; he is aware of the procedures employed by respondent with respect to the allegations of the Petition.

William Hoff manages the field operations for respondent. He also is aware of the nature of the material contained in the photographs attached to the Petition; he also is aware of the procedures employed by Northern in connection with the production and disposition of the material shown in the photographs attached to the Petition.

18. Pursuant to Illinois Supreme Court Rule 213(f) and 35 Ill. Adm. Code 101.616, provide the name and address of each witness who will testify at trial and all other information required for each witness.

**ANSWER:** None identified as yet other than Paul Munson and William Hoff; at his time respondent identifies Mr. Munson and Mr. Hoff only as lay witnesses. These witnesses will testify as to the nature of the material shown in the photographs attached to the Petition, the intent of respondent, the collection, retention and disposition of the material shown in the photographs as well as general background information with respect to respondent.

Respondent reserves the right to designate either Mr. Munson or Mr. Hoff as an expert witness as well as the right to designate other independent expert witnesses or controlled expert witness; investigation continuing.

19. Has any person identified in your answers to interrogatories Nos. 17 and 18 above been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered as a conviction.

ANSWER: No.

20. Have you (or has anyone acting on your behalf) had any conversations with any person at any time regarding the alleged conduct that is the subject of the violations set forth against you in the Administration Citation, or have you overheard any statements made by any person at any time regarding the alleged conduct that is the subject of the violations set forth against you in the Administration Citation? If the answer to this interrogatory is in the affirmative, state the following:

- (a) The date or dates of such conversations and/or statements;
- (b) The place of such conversations and/or statements;
- (c) All persons present for the conversations and/or statements;
- (d) The matters and things stated by the person in the conversations and/or statements;
- (e) Whether the conversation was oral, written and/or recorded; and
- (f) Who has possession of the statement if written and/or recorded.

ANSWER: Objection; irrelevant and immaterial; also burdensome and oppressive; without waiving the foregoing objections, none other than general conversations of extremely brief duration at respondent noting the existence of a Citation and a brief conversation between Paul Munson and Donna Shehane, on March 14, 2012,

involving Paul Munson's repetition to Donna Shehane of an instruction he had given to respondent's employees in reference to a comment made by Shehane about what she had observed on respondent's property which, at the time of the conversation, had not been observed by Mr. Munson.

21. Do you know of any statements made by any individual or entity relating to the alleged conduct that is the subject of the violations set forth against you in the Administrative Citation? If so, give the name and address of each such individual or entity, the date of the statement, and state whether such statement was written and/or oral.

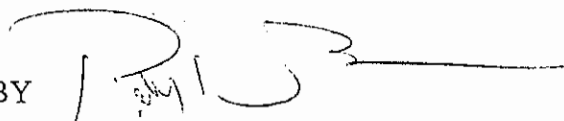
ANSWER: Objection; irrelevant and immaterial; also burdensome and oppressive; without waiving the foregoing objection, respondent is not aware of any statements at this time; investigation continuing.

22. Identify all records documenting any of the facts asserted in your answers to the previous interrogatories, describing each record with specificity, including its subject, date, author, and addressee, where applicable, and state the full name and address of the individual or entity having possession, custody, or control of each record.

ANSWER: Objection; burdensome and oppressive; see responses to document requests.

NORTHERN ILLINOIS SERVICE  
COMPANY, Respondent

BY: PETER DeBRUYNE, P.C.

BY 

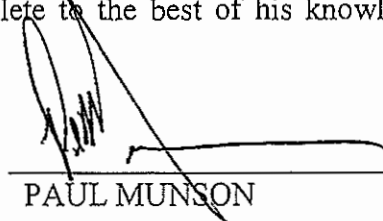
Peter DeBruyne, Its Attorney




ATTESTATION

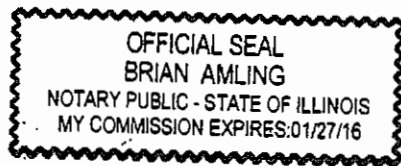
STATE OF ILLINOIS                    )  
  )     SS.  
COUNTY OF WINNEBAGO            )

PAUL MUNSON, being first duly sworn on oath, deposes and states that he is a management employee of respondent in the above-captioned matter, that he has read the foregoing document and, except as respondent has objected to the interrogatories, the answers made herein are true, correct and complete to the best of his knowledge and belief.

  
\_\_\_\_\_  
PAUL MUNSON

SUBSCRIBED and SWORN to before me this 19<sup>th</sup> day of August, 2013.


  
\_\_\_\_\_  
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that I did on the 19<sup>th</sup> day of August, 2013 by regular mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the foregoing Respondent's Second Supplemental Answers to Complainant's First Interrogatories to Respondent on the following:

Scott B. Sievers  
Special Assistant Attorney General  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

  
Peter DeBruyne

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	AC 12-51
	)	
Complainant,	)	(IEPA No. 87-12-AC)
	)	Administrative Citation
v.	)	
	)	
NORTHERN ILLINOIS	)	
SERVICE COMPANY,	)	
	)	
Respondent.	)	

**RESPONDENT'S SECOND SUPPLEMENTAL  
RESPONSE TO COMPLAINANT'S FIRST  
REQUESTS TO PRODUCE TO RESPONDENT**

Respondent, NORTHERN ILLINOIS SERVICE COMPANY, states as follows for its second supplemental response to Complainant's First Requests to Produce to Respondent.

**GENERAL OBJECTIONS**

Respondent objects to each and every Request to the extent that it exceeds the scope of discovery permitted by the Illinois Supreme Court Rules or the Rules of Civil Procedure or requires respondent to do more than is required by the Illinois Supreme Court Rules or the Rules of Civil Procedure. This objection shall apply to, and is hereby incorporated by reference in, each and every Response to Complainant's First Requests to Produce to Respondent.

**REQUESTS TO PRODUCE**

Munson	DEP
EX. NO. 9	10
DATE: 10-22-13	
DIANE HROMEK'S COURT REPORTERS, INC.	
REPORTER: 1014	
1-800-556-5554	

1. A true and accurate copy of the respondent's state and federal tax returns for the years 2007, 2008, 2009, 2010 and 2011.

RESPONSE: Objection; immaterial and irrelevant to any issue in the case; further, respondent's state and federal tax returns are confidential and proprietary.

2. True and accurate copies of all U.S. Environmental Protection Agency, Illinois Environmental Protection Agency, and Winnebago County permits you had as of March 14, 2012 concerning solid waste or used tires.

RESPONSE: The only document responsive to this request has been produced.

3. True and accurate copies of all records identified in your answer to Interrogatory No. 22 of the Complainant's First Interrogatories to Respondent.

RESPONSE: Objection; burdensome and oppressive; there may be voluminous documents which have some relation to interrogatory answers but which have no practical relevance to the issues in the case; for example, there may be a packing slip buried in a warehouse somewhere relating to the production of a pallet which appears in the photographs attached to the Petition. This document quite clearly would not be relevant to the issues raised in the Petition and it would be burdensome upon respondent to require it to track down every such piece of paper. Further examples could be given; without waiving the foregoing objection, will produce.

4. True and accurate copies of all records referenced in your answers to Complainant's Complainant's First Interrogatories to Respondent.

RESPONSE: Objection; burdensome and oppressive; there may be voluminous documents which have some relation to interrogatory answers but which have no practical relevance to the issues in the case; for example, there may be a packing slip

buried in a warehouse somewhere relating to the production of a pallet which appears in the photographs attached to the Petition. This document quite clearly would not be relevant to the issues raised in the Petition and it would be burdensome upon respondent to require it to track down every such piece of paper. Further examples could be given; without waiving the foregoing objection, will produce.

5. True and accurate copies of all records documenting the facts set forth in your Petition for Review.

RESPONSE: Objection; burdensome and oppressive; there may be voluminous documents which have some relation to the facts set forth in the Petition for Review but which have no practical relevancy to the issues in the case; for example, there may be a packing slip buried in a warehouse somewhere relating to the production of a pallet which appears in the photographs attached to the Petition. This document quite clearly would not be relevant to the issues raised in the Petition and it would be burdensome upon respondent to require it to track down every such piece of paper. Further examples could be given; without waiving the foregoing objection, will produce.

6. True and accurate copies of all records documenting the facts set forth in your answers to Complainant's First Interrogatories to Respondent.

RESPONSE: Objection; burdensome and oppressive; there may be voluminous documents which have some relation to records documenting the facts set forth in respondent's Answers to Complainant's First Interrogatories to Respondent but which no practical relevance to the issues in this case; for example, there may be a packing slip buried in a warehouse somewhere relating to the production of a pallet which appears in the photographs attached to the Petition. This document quite clearly would not be relevant to the issues raised in the

Petition and it would be burdensome upon respondent to require it to track down every such piece of paper. Further examples could be given; without waiving the foregoing objection, will produce.

7. An affidavit attesting whether your production is complete in accordance with the Complainant's First Requests to Produce.

NORTHERN ILLINOIS SERVICE  
COMPANY, Respondent

BY: PETER DeBRUYNE, P.C.

BY 

Peter DeBruyne, Its Attorney


Peter DeBruyne  
Peter DeBruyne, P.C.  
838 North Main Street  
Rockford, IL 61103  
Telephone (815) 964-3810  
Fax (815) 964-3813  
Email: [pdebruyne@sbcglobal.net](mailto:pdebruyne@sbcglobal.net)

VERIFICATION

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF WINNEAGO )

PAUL MUNSON, being duly sworn on oath, states as follows:


1. He is a management employee of respondent and is authorized to make this Verification.
2. He is legally competent to make this Verification.
3. He has read the attached Respondent's Second Supplemental Response to Complainant's First Requests to Produce to Respondent and it is complete in accordance with the Requests, except as respondent has objected to the Requests.
4. Under 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, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.




---

Paul Munson

Subscribed and sworn to  
before me this 17<sup>th</sup> day of  
August, 2013.




---

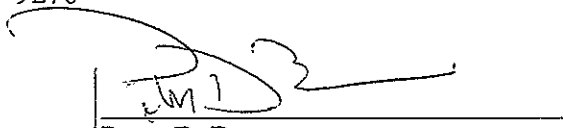
Notary Public.



CERTIFICATE OF SERVICE

I hereby certify that I did on the 9<sup>th</sup> day of August, 2013 by regular mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the foregoing Respondent's Second Supplemental Response to Complainant's First Requests to Produce to Respondent on the following:

Scott B. Sievers  
Special Assistant Attorney General  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

  
Peter DeBruyne



WITNESS CHANGE SHEET

1  
2  
3  
4  
5  
6  
7  
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NAME: PAUL MUNSON

DATE OF DEPOSITION: October 22, 2013

RE: Illinois Environmental Protection Agency versus  
Northern Illinois Service Company, AC12-51, IEPA No.  
87-12-AC)

Page 12 Change William Klinger to Wayne Klinger

Line 6,7 Reason wrong name used.

Page 27 Change where the pass to where in the past

Line 24 Reason wrong words used

Page \_\_\_ Change \_\_\_\_\_

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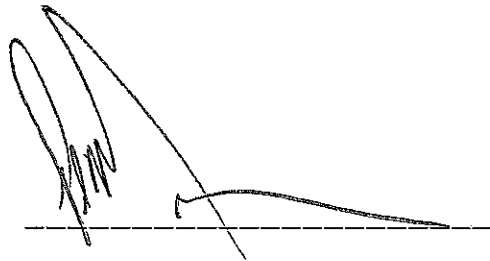
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WITNESS SIGNATURE PAGE

STATE OF ILLINOIS

UNITED STATES OF AMERICA

I hereby certify that I have read the foregoing transcript of my deposition, given at the time and place aforesaid, and I do again subscribe and make oath that the same is a true, correct and complete transcript of my deposition so given as aforesaid as it now appears.



Signature of Witness

SUBSCRIBED AND SWORN TO before me this 24<sup>th</sup> day of November AD, 2013.

Laura M. Hargis

Notary Public.

Winnebago County, State of Illinois

