

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED

CLERK'S OFFICE

KEITH RUNYON

APR 15 2003

Petitioner,

STATE OF ILLINOIS
Pollution Control Board

v.

PCB 03-135
(Third-Party Pollution Control
Facility Siting Appeal)

COUNTY OF KANKAKEE, COUNTY
BOARD OF KANKAKEE, AND WASTE
MANAGEMENT OF ILLINOIS

Consolidated with PCB 03-125, 03
133, 03-134

**KEITH RUNYON'S RESPONSE, COUNTY OF KANKAKEE
OBJECTIONS TO HIS INTERROGATORIES.**

With the exception to the County's reply to Interrogatory No. 1. Its replies to Runyon's Interrogatories numbered (2) two through (10) nine are non-responsive.

All Interrogatories are appropriate to discover the communications, as defined in Runyon's Interrogatory petition, consistent with his filing which alleges that The County and Waste Management failed to comply with the County's Solid Waste Management plan and discovery of the complete information relating to the Public Comment statements entered into the Record by Lee Eddleman of Waste Management, on January 6, 2003 at approximately 1:54 P.M. and filed with the Kankakee County Clerk at the Office of the County Clerk. A copy of said document is attached.

Waste Management opened this avenue to discovery by its filing of said Statement in the Public Comment period at such a time as to provide no opportunity for discovery or cross examination. To the extent that the County Board or any of its members, employees, agents and participated in the events described in Mr. Eddleman's above referenced letter, petitioner seeks all information as defined in his Interrogatories emanating from participation in said alleged activities.

**RESPONSE TO COUNTY OF KANKAKEE'S OBJECTIONS TO
KEITH RUNYON'S INTERROGATORIES**

INTERROGATORY NO 2. COUNTY OBJECTION: Objection, Interrogatory No. 2 seeks information which is irrelevant to the petition filed by Mr. Keith Runyon. Mr. Runyon's petition does not allege that the County proceedings were in any way unfair, nor does it allege any *ex parte* communication.

PC #5 #030106-10

FILED

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WASTE MANAGEMENT

Chicago Market Area
 720 E. Butterfield Road
 Lombard, IL 60148
 (630) 572-8800
 (630) 218-1711 Fax

Bruce Clark
 COUNTY CLERK
 KANKAKEE COUNTY

January 6, 2003

Mr. Bruce Clark
 County Clerk
 County of Kankakee
 189 East Court Street
 Kankakee, Illinois 60901

Dear Mr. Clark:

Waste Management of Illinois, Inc. would like to take this opportunity to stipulate the following information regarding contact with property owners surrounding the present Kankakee County landfill and our proposed expansion of that site. During the recent public hearings on the expansion of this facility, Attorney Kenneth Bleyer stated that Waste Management had made no effort to communicate with area homeowners to inform them of our expansion plans and offer them a forum for citizen input. This assertion belies the facts of this matter and I offer the following information to refute this erroneous allegation.

My initial communication efforts began in March of 2000 due to discussions with the Hamilton family regarding reinstating property options on parcels they owned adjacent to the present Kankakee County landfill. Those exploratory discussions were initiated with the Hamilton's attorney, David Jaffe. In 2001, those option discussions were expanded to include other substantial properties owned by Mrs. Mehrer, Mr. Watson, Mrs. Dwan (Agro Farm Management), Mr. Fager and Mr. Flageole. In addition, discussions with individual single-family homeowners and commercial enterprises were begun in April of 2001 and continue until this day. More specifically, every single family domicile within 1,500 feet of the proposed expansion has received notice of our intent to provide real estate and well water protection guarantees if we are successful in permitting the expansion of the existing site. I also offer the following information to substantiate my efforts regarding communication with our neighbors, residents of Otto Township and citizens of Kankakee County:

- I have had personal conversations with the majority of the homeowners on the periphery of the proposed expansion. (Please see the attached partial list of those contacts.)
- On or about January 15, 2002, I conducted an evening informational presentation for all of the property owners on 7500 South Rd. and 1000 East Road at the home of Mike and Elese Smith. Seven neighboring families were in attendance.

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty perjury under the laws of the United States of America, certifies that on April 14, 03 was served a copy of the foregoing was served upon via Facimile Transmission and by letter:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
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Chicago, Il 60601-3218

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Elizabeth Harvey, Esq.
Swanson, Martin, & Bell
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330 North Wabash
Chicago, Il 60611
312 321 9100
Fax 312 321 0990

Kenneth A Leshen
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Kankakee, Il. 60901
815 933 3385
Fax 933 3397

L. Patrick Power
956 North Fifth Avenue
Kankakee, Il 60901
815 937 6937
Fax 937 0056



- Waste Management held an open house reception/presentation/tour at the Kankakee County landfill on June 13, 2002 for all of our neighbors surrounding the landfill and the proposed expansion. Thirty individuals attended this event. (Please see the attached photographs.)
- Waste Management sponsored a Fall Festival picnic for residents of Otto on November 2, 2002 at Rose Perkins home. Fifty adults and children attended the event as well as the Otto Township Fire Department.
- I personally conducted three tours of the facility for Otto Township and the Chebanse school system in 2002.
- Waste Management has paid for advertisements in the Kankakee Daily Journal and the Herald newspapers explaining our intentions to expand the site. Also, our expansion efforts have been the topic of countless newspaper articles since 2001.
- I have conducted numerous interviews with radio stations WKAN and WVLI to discuss this matter. We have also sponsored weather forecasts and salutations to local sports teams.
- We have made formal presentations to the Economic Development Council, the River Valley Forum, the Kankakee Chamber of Commerce and the Bradley/Bourbonnais Chamber of Commerce.
- We've met with the County Engineer's office, the Sheriff's Department, the County Health Department, the Otto Township Fire Department and the Township Highway Commissioner.
- We even participated in the Kankakee County 4H livestock auction and purchased an animal raised by Todd and Coleen Benjamin's son. The Benjamins are one of our neighbors at the existing landfill.

These statements are a true and accurate representation of Waste Management's efforts to inform and elicit comments from our neighbors and other interested parties throughout Kankakee County. I personally engaged in these conversations, made the presentations, conducted the open house, participated in the tours and formatted the advertisements that I have described. I am confident that Waste Management of Illinois, Inc. has made every possible effort to keep the community apprised of our intentions for this facility.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Addleman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lee Addleman
Vice President/Business Development
Waste Management of Illinois, Inc.



Ruby Sparenberg	875 E. 6000 S. Road Chebanse, IL 60922
Mrs. Mehrer	487 W. Chebanse Avenue Chebanse, IL 60922
Todd Benjamin	768 E. 6000 S. Road Chebanse, IL 60922
E. Ray Stanley	6563-A S. Rt. 45-52 Chebanse, IL 60922
Agro Farm Management	P.O. Box 335 Osage, IA 50461
Cliff Schroeder	6725 S. Rt. 45-52 Chebanse, IL 60922
Carlos Cooley	1250 North Convent Bourbonnais, IL 60914
Leland Milk	6930 S. Rt. 45-52 Chebanse, IL 60922
Elmer Fager	3304 West 6000 S. Road Chebanse, IL 60922
Joseph Culkin	7426 S. Rt. 45-52 Chebanse, IL 60922
Albert Cote	271 E. 7500 S. Road Chebanse, IL 60922
Doug Flageole	427 E. 7500 S. Road Chebanse, IL 60922
Edwin Hamilton	P.O. Box 426 Bourbonnais, IL 60914
Pat Buescher	600 E. 7500 South Road Chebanse, IL 60922
Don & Diane Macaluso	E. 7500 South Road & 1000 East Road
Mike & Elese Smith	E. 7500 South Road & 1000 East Road

PETITIONER'S RESPONSE : Petitioner alleges that the County and the Applicant acted collectively to circumvent the County Solid Waste Management Plan, denying the public its right to participate the site selection process for a Pollution Control Facility, as called for in said Solid Waste Plan. Thus criterion eight was not met. Therefore all communication between the two parties is essential.

INTERROGATORY NO. 3-COUNTY OBJECTION : Objection. Interrogatory No. 3 seeks information which is irrelevant to the petition filed by Mr. Keith Runyon. Mr. Runyon's petition does not allege that the County proceedings were in any way unfair, nor does it allege any *ex parte* communication.

PETITIONER'S RESPONSE : Petitioner alleges that the County and the Applicant acted collectively to circumvent the County Solid Waste Management Plan, denying the public its right to participate the site selection process for a Pollution Control Facility, as called for in said Solid Waste Plan. Thus criterion eight was not met. Therefore all communication between the two parties is essential

INTERROGATORY NO. 4-COUNTY OBJECTION: Objection, Interrogatory No. 2 seeks information which is irrelevant to the petition filed by Mr. Keith Runyon. Mr. Runyon's petition does not allege that the County proceedings were in any way unfair, nor does it allege any *ex parte* communication.

PETITIONER'S RESPONSE: Petitioner alleges that the County and the Applicant acted collectively to circumvent the County Solid Waste Management Plan, denying the public its right to participate the site selection process for a Pollution Control Facility, as called for in said Solid Waste Plan. Thus criterion eight was not met. Therefore all communication between the two parties is essential

INTERROGATORY NO. 5.-COUNTY OBJECTION: Objection, Interrogatory No. 2 seeks information which is irrelevant to the petition filed by Mr. Keith Runyon. Mr. Runyon's petition does not allege that the County proceedings were in any way unfair, nor does it allege any *ex parte* communication.

PETITIONERS RESPONSE: Information being sought here goes to Petitioner's contention that the County and the Applicant collectively acted to site a facility without the participation of the public in the site selection process contrary to the requirement of the County Solid Waste Plan to involve the public in the site selection process.

INTERROGATORY NO. 6-COUNTY OBJECTION: Objection. Interrogatory No. 6 seeks information which is beyond the scope of discovery under section 40.1 hearing. No discovery is allowed on any issue except fundamental fairness. To the extent this interrogatory seeks information concerning Criteria vii, all of relied upon by the County Board is contained within the record.

PETITIONER'S RESPONSE: Since there is no information in the record, that would prove that the proposed facility is not located in whole or in part over a major Kankakee

County Aquifer, and the County is unable to produce any proof to the contrary, it is obvious that the proposed facility is, in contradiction of the County Solid Waste Management Plan, which prohibits siting a Pollution Control Facility over a major aquifer.

INTERROGATORY NO. 7-COUNTY OBJECTION: Objection. Interrogatory No. 7 seeks information which is beyond the scope of discovery under section 40.1 hearing. No discovery is allowed on any issue except fundamental fairness. To the extent this interrogatory seeks information concerning Criteria vii, all of relied upon by the County Board is contained within the record.

PETITIONER'S RESPONSE: This Interrogatory seeks information which indicted the completed or the incompleteness of the Host Fee Agreement and goes to Petitioner's contention that the County did not have a valid Host Fee Agreement, as required by the County Solid Waste Management plan requirement to have an approved Host Fee Agreement prior to the siting of a Facility.

INTERROGATORY NO 8.-COUNTY OBJECTION: Objection. Interrogatory No. 8 seeks information which is beyond the scope of discovery under section 40.1 hearing. No discovery is allowed on any issue except fundamental fairness. To the extent this interrogatory seeks information concerning Criteria vii, all of relied upon by the County Board is contained within the record.

PETITIONERS RESPONSE: This information is needed to verify the validity of the Host Fee Agreement as entered into the hearing record. If there is no record of a letter of extension written and approved by the County Board and Received by WMII, then there was no valid Host Fee Agreement in place at the time of siting of the proposed Facility. This is in total contradiction to the County Solid Waste Management Plan which requires that a valid Host Fee Agreement must be adopted before siting a landfill.

INTERROGATORY NO. 9-COUNTY OBJECTION: Objection. Interrogatory No. 9 seeks information which is beyond the scope of discovery under section 40.1 hearing. No discovery is allowed on any issue except fundamental fairness. To the extent this interrogatory seeks information concerning Criteria vii, all of the information relied upon by the County Board is contained within the record.

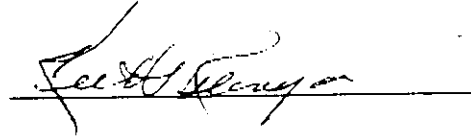
PETITIONER'S RESPONSE: PETITIONER CONCEDES THIS INTERROGATORY.

INTERROGATORY NO. 10-COUNTY RESPONSE: The County of Kankakee does not intend to call any witnesses except those necessary for rebuttal purposes, whose identifies (sic) will be determined at and during the hearing.

PETITIONER'S RESPONSE: Should be quite evident from the Interrogatories what documents the County will be using in rebuttal testimony. It does not seem burdensome to produce said documents as per the various Interrogatories.

Respectfully Submitted ,

Keith Runyon, On behalf of himself.

A handwritten signature in black ink, appearing to read "Keith Runyon", is written over a solid horizontal line.

April 15th, 2003
Keith L. Runyon.
1165 Plum Creek Drive
Bourbonnias, Il. 60914
815 937 9838

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty perjury under the laws of the United States of America, certifies that on April 15, 03 was served a copy of the foregoing was served upon via Facimile Transmission and by letter:

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