

**ORIGINAL**  
**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**RECEIVED**  
CLERK'S OFFICE

AUG 04 2006

PEORIA DISPOSAL COMPANY,

Petitioner,

v.

PEORIA COUNTY BOARD,

Respondent.

PCB 06-184

(Pollution Control Facility Siting Appeal)

STATE OF ILLINOIS  
Pollution Control Board  
(Pollution Control Facility Siting Appeal)

**FIRST SET OF REQUESTS TO PRODUCE OF PETITIONER, PEORIA DISPOSAL  
COMPANY DIRECTED TO RESPONDENT, PEORIA COUNTY BOARD**

**NOW COMES** Peoria Disposal Company ("Petitioner") by its attorneys, Brian J. Meginnes and George Mueller, and directs the Peoria County Board ("Respondent"), to produce at the office of Elias, Meginnes, Riffle & Seghetti, P.C., 416 Main Street, Suite 1400, Peoria, Illinois, 61602, 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-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,

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1

**BRIAN J. MEGINNES**  
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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. "Relate 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 June 7, 2006, 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 documentation requested is from November 9, 2005, 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.

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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 Peoria 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 Peoria Disposal Company that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

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

5. All documents in the possession or control of Respondent received from any member or representative of the Heart of Illinois Sierra Club that were not included

in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

6. Any document received by any member of the Peoria County Board from any member or representative of the Heart of Illinois Sierra Club that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

7. All documents in the possession or control of Respondent received from any member or representative of the organization Peoria Families Against Toxic Waste that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

8. Any document received by any member of the Peoria County Board from any member or representative of the organization Peoria Families Against Toxic Waste that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

9. All documents in the possession or control of Respondent received from any member or representative of the organization Citizens for Our Environment that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

10. Any document received by any member of the Peoria County Board from any member or representative of the organization Citizens for Our Environment that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

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11. All documents in the possession or control of Respondent received from any member or representative of the organization River Rescue that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

12. Any document received by any member of the Peoria County Board from any member or representative of the organization River Rescue that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

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

14. Any document received or created by any member of the Peoria County Board portraying the PDC 1 landfill or any property located within one (1) mile of the PDC 1 landfill that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

15. All documents, including, without limitation, notes, drafts, memoranda, correspondence and transcripts, considered by the Peoria County Board regarding the Application.

16. All documents, including, without limitation, notes, drafts, memoranda, correspondence and transcripts, available to the Peoria County Board in its consideration of the Application.

17. All documents, including, without limitation, notes, drafts, memoranda, correspondence and transcripts, considered by the staff of the Peoria County Board regarding the Application.

18. All documents, including, without limitation, notes, drafts, memoranda, correspondence and transcripts, available to the staff of the Peoria County Board in their consideration of the Application.

19. All documents in the possession or control of Respondent reflecting membership of any member of the Peoria County Board in the Heart of Illinois Sierra Club that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

20. Any document received or created by any member of the Peoria County Board reflecting membership of any member of the Peoria County Board in the Heart of Illinois Sierra Club that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

21. All documents in the possession or control of Respondent reflecting membership of any member of the Peoria County Board in the Sierra Club that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

22. Any document received or created by any member of the Peoria County Board reflecting membership of any member of the Peoria County Board in the Sierra Club that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

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23. All documents in the possession or control of Respondent reflecting membership of any member of the Peoria County Board in the organization Peoria Families Against Toxic Waste that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

24. Any document received or created by any member of the Peoria County Board reflecting membership of any member of the Peoria County Board in the organization Peoria Families Against Toxic Waste that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

25. All documents in the possession or control of Respondent received from or authored by Citizens for Our Environment that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

26. Any document any member of the Peoria County Board received from Citizens for Our Environment that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

27. All documents in the possession or control of Respondent received from or authored by River Rescue that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.



28. Any document any member of the Peoria County Board received from River Rescue that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

29. All documents in the possession or control of Respondent received from or authored by Tom Edwards that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

30. Any document any member of the Peoria County Board received from Tom Edwards that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

31. All documents in the possession or control of Respondent received from or authored by Kim Converse that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

32. Any document any member of the Peoria County Board received from Kim Converse that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

33. All documents in the possession or control of Respondent received from or authored by Joyce Blumenshine that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

34. Any document any member of the Peoria County Board received from Joyce Blumenshine that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

35. All documents in the possession or control of Respondent received from or authored by Diane Storey that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

36. Any document any member of the Peoria County Board received from Diane Storey that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

37. All documents in the possession or control of Respondent received from or authored by Jean Roach that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

38. Any document any member of the Peoria County Board received from Jean Roach that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

39. All documents in the possession or control of Respondent received from or authored by Amy Schlicksup that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

40. Any document any member of the Peoria County Board received from Amy Schlicksup that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

41. All documents in the possession or control of Respondent received from or authored by Cara Rosson that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

42. Any document any member of the Peoria County Board received from Cara Rosson that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

43. All documents in the possession or control of Respondent received from or authored by Tessie Bucklar that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

44. Any document any member of the Peoria County Board received from Tessie Bucklar that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

45. All documents in the possession or control of Respondent received from or authored by Mayvis Young that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

46. Any document any member of the Peoria County Board received from Mayvis Young that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

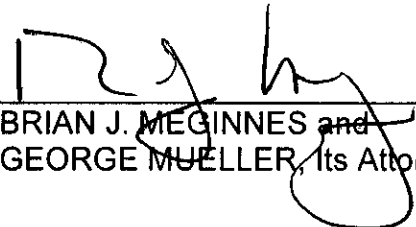
47. All documents in the possession or control of Respondent received from or authored by Lisa Offutt that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

48. Any document any member of the Peoria County Board received from Lisa Offutt that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

49. All documents in the possession or control of Respondent received from or authored by Peter Offutt that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

50. Any document any member of the Peoria County Board received from Peter Offutt that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

Respectfully submitted,  
Peoria Disposal Company, Petitioner



BRIAN J. MEGINNES and  
GEORGE MUELLER, Its Attorneys

906-0824

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF PEORIA     )     SS

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STATE OF ILLINOIS  
Pollution Control Board

**AFFIDAVIT OF SERVICE & FILING**

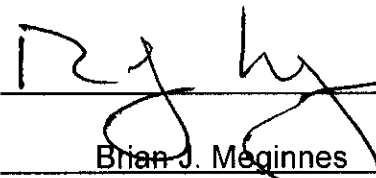
The undersigned being first duly sworn on oath, states that a copy of the foregoing FIRST SET OF REQUESTS TO PRODUCE OF PETITIONER, PEORIA DISPOSAL COMPANY DIRECTED TO RESPONDENT, PEORIA COUNTY BOARD was served upon the following persons by enclosing copies of same in separate envelopes, addressed as set forth below, and depositing said envelopes in a U.S. Postal Service mailbox in Peoria, Illinois, on the 2nd day of August, 2006, before 5:00 p.m., with all fees thereon fully prepaid.

Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620 – Telephone  
(312) 814-3669 – Facsimile

Ms. Carol Webb, Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
(217) 524-8503 – Telephone  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

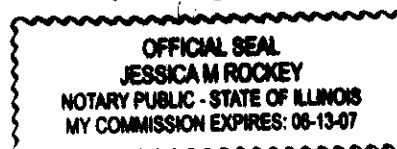
Mr. David A. Brown  
Black, Black & Brown  
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Morton, Illinois 61550  
(309) 266-9680 – Telephone  
(309) 266-8301 – Facsimile  
[dbrown@blackblackbrown.com](mailto:dbrown@blackblackbrown.com)

Mr. Kevin Lyons  
Peoria County State's Attorney  
324 Main Street, Room #111  
Peoria, Illinois 61602

  
\_\_\_\_\_  
Brian J. Meginnes  
(print name)

Subscribed and sworn to before me this 2nd day of August, 2006.

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



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**ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C.**

ATTORNEYS AT LAW

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BRIAN J. MEGINNES  
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MICHAEL R. SEGHETTI  
TROY N. PUDIK

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DAVID N. SCHELLENBERG  
JANAKI NAIR  
SONYA A. PASQUINI  
CYNTHIA L. ELIAS, OF COUNSEL

File No. 05611-105

ORIGINAL

August 2, 2006

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STATE OF ILLINOIS  
Pollution Control Board

Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601

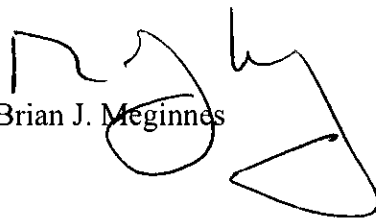
RE: Peoria Disposal Company v. Peoria County Board  
PCB 06-184

Ladies and Gentlemen:

Enclosed you will find two copies of a First Set of Requests to Produce of Petitioner, Peoria Disposal Company Directed to Respondent, Peoria County Board and First Set of Interrogatories of Petitioner, Peoria Disposal Company, Directed to Respondent, Peoria County Board for the above referenced case. Please file one copy and return one copy to me in the self addressed envelope provided herein.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

  
Brian J. Meginnes

JN/jmr

cc: David A. Brown  
Kevin Lyons  
George Mueller

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