

ILLINOIS POLLUTION CONTROL BOARD

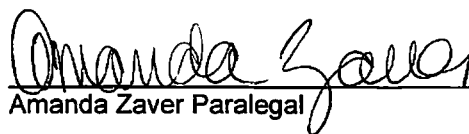
ENVIRONMENTAL RECYCLING AND )  
DISPOSAL SERVICES, INC. )  
 )  
Petitioner, ) PCB 16-76  
 )  
v. )  
 )  
WASTE MANAGEMENT OF ILLINOIS, INC., )  
WILL COUNTY AND WILL COUNTY BOARD )  
 )  
Respondents. )

**PROOF OF SERVICE**

I, Amanda Zaver, on oath certify that I caused to be served the foregoing, **Interrogatories and Requests to Produce** upon the following:

<b>Mr. Charles Helsten</b> Hinshaw & Culberston LLP 100 Park Avenue P.O. Box 1389 Rockford, IL 61105-1389 chelsten@hinshawlaw.com	<b>Mr. Donald Moran</b> 161 North Clark Street Suite 2700 Chicago, IL 60601-3242 dmoran@pedersenhoupt.com
<b>Mr. Bradley P Halloran</b> Hearing Officer Illinois Pollution Control Board James R. Thompson Center Suite 11-500 100 West Randolph Street Chicago, IL 60601 Brad.Halloran@illinois.gov	

Via email transmission, to the above listed parties, at e-mail addresses listed above, on February 16, 2016, before the hour of 5:00pm.

  
Amanda Zaver Paralegal

George Mueller  
ARDC No. 1980947  
MUELLER ANDERSON & ASSOCIATES  
609 Etna Road  
Ottawa, Illinois 61350  
Telephone (815) 431-1500  
george@muelleranderson.com

ILLINOIS POLLUTION CONTROL BOARD

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WILL COUNTY AND WILL COUNTY BOARD	)	
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Respondents.	)	

**FIRST SET OF INTERROGATORIES OF PETITIONER ENVIRONMENTAL  
RECYCLING AND DISPOSAL SERVICES, INC., DIRECTED TO RESPONDENTS,  
WASTE MANAGEMENT OF ILLINOIS, INC., WILL COUNTY AND  
WILL COUNTY BOARD**

NOW COMES Petitioner, Environmental Recycling and Disposal Services, Inc., by and through its attorney George Mueller, and hereby requests that Respondents, Waste Management of Illinois, Inc., Will County and Will County Board answer under oath, in accordance with 35 IAC 101.620, the following Interrogatories, within twenty-eight (28) days from the date upon which these Interrogatories were served:

**DEFINITIONS**

1. Identify.

a. When used with reference to an individual (or multiple individuals) shall require a statement of the individual's full name; present and/or last known position, employment, job title and/or business affiliation; business address and telephone number; present or last known residential address and telephone number; and the individual's relationship, if any, to or with the parties hereto.

b. When used with reference to a business or corporation (or multiple businesses or corporations) shall mean to state the business's or corporation's legal

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name, the names under which it does business, its form (proprietorship, corporation, partnership, association or business trust, etc.), the date and place of its inception and/or incorporation, identification of its principal proprietors, partners or officers, its present address, its principal place of business and its relationship, if any, to or with the parties hereto.

c. When used with reference to documents shall require a statement of the date thereof, the type of document, the author or speaker, and if different, the signer or signers, the addressee, the substance thereof, their present or last known location or custodian, and all other means of identifying them with sufficient particularity to satisfy the requirements for their identification in a request for their production pursuant to the possession or subject to control of the County Board, state the disposition that was made of it, the reason for such disposition, and the date thereof.

d. When used with reference to any communication, meeting, act, occurrence, statement or conduct (hereinafter collectively "act") requires you to:

- (i) describe the substance of the event or events constituting such act, and state the date when such act occurred;
- (ii) identify each and every person participating in such act;
- (iii) identify all other persons present when such act occurred;
- (iv) state whether any minutes, notes, memoranda, accounts, statements, agreements, or documents relating to the act was made;
- (v) state whether such record now exists; and
- (vi) identify the person presently having possession, custody or control of such record.

2. Relating To. "Relating to" as used herein with reference to a subject shall mean both of the following:

a. Containing, comprising, consisting of, constituting, composed of, stating, setting forth or recording, contradicting, referring to, relating to or in any way pertaining to, in whole or in part, that subject; and

b. Describing, discussing, reflecting, interpreting, identifying, concerning, contradicting, referring to, relating to, or in any way pertaining to, in whole or in part, that subject.

3. Document. "Document" shall mean all documents, objects and tangible things contemplated by the Illinois Code or the Illinois Administrative Code, including every original (and any copy of any original and any copy which differs in any way from any original) of every writing of every kind or description, whether handwritten, typed, drawn, sketched, or printed, including, without limitation, computer-generated or maintained data or reports, books, records, papers, pamphlets, brochures, circulars, plans, correspondence, emails, communications, telegrams, memoranda, notes, logs, notebooks, worksheets, reports, lists, analysis, appointment books, diaries, telephone bills and toll call records, expense reports, commission statements, confirmation statements, checkbooks, cancelled checks, receipts, contracts, agreements, instruments, assignments, applications, offers, acceptances, written memorials of oral communications, photographs, photographic slides or negative films, digital images, digital moving images, and film strips to which the County Board now has or has had access to in the past.

4. Communication. "Communication" includes all discussions, conversations, interviews, meetings, negotiations, emails, instant messaging, cablegrams, mailgrams, telegrams, telexes, cables, or other forms of written or verbal intercourse, however transmitted, including reports, notes, memoranda, lists, agendas, and other documents and records of communication, the identity of person(s) to whom and by whom it was made (see "1" above), the date it was made, the circumstances under which it was made, including but not limited to the location where it was made, the date it was made, the means by which it was made, and the form in which it was made.

5. All and Any. As used herein "all" refers to any and all, and the term "any" likewise refers to any and all.

6. And / Or. "And" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Interrogatory any documents, acts or communications which might otherwise be construed to be outside its scope.

7. Application. "Application" shall mean the Application Waste Management of Illinois, Inc., submitted to the Will County Board for site location approval of an expanded solid waste landfill located in Laraway, Illinois.

8. Any and all capitalized terms not defined herein should be ascribed the meanings given them in the Petition for Review.

### **INSTRUCTIONS**

1. Any word written in the singular shall be construed as plural and any word written in the plural shall be construed as singular when necessary to facilitate complete answers.

2. All information requested is from January 1, 2013, to the date of compliance with this request, unless otherwise specifically indicated. If the answer is not uniformly applied to that entire period, each change within the period is to be indicated with the date of such change.

3. Your answer to each interrogatory should include all knowledge within your custody, possession or control. Where facts are set forth in your answers or portions thereof are supplied upon information and belief rather than actual knowledge, so state and specifically describe or identify the source or sources of such information and belief. If any estimate can reasonably be made in place of the unknown information, set forth your best estimate, clearly designated as such, in place of unknown information, and describe the basis upon which the estimate is made. If you cannot answer the interrogatory in full after exercising due diligence to secure the information requested, so state and answer to the fullest extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.

4. To the extent any interrogatory is objected to, set forth all reasons therefore. If you claim privilege as a ground for not answering any interrogatory in whole or in part,

describe the factual basis for your claim of privilege, including all relevant dates and persons involved, in sufficient detail so as to permit the Court to adjudicate the validity of the claim. If you object in part to any interrogatory, answer the remainder completely.

5. Concerning any and all documents which you are asked to identify in these Interrogatories that you do not identify on the grounds of any type of privilege, or for any other reason, indicate and describe each document withheld by date, author(s), addressee(s), recipient(s) or distribute(s), title, type of document (e.g., memorandum, letter, report), location of its creation, present location of the document, identity of any person to whom it has already been revealed, identity of any person or entity who possesses or has custody of it, identity of any person or entity who possesses or has previously had custody of it, total number of copies created, the basis upon which it is being withheld, and general subject matter.

6. Where an interrogatory calls for the identification of a document, a true and correct copy of such document may be attached to the response in lieu of describing such documents, provided, however, where an interrogatory answer requires specification of particular words, paragraphs, pages, etc., the same be clearly identified. If in response to any interrogatory you exercise your option under the Illinois Supreme Court Rules to produce business records in lieu of a written response, identify and segregate the specific documents from which the answers to the interrogatory may be derived or ascertained with sufficient specificity to permit the answers to be identified in a document request.

7. To the extent required by the Illinois Supreme Court Rules and/or the Illinois Administrative Code or regulations, you are hereby requested and required to supplement your answers if you obtain or become aware of further responsive information after you serve your answers.

## **INTERROGATORIES**

1. For the period between January 1, 2013 and December 17, 2015, please identify all communications in verbal, written or electronic form made by any County Board Member, or County Employee, or made to any County Board Member, or County Employee, relating to the Laraway Landfill Application, excepting therefrom, communications in the form of official filings by Waste Management of Illinois, Inc., other registered participants, filed public comments and filings by Will County staff or hearing officer, and with respect to each such communication, please identify:

- A. The date said communication took place;
- B. The person or group initiating and/or authoring the communication;
- C. The person or group receiving the communication;
- D. The substance and content of the communication;
- E. The identity of all others present when such communication was made;
- F. The identity of all others present when such communication was received;
- G. The manner of the delivery of the communication; and
- H. Whether any record or memorandum of said communication exists.

**ANSWER:**

2. Between January 1, 2013 and December 17, 2015, please identify any and all meetings between any employee of Will County or member of the County Board, at any time or place where the Laraway Landfill was considered or discussed, excepting therefrom official meetings of the County Board or its committees and, with respect to each such meeting, identify:

- A. The date and time upon which said meeting took place;
- B. The location at which said meeting took place; and
- C. The names of all individuals who were present at said meeting.

**ANSWER:**

3. Please identify all communications written, oral or electronic between any member of the County Board and Dean Olson between June 1, 2013 and December 17, 2015 and for each such conversation state the date, the parties to the communication, the form or nature of the communication and the substance thereof.

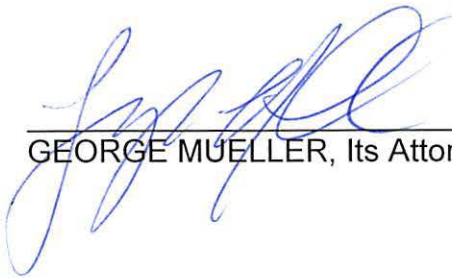
**ANSWER:**



4. Please identify all sources of materials outside the official public records consulted by, used or considered by any County Board member in evaluating, weighing or deliberating on the Application or any of the evidence submitted regarding the same.

**ANSWER:**

Respectfully submitted,  
Environmental Recycling and  
Disposal Services, Inc.



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GEORGE MUELLER, Its Attorneys

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**FIRST SET OF REQUESTS TO PRODUCE OF PETITIONER ENVIRONMENTAL RECYCLING AND DISPOSAL SERVICES, INC., DIRECTED TO RESPONDENTS, WASTE MANAGEMENT OF ILLINOIS, INC., WILL COUNTY AND WILL COUNTY BOARD**

**NOW COMES** ENVIRONMENTAL RECYCLING AND DISPOSAL SERVICES, INC. ("Petitioner") by its attorneys, George Mueller, and directs WASTE MANAGEMENT OF ILLINOIS, INC., WILL COUNTY AND WILL COUNTY BOARD ("Respondents"), to produce at the office of George Mueller, 609 E. Etna Road, Ottawa, Illinois, within twenty-eight (28) days of service of this request, or at such other time and place as may be agreed upon by the attorneys for the parties pursuant to Illinois Administrative Code Title 35, Section 101.616, for inspection, copying, reproduction and photographing the following documents, objects or tangible things, to wit:

**DEFINITIONS**

1. **Document.** "Document" shall mean all documents, objects and tangible things, including every original (and any copy of any original and any copy which differs in any way from any original) of every writing of every kind or description, whether handwritten, typed, drawn, sketched, or printed, including, without limitation, computer-

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generated or maintained data or reports, books, records, papers, pamphlets, brochures, circulars, plans, correspondence, emails, communications, telegrams, memoranda, notes, logs, notebooks, worksheets, reports, lists, analysis, appointment books, diaries, telephone bills and toll call records, expense reports, commission statements, confirmation statements, checkbooks, cancelled checks, receipts, contracts, agreements, instruments, assignments, applications, offers, acceptances, written memorials of oral communications, photographs, photographic slides or negative films, digital images, digital moving images and film strips to which Respondent now has or has had access to in the past.

2. Communication. "Communication" includes all discussions, conversations, interviews, meetings, negotiations, emails, instant messaging, cablegrams, mailgrams, telegrams, telexes, cables, or other forms of written or verbal intercourse, however transmitted, including reports, notes, memoranda, lists, agendas, and other documents, the identity of person(s) to whom and by whom it was made, the date it was made, the circumstances under which it was made, including but not limited to the location where it was made, the date it was made, the means by which it was made, and the form in which it was made.

3. Relate To or Relating To. "Relating to" or "relating to" as used herein with reference to a subject shall mean both of the following:

a. Containing, comprising, consisting of, constituting, composed of, stating, setting forth or recording, contradicting, referring to, relating to or in any way pertaining to, in whole or in part, that subject; and

b. Describing, discussing, reflecting, interpreting, identifying, concerning, contradicting, referring to, relating to, or in any way pertaining to, in whole or in part, that subject.

4. All and Any. As used herein "all" refers to any and all, and the term "any" likewise refers to any and all.

5. And / Or. "And" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this request any documents which might otherwise be construed to be outside its scope.

6. Any and all capitalized terms not defined herein should be ascribed the meanings given them in the Petition for Review filed with the Pollution Control Board on January 19, 2016, initiating this matter.

### **INSTRUCTIONS**

1. Any word written in the singular shall be construed as plural and any word written in the plural shall be construed as singular when necessary to facilitate complete answers.

2. All information requested is from January 1, 2013, to the date of compliance with this request, unless otherwise specifically indicated. If the answer is not uniformly applied to that entire period, each change within the period is to be indicated with the date of such change.

3. If any document requested is withheld on the ground of privilege, provide a log of all such documents, including: (a) a description of the subject of each such document; (b) all persons who have knowledge of each such document, or any having knowledge regarding each such document, including without limitation the author of any document withheld; (c) the date and circumstance of any communication of such document, including without limitation the identification of the author(s), any addressee(s), indicated or blind carbon copy recipient(s), or other recipient(s); and (d) all grounds relied upon for not providing each such document.

4. If any document described by this request has been lost, destroyed, discarded or otherwise disposed of, that document is to be identified as completely as possible.

5. If any information is redacted from a document produced pursuant to this request, that information is to be identified and described generally, and all grounds relied upon for not providing such information are to be fully set forth.

6. If any document described by this request no longer exists, or is no longer within your possession, custody or control, identify such document(s).

7. Identify in writing each paragraph of this request for which no responsive documents are produced.

8. If, subsequent to your initial response, you come into possession of any document(s) that is(are) responsive to any of the following requests, you are requested to supplement the response accordingly.

9. Documents produced in response to these requests must be organized in categories that correspond to the responsive request.

**DOCUMENTS TO BE PRODUCED**

1. All documents in the possession or control of Respondent referring to the Application that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

2. Any document received or created by any member of the County Board referring to the Application that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

3. All documents in the possession or control of Respondent referring to the Laraway Landfill that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

4. All documents in the possession or control of Respondent portraying the proposed expansion of the Laraway landfill or any property located within one (1) mile of the proposed expansion of the Laraway landfill that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

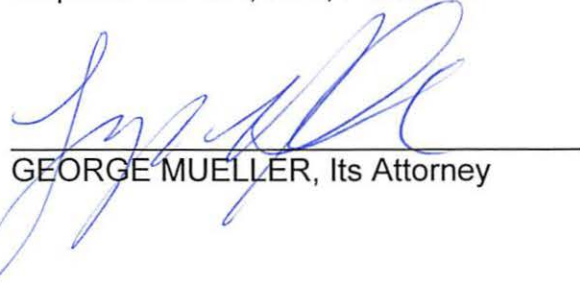
5. All documents, not otherwise filed with the Pollution Control Board as part of the record herein, including, without limitation, notes, drafts, memoranda, correspondence and transcripts, considered by the County Board regarding the Application.

6. All documents, not otherwise filed with the Pollution Control Board as part of the record herein, including, without limitation, notes, drafts, memoranda, correspondence and transcripts, available to the County Board in its consideration of the Application.

7. All documents in the possession or control of Respondent reflecting receipt of any funds, contribution, services or anything else of monetary value by any member of the County Board from Waste Management of Illinois, Inc. or any of its members or representatives, that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

8. All documents in the possession or control of Respondent reflecting any opinion or position on the Siting Application of any member of the County Board that were not included in the Record filed with the Pollution Control Board pursuant to the Illinois Administrative Code Title 35, Section 107.300.

Respectfully submitted,  
Environmental Recycling and  
Disposal Service, LLC, Petitioner



GEORGE MUELLER, Its Attorney

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