

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 14-99
)	(Pollution Control Facility
)	Siting Appeal)
VILLAGE OF ROUND LAKE PARK, ROUND)	
LAKE PARK VILLAGE BOARD and GROOT)	
INDUSTRIES, INC.,)	
)	
Respondents.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that on April 25, 2014, there was filed electronically Respondent, GROOT INDUSTRIES, INC.'S SUPPLEMENTAL ANSWERS TO PETITIONER'S FIRST SET OF INTERROGATORIES TO GROOT INDUSTRIES, INC., a copy of which is hereby attached and served upon you.

Dated: April 25, 2014 Respectfully submitted,

On behalf of GROOT INDUSTRIES, INC.

/s/ Richard S. Porter
Richard S. Porter
One of Its Attorneys

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
)	
Petitioner)	
)	
v.)	No. PCB 2014-099
)	
VILLAGE OF ROUND LAKE PARK,)	
ROUND LAKE PARK VILLAGE BOARD)	
and GROOT INDUSTRIES, INC.,)	(Pollution Control Facility Siting Appeal)
)	
Respondents)	

**SUPPLEMENTAL ANSWERS TO PETITIONER'S FIRST SET OF
INTERROGATORIES TO GROOT INDUSTRIES, INC.**

Now comes Respondent, Groot Industries, Inc. ("Groot"), by and through its attorneys, HINSHAW & CULBERTSON LLP, and supplements its answer to Petitioner, Timber Creek Homes, Inc.'s First Set of Interrogatories as follows:

GENERAL OBJECTIONS AND RESPONSE: Groot objects to the Interrogatories, as set forth in its Objections to Petitioner's Discovery Requests, dated February 26, 2014. Groot specifically objects to these Interrogatories to the extent that they are overbroad and seek documents unrelated to the transfer station that is the subject of this proceeding. Groot's objections were ruled upon and sustained in the Discovery Order of Hearing Officer Halloran ("Discovery Order"), dated March 20, 2014, which Order the PCB has affirmed. The Discovery Order set the timeframe for discovery as the date on which Mr. Dale Kleszynski was hired, which was June 20, 2013, and limited discovery to the subject transfer station.

In an order dated April 7, 2014 ("April 7 Hearing Officer Order"), the Hearing Officer ruled that Petitioner may seek limited additional discovery prior to June 20, 2013, stating that "TCH may pursue discovery regarding entries reflected in the Village Board's minutes which

[were] the subject of TCH's Requests to Admit" and which are related to the subject waste transfer station. The April 7 Hearing Officer Order has been affirmed by the PCB.

TCH has declined to propound new discovery requests according to the limitations set by the hearing officer, so it is unclear how the original discovery requests should be read in light of the hearing officer's orders. Accordingly, Groot has attempted in good faith to respond to the requests as written, as further limited by the hearing officer orders. Groot is providing discovery prior to June 20, 2013, only to the extent that it is 1) related to the subject transfer station itself; and 2) related to and within 14 days prior to an entry in the Village Board's meeting minutes which were the subject of Petitioner's Requests to Admit. The relevant exhibits to Petitioner's Requests to Admit that are related to the transfer station are: Exhibits 2, 3, 4, 7, 24, 25, 26, 27 and 28.

Groot has not re-produced documents previously produced by it or any other party, and does not, by its responses to Petitioner's discovery set forth herewith, waive its objection to discovery outside the limits set by the hearing officer. Any information provided herewith that is outside the scope of the Hearing Officer orders is inadvertent and should not be construed as a waiver of the limitations set by the hearing officer.

Any privileged material produced is accidentally produced without waiver. Any documents withheld under a claim of privilege will appear in a privilege log and/or be provided to the Hearing Officer for his review in the nature of an in camera inspection.

1. Identify all communications in verbal, written or electronic form made by Groot to any member of the Round Lake Park Village Board (the "RLP Board") relating to the subject of a waste transfer station in the Village of Round Lake Park.

ANSWER: Subject to and without waiving the objections set forth above, the following documents, which relate to communications between the Village or Village Board and Groot or its representative, have been provided:

Groot 000006 - 000008 - e-mail from Charles F. Helsten to Peter Karlovics, regarding "Members of General Assembly for Round Lake Park," dated October 22, 2012.

Groot 000009 – e-mail from Martin Fallon, consultant for Groot Industries, to Peter Karlovics, cc: Jean McCue, Charles F. Helsten, Larry Groot, regarding "Groot Industries Lake Transfer Station," dated October 22, 2012.

Groot 000010-000011 – e-mail string between Peter Karlovics and Martin Fallon, cc: Jean McCue, Charles F. Helsten, Larry Groot, regarding "Groot Industries Lake Transfer Station," dated October 22, 2012.

Groot 000012-000013 – e-mail string between Jean McCue, Martin Fallon, and Peter Karlovics, cc: Charles F. Helsten, Larry Groot, regarding "Groot Industries Lake Transfer Station," dated October 23, 2012.

Groot 000014-000015 – e-mail string between Martin Fallon, Jean McCue, and Peter Karlovics, cc: Charles F. Helsten, Larry Groot, regarding "Groot Industries Lake Transfer Station," dated October 23, 2012.

Groot 000016-000029 - e-mail from Peter Karlovics to Glenn Sechen, cc: Charles F. Helsten, regarding "Chuck Helsten changes to siting ordinance," dated October 29, 2012, and attachment thereto.

Groot 000030 - 000032 – e-mail string between Charles F. Helsten and Peter Karlovics, regarding "Members of General Assembly for Round Lake Park," dated October 31, 2012.

Groot 000033 – e-mail from Martin Fallon to Jean McCue, regarding "Transfer Station," dated December 4, 2012.

Groot 000034 – e-mail from Jean McCue to Martin Fallon, regarding "Transfer Station," dated December 4, 2012.

Groot 000035-000036 – e-mail string between Jean McCue and Martin Fallon, regarding "Transfer Station," dated December 4, 2012.

Groot 000037-000038 – e-mail string between Martin Fallon and Jean McCue, regarding "Transfer Station," dated December 5, 2012.

Groot 000039-000040 – e-mail string between Jean McCue and Martin Fallon, regarding "Transfer Station," dated December 9, 2012.

Groot 000041-000043 – e-mail string between Martin Fallon and Jean McCue, regarding "Transfer Station," dated December 10, 2012.

Groot 000044-000046 – e-mail string between Jean McCue and Martin Fallon, regarding "Transfer Station," dated December 10, 2012.

2. Identify all communications in verbal, written or electronic form made by or to the Village of Round Lake Park ("VRLP") relating to the subject of a waste transfer station in the Village of Round Lake Park.

ANSWER: Subject to and without waiving the objections set forth above, Groot further objects because this interrogatory is vague and unanswerable as it fails to identify a declarant. Subject to these objections and without waiving same, see Answer to Interrogatory 1.

3. Identify all meetings, conversations, communications and contacts between Groot and any member of the RLP Board where the subject of a waste transfer station in the Village of Round Lake Park was discussed.

ANSWER: Subject to and without waiving the objections set forth above, see Answer to Interrogatory 1.

4. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and any officer, agent, employee or representative of Groot Industries, Inc.

ANSWER: Subject to and without waiving the objections set forth above, see Answer to Interrogatory 1.

5. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Lee Brandsma.

ANSWER: Subject to and without waiving the objections set forth above, there are no documents responsive to this request.

6. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Larry Groot.

ANSWER: Subject to and without waiving the objections set forth above, the following documents relate to communications between Larry Groot and the Village or Village Board:

Groot 000009
Groot 000010-000011
Groot 000012-000013
Groot 000014-000015

7. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Devin Moose.

ANSWER: Subject to and without waiving the objections set forth above, there are no documents responsive to this request.

8. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Chicago Bridge & Iron Company.

ANSWER: Subject to and without waiving the objections set forth above, see the following documents, attached hereto:

Groot 000009
Groot 000010-000011
Groot 000012-000013
Groot 000014-000015
Groot 000033
Groot 000034
Groot 000035-000036
Groot 000037-000038
Groot 000039-000040
Groot 000041-000043
Groot 000044-000046

9. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Shaw Environmental, Inc.

ANSWER: Subject to and without waiving the objections set forth above, see Answer to Interrogatory 8.

Dated: April 25, 2014

Respectfully submitted,

On behalf of GROOT INDUSTRIES, INC.

/s/ Richard S. Porter

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One of Its Attorneys

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AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

The undersigned certifies that on April 25, 2014, a copy of the foregoing **Supplemental Answers to Petitioner's First Set of Interrogatories to Groot Industries, Inc.** was served upon the following:

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