

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
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APR 10 2003

CITY OF KANKAKEE,)
)
Petitioner,)
)
v.)
)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.,)
)
Respondents.)

PCB 03-03-125 **STATE OF ILLINOIS**
Pollution Control Board
(Third-Party Pollution Control
Facility Siting Appeal)

MERLIN KARLOCK,)
)
Petitioner,)
)
v.)
)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.,)
)
Respondents.)

PCB 03-133

(Third-Party Pollution Control
Facility Siting Appeal)

MICHAEL WATSON,)
)
Petitioner,)
)
v.)
)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.,)
)
Respondents.)

PCB 03-134

(Third-Party Pollution Control
Facility Siting Appeal)

KEITH RUNYON,)
)
Petitioner,)
)
v.)
)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.,)
)
Respondents.)

PCB 03-135

(Third-Party Pollution Control
Facility Siting Appeal)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on April 10, 2003, we filed with the Illinois Pollution Control Board, the attached **WASTE MANAGEMENT OF ILLINOIS, INC.'S OBJECTIONS TO PETITIONER KEITH RUNYON'S INTERROGATORIES, OBJECTIONS TO PETITIONER MICHAEL WATSON'S INTERROGATORIES, and OBJECTIONS TO PETITIONER MICHAEL WATSON'S DOCUMENT REQUESTS** in the above entitled matter.

WASTE MANAGEMENT OF ILLINOIS, INC.

By


One of Its Attorneys

Donald J. Moran
Lauren Blair
PEDERSEN & HOUP
Attorneys for Petitioner
161 N. Clark Street
Suite 3100
Chicago, IL 60601
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PROOF OF SERVICE

Victoria L. Kennedy, a non-attorney, on oath states that she served the foregoing **WASTE MANAGEMENT OF ILLINOIS, INC.'S OBJECTIONS TO PETITIONER KEITH RUNYON'S INTERROGATORIES, OBJECTIONS TO PETITIONER MICHAEL WATSON'S INTERROGATORIES, and OBJECTIONS TO PETITIONER MICHAEL WATSON'S DOCUMENT REQUESTS** on the following parties by facsimile to those parties with facsimile numbers listed below and by depositing same to all parties in the U.S. mail at 161 N. Clark St., Chicago, Illinois 60601, at 5:00 p.m. on this 10th day of April, 2003:

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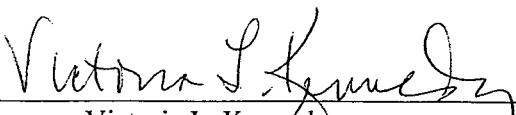
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Victoria L. Kennedy

APR 10 2003

KEITH RUNYON,)		
)		
Petitioner,)	PCB 03-135	STATE OF ILLINOIS Pollution Control Board
)		
v.	)	(Third-Party Pollution Control	
	)	Facility Siting Appeal)	
COUNTY OF KANKAKEE, COUNTY)		
BOARD OF KANKAKEE, and WASTE	)	(Consolidated with PCB 03-125, 03-	
MANAGEMENT OF ILLINOIS, INC.,	)	133, 03-134)	
)		
Respondents.)		

WASTE MANAGEMENT OF ILLINOIS, INC.'S OBJECTIONS TO PETITIONER KEITH RUNYON'S INTERROGATORIES

Respondent WASTE MANAGEMENT OF ILLINOIS, INC. ("WMII"), by its attorneys, Pedersen & Houpt, objects to the interrogatories submitted by Petitioner Keith Runyon by stating as follows:

GENERAL OBJECTIONS

1. WMII objects to these interrogatories and the Definitions and Instructions as improper, unreasonable and exceeding the permissible scope of discovery under the Illinois Pollution Control Board ("Board") Procedural Rules. The interrogatories appear to seek information relating to alleged prejudgment of adjudicative facts or fundamental fairness. Before such requests may be made, however, Petitioner must allege specific instances or evidence of pre-filing collusion or prejudgment. Land and Lakes Co. v. Village of Romeoville, No. PCB 92-25, slip. op. at 4 (June 4, 1992); DiMaggio v. Solid Waste Agency of Northern Cook County, No. PCB 89-138, slip op. at 7 (October 27, 1989). Petitioner has made no allegations of any specific instances of misconduct which would justify its broad and wide-ranging interrogatories.

2. WMII objects to the interrogatories on the basis that they seek information relating to the process by which the Kankakee County Solid Waste Management Plan was enacted and amended. The Board lacks the authority to review this legislative process. Residents Against a Polluted Environment v. County of LaSalle, No. PCB 96-243, slip op. at 15-16 (Sept. 19, 1996) aff'd Residents Against Polluted Environment v. Illinois Pollution Control Board, 293 Ill.App.3d 219, 687 N.E.2d 552, 555 (3d Dist. 1997). Thus, any interrogatory that seeks such information is improper and beyond the scope of permissible discovery.

3. WMII objects to the interrogatories to the extent they request information relating to the Amended and Restated Host Community Agreement. Drafting and execution of the host agreement is a legislative function which is not an indication of prejudgment or bias. Residents Against a Polluted Environment v. County of LaSalle, No. PCB 96-243, slip op. at 15-16 (Sept. 19, 1996) aff'd Residents Against Polluted Environment v. Illinois Pollution Control Board, 293 Ill. App. 3d 219, 687 N.E.2d 552, 555 (3d Dist. 1997). Information concerning the Host Agreement is neither relevant nor reasonably calculated to lead to the discovery of relevant evidence for the issues in this appeal.

4. WMII objects to the interrogatories to the extent they request information relating to the statutory criteria, as the review before the Board shall be based "exclusively on the record before the county board or the governing body of the municipality." 415 ILCS 5/40.1(b). Although it is proper for the Board to hear new evidence relevant to the fundamental fairness of the proceedings where such evidence necessarily lies outside of the record, a *de novo* review is not appropriate on a review of the statutory criteria. Land & Lakes Co. v. Pollution Control

Board, 319 Ill. App. 3d 41, 48, 743 N.E.2d 188, 194 (3d Dist. 2000). The Board is restricted to reviewing the factual findings rendered below. Because the Board cannot make its own findings of fact concerning whether the statutory criteria was met, the admission of evidence regarding the statutory criteria is prohibited.

5. WMII objects to the interrogatories to the extent they seek disclosure of information protected by the attorney-client privilege, the attorney work-product doctrine or any other applicable privilege or protection.

OBJECTIONS TO SPECIFIC INTERROGATORIES

INTERROGATORY NO. 2: Please identify all persons related in any way to WMII who met, talked, or communicated with the County of Kankakee, County of Kankakee department heads, professional technical staff, County employees, County contractors, County attorneys, including Edward D. Smith and his assistants in the office of the Kankakee County State's Attorneys [sic] Office, Attorney Charles Helsten, prior to the filing of the landfill Siting Application on August 16, 2002 relating to the site selection, planning, development and siting of the Facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

OBJECTION: WMII incorporates its general objections as if fully set forth herein. WMII further objects to the phrase "all persons related in any way to WMII" as vague and overly broad.

WMII further objects on the grounds that the time period for response in this interrogatory is unreasonable and unduly burdensome. WMII further objects on the grounds that this interrogatory requests information not relevant to the petition for review filed by Mr. Runyon.

INTERROGATORY NO. 3: Please identify all persons related in any way to WMII who met, talked, or communicated with any members of the Kankakee County Board, County employees, and its attorney, including Edward D. Smith, and his assistants in the office of the Kankakee County State's Attorney's office [sic] prior to the filing of the Landfill Siting Application on August 16, 2002 relating to the site selection, planning, development and siting of the Facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

OBJECTION: WMII incorporates its general objections as if fully set forth herein. WMII further objects to the phrase "all persons related in any way to WMII" as vague and overbroad. WMII further objects on the grounds that the time period for response in this interrogatory is unreasonable and unduly burdensome. WMII further objects on the grounds that this interrogatory requests information not relevant to the petition for review filed by Mr. Runyon. WMII further objects to this interrogatory to the extent it duplicates the information sought in Interrogatory No. 2.

INTERROGATORY NO. 4: Identify all persons related in any way to WMII who met, talked or otherwise communicated with the County of Kankakee and/or the Kankakee County Board, Members of the Kankakee County Board, County of Kankakee department heads, professional and technical staff, County employees, County contractors including Efram Gil., [sic] and its attorneys including Edward

D. Smith and his assistants in the office of the Kankakee County State's Attorney's Office, after the filing of the Landfill Siting Application on August 16, 2002 relating to the site selection, planning, development and siting of a solid waste management facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.;
- (b) identify the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

OBJECTION: WMII incorporates its general objections as if fully set forth herein. WMII further objects to the phrase "all persons related in any way to WMII" as vague and overbroad. WMII further objects that this interrogatory is overbroad because it requests information or communications that was exchanged or that occurred at the siting hearings. WMII further objects on the grounds that this interrogatory requests information not relevant to the petition for review filed by Mr. Runyon.

INTERROGATORY NO. 5: Identify all documents which support the efforts or actions of the County of Kankakee, its employees, its contractors, its committees, its subcommittees, its attorneys, including Edward D. Smith and his assistants in the office of the Kankakee County State's Attorney's Office, to involve or attempt to involve the public in the selection of a site for the proposed facility, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc. Please include phone billing records of County and WMII employees, both landline [sic] and cell phone records.;
- (b) identify the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

OBJECTION: WMII incorporates its general objections as if fully set forth herein. WMII further objects to this Interrogatory as it seeks documents and information concerning the actions and efforts of individuals and entities other than WMII. WMII further objects to this Interrogatory because the phrase "to involve or attempt to involve the public" is vague and ambiguous. WMII further objects to this Interrogatory as seeking information not relevant to the petition for review filed by Mr. Runyon.

INTERROGATORY NO. 6: Identify all documents that clearly demonstrate and document that the proposed pollution control facility is not so located, in whole or in part, close to or above a major Kankakee County and or regional aquifer.

OBJECTION: WMII incorporates its general objections as if fully set forth herein. WMII further objects to this Interrogatory because the phrase "clearly demonstrate and document" is vague and ambiguous.

INTERROGATORY NO. 7: Identify the County Board meeting at which time the entire board was given Addendas [sic] A and B of the Host Fee agreement. Please provide minutes and tape recordings of said meeting and the role call vote of the approval or denial of said addenda to the Host Agreement.

OBJECTION: WMII incorporates its general objections as if fully set forth herein. WMII further objects to this Interrogatory as it seeks information and tangible items concerning individuals and entities other than WMII, and not within WMII's possession or control.

INTERROGATORY NO. 8: Identify the County Board meeting during which the County Board approved a written extension to the Host Fee agreement, as called for in the Host Fee agreement, which had not been submitted by the deadline of June 1, 2002

- (a) submit a copy of the agenda of that board meeting
- (b) submit a copy of the minutes of said meeting

- (c) submit a copy of the extension letter
- (d) submit a tape recording of said meeting

OBJECTION: WMII incorporates its general objections as if fully set forth herein. WMII further objects to this Interrogatory as it seeks information and tangible items concerning individuals and entities other than WMII, and not within WMII's possession or control.

INTERROGATORY NO. 9: Identify the *ad hoc* host fee committee members who recommended the Host Fee Agreement to the full County Board.

- (a) submit copies of all required public notices of the meetings of said committee
- (b) submit copies of agendas of all meetings of said committee
- (c) submit copies of minutes of all meetings of said committee
- (d) submit copies of tape recording of all meetings of said committees

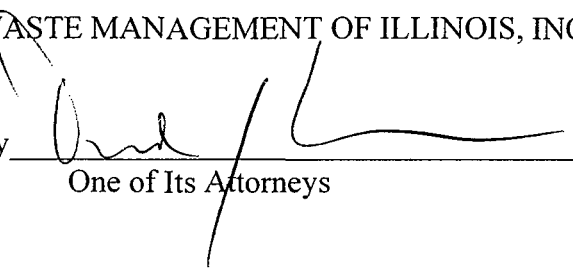
OBJECTION: WMII incorporates its general objections as if fully set forth herein. WMII further objects to this Interrogatory as it seeks information and tangible items concerning individuals and entities other than WMII, and not within WMII's possession or control.

Dated: April 10, 2003

Respectfully submitted,

WASTE MANAGEMENT OF ILLINOIS, INC.

By


One of Its Attorneys

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APR 10 2003

MICHAEL WATSON,)	
)	
Petitioner,)	PCB 03-134
)	STATE OF ILLINOIS <i>Pollution Control Board</i>
v.	)	(Third-Party Pollution Control Facility Siting Appeal)
)	
COUNTY OF KANKAKEE, COUNTY)	
BOARD OF KANKAKEE, and WASTE	)	(Consolidated with PCB 03-125, 03-
MANAGEMENT OF ILLINOIS, INC.,	)	133, 03-135)
)	
Respondents.)	

**WASTE MANAGEMENT OF ILLINOIS, INC.'S OBJECTIONS
TO PETITIONER MICHAEL WATSON'S INTERROGATORIES**

Respondent WASTE MANAGEMENT OF ILLINOIS, INC. ("WMII"), by its attorneys, Pedersen & Houpt, objects to the interrogatories submitted by Petitioner Michael Watson by stating as follows:

GENERAL OBJECTIONS

1. WMII objects to these interrogatories and the Definitions and Instructions as improper, overly broad, unreasonable and exceeding the permissible scope of discovery under the Illinois Pollution Control Board (the "Board") Procedural Rules (the "Rules"). These interrogatories impermissibly exceed the maximum number of interrogatories permitted under Section 101.620 of the Rules. Section 101.620 provides that a party may serve "a maximum of 30 written interrogatories, including subparts." Petitioner's interrogatories, including subparts, total 122.

2. WMII objects to these interrogatories to the extent they seek information relating to alleged prejudgment of adjudicative facts or fundamental unfairness "concerning the

communication, conduct and decision-making process of Kankakee, the committee that made recommendations to and advised Kankakee, and WMII". (See Petitioner's Amended Petition for Review, ¶¶10c and d). Before such discovery requests may be made, however, Petitioner must allege specific instances or evidence of pre-filing collusion or prejudgment. Land and Lakes Co. v. Village of Romeoville, No. PCB 92-25, slip. op. at 4 (June 4, 1992); DiMaggio v. Solid Waste Agency of Northern Cook County, No. PCB 89-138, slip op. at 7 (October 27, 1989). Petitioner has only made the generalized and vague statements of "improper *ex parte* communications" and "other fundamental fairness issues". (See Petitioner's Amended Petition for Review, ¶¶10c and d). Petitioner has failed to make allegations of specific instances of misconduct which would justify its broad and wide-ranging interrogatories.

3. WMII objects to the interrogatories on the basis that they seek information relating to the process by which the Kankakee County Solid Waste Management Plan was enacted and amended. The Board lacks the authority to review this legislative process. Residents Against a Polluted Environment v. County of LaSalle, No. PCB 96-243, slip op. at 15-16 (Sept. 19, 1996) *aff'd* Residents Against Polluted Environment v. Illinois Pollution Control Board, 293 Ill. App. 3d 219, 687 N.E.2d 552, 555 (3d Dist. 1997). Thus, any interrogatory that seeks such information is improper and beyond the scope of permissible discovery.

4. WMII objects to the interrogatories to the extent they request information relating to the Amended and Restated Host Community Agreement. Drafting and execution of the host agreement is a legislative function which is not an indication of prejudgment or bias. Residents

Against a Polluted Environment v. County of LaSalle, No. PCB 96-243, slip op. at 15-16 (Sept. 19, 1996) aff'd Residents Against Polluted Environment v. Illinois Pollution Control Board, 293 Ill. App. 3d 219, 687 N.E.2d 552, 555 (3d Dist. 1997). Information concerning the Host Agreement is neither relevant nor reasonably calculated to lead to the discovery of relevant evidence for the issues in this appeal.

5. WMII objects to the interrogatories to the extent they request information relating to the statutory criteria, as the review before the Board shall be based "exclusively on the record before the county board or the governing body of the municipality." 415 ILCS 5/40.1(b). Although it is proper for the Board to hear new evidence relevant to the fundamental fairness of the proceedings where such evidence necessarily lies outside of the record, a *de novo* review is not appropriate on a review of the statutory criteria. Land & Lakes Co. v. Pollution Control Board, 319 Ill. App. 3d 41, 48, 743 N.E.2d 188, 194 (3d Dist. 2000). The Board is restricted to reviewing the factual findings rendered below. Because the Board cannot make its own findings of fact concerning whether the statutory criteria was met, the admission of evidence regarding the statutory criteria is prohibited.

6. WMII objects to the interrogatories to the extent they seek disclosure of information protected by the attorney-client privilege, the attorney work-product doctrine or any other applicable privilege or protection.

OBJECTIONS TO SPECIFIC INTERROGATORIES

INTERROGATORY NO. 3: Identify any Communications or other documents relied upon in answering these Interrogatories.

OBJECTION: WMII incorporates its general objections as if fully set forth herein.

INTERROGATORY NO. 5: Identify all Person(s) involved in any way in the negotiation of the Host Agreement and, with respect to each Person so identified:

- a. describe their role in such negotiations;
- b. the time frame in which such negotiations were held;
- c. identify the Person(s) with whom they negotiated; and
- d. the subject matter of such negotiations.

OBJECTION: WMII objects to this interrogatory because the negotiation of the host agreement is a legislative function which is not reviewable by the Board. Therefore, information concerning the Host Agreement is neither relevant nor reasonably calculated to lead to the discovery of relevant evidence. WMII further objects to the extent this interrogatory seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Illinois Environmental Pollution Act (the "Act"), which provides that the review before the Board shall be based "exclusively on the record before the county board or the governing body of the municipality."

INTERROGATORY NO. 6: Identify all Person(s) involved in any way in the drafting of the Host Agreement and, with respect to each Person so identified, describe what portions(s) of the Host Agreement they drafted.

OBJECTION: WMII objects to this interrogatory because the drafting of the host agreement is a legislative function which is not reviewable by the Board. Information concerning the Host Agreement is neither relevant nor reasonably calculated to lead to the discovery of relevant evidence. WMII further objects to the extent this interrogatory seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

INTERROGATORY NO. 7: Identify the date(s) on which the WMII, or any of its affiliates, parents or their officers or employees, submitted drafts or the final of the property value protection plan attached as an Exhibit to the Host Agreement.

OBJECTION: WMII objects to this interrogatory because the drafting, negotiation and execution of the host agreement, and the exhibits thereto, are legislative functions which are not reviewable by the Board. Information concerning the property value protection plan attached as an Exhibit to the Host Agreement is neither relevant nor reasonably calculated to lead to the discovery of relevant evidence. WMII further objects to the extent this interrogatory seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

INTERROGATORY NO. 8: Identify any and all Communications concerning or relating to the Host Agreement between WMII, and/or any of its affiliates, parents or their officers or employees, and the individuals identified in each line below (whether or not such Communication was initiated or created by WMII):

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;

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- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this interrogatory because communications concerning or relating to the Host Agreement between WMII and the individuals or entities listed in subparagraphs (a) through (j) are not reviewable by the Board. WMII also objects to this interrogatory to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

INTERROGATORY NO. 9: Identify any and all Communications during the Relevant Time, concerning or relating to the Siting Application or any of its component parts between WMII and/or any of its affiliates, parents or their officers or employees, and any of the individuals identified below:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Kari Knise;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this interrogatory as being overly broad and unduly burdensome. WMII further objects to this interrogatory to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII also objects to this interrogatory to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act. WMII also objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 10: Identify any and all Communications concerning or relating to Kankakee County Resolution 01-10-09-393 between WMII and/or any of its affiliates or parents or any of their officers or employees, and any of the individuals identified below:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this interrogatory as being overly broad and unduly burdensome. WMII further objects to this interrogatory on the ground that the Board lacks

authority to review the legislative process by which the Kankakee County Solid Waste Management Plan was enacted and amended. WMII further objects to this interrogatory to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act. WMII further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 11: Identify any and all Communications concerning or relating to Kankakee County Resolution 02-03-12-481 between WMII and/or any of its affiliates or parents or any of their officers or employees, and any of the individuals identified below:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this interrogatory as being overly broad and unduly burdensome. WMII further objects to this interrogatory on the ground that the Board lacks authority to review the legislative process by which the Kankakee County Solid Waste Management Plan was enacted and amended. WMII further objects to this interrogatory to the

extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act. WMII further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 12: Identify any and all Communications during the Relevant Time, concerning or relating to the development, design, operation or location of a landfill expansion by WMII in Kankakee County between WMII and/or any of its affiliates or parents or their officers or employees, and any of the individuals identified below:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this interrogatory as being overly broad and unduly burdensome. WMII further objects to this interrogatory to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII further objects to this interrogatory to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act. WMII

further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 13: Identify any and all Communications during the Relevant Time, concerning or relating to the development of a landfill expansion at, within or adjacent to the site that was the subject of the Siting Application between WMII and/or any of its affiliates or parents or their officers or employees, and any of the individuals identified:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this interrogatory as being overly broad and unduly burdensome. WMII objects to the phrase "concerning or relating to the development of a landfill expansion at, within or adjacent to the site that was the subject of the Siting Application" as vague and ambiguous. WMII further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 14: Identify any and all Communications during the Relevant Time, concerning or relating to the operational history of the existing landfill at the site that is the subject of the Siting Application between WMII and/or any of its affiliates or parents or their officers or employees, and any of the individuals identified below:

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- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this interrogatory as being overly broad and unduly burdensome. WMII further objects to this interrogatory to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII further objects to this interrogatory to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act. WMII further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 15: Identify any and all Communications during the Relevant Time, concerning or relating to the decision of the County Board to approve with or subject to conditions the Facility, between WMII and/or any of its affiliates or parents or their officers or employees, and any of the individuals identified below:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);

- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this interrogatory as being overly broad and unduly burdensome. WMII further objects to this interrogatory to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII further objects to this interrogatory to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act. WMII further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 16: Identify any and all Communications during the Relevant Time, concerning or relating to the document titled *Summary Report of the Proposed Expansion of the Kankakee Recycling and Disposal Facility*, prepared by the Kankakee County Staff, and dated January 6, 1003 (or any of the drafts of that document) or the information contained in that document or its drafts between WMII and/or any of its affiliates or parents or their officers or employees, and any of the individuals identified below:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);

- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this interrogatory as being overly broad and unduly burdensome.

WMII further objects to this interrogatory to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII further objects to this interrogatory to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act. WMII further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 17: Identify the date WMII asserts the operational history documents were filed with the County.

OBJECTION: WMII objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 18: Identify what documents were physically filed on August 16, 2003, by WMII (*i.e.*, those documents which were not already on file with the County from the siting application filed by WMII on or about March 29, 2002). For purposes of convenience, such documents may simply be referenced by

the bates stamp numbers of the documents on file with the Illinois Pollution Control Board.

OBJECTION: WMII objects to this interrogatory as being vague in that it identifies a filing date of "August 16, 2003". WMII further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 19: Describe each and every defense of the WMII to the fundamental fairness issues itemized in Petitioner Watson's Amended Petition For Review of Siting.

OBJECTION: WMII objects to this interrogatory as requesting information concerning WMII's legal defense strategies, which is not subject to disclosure in discovery. WMII further objects to the extent this interrogatory seeks the disclosure of information protected by the attorney-client privilege and the attorney work-product doctrine. WMII further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 20: Identify each and every attempted, but not actuated, service of notice, pursuant to Section 39.2(b) of the Illinois Environmental Protection Act, on Robert Keller for the siting application that was filed by WMII on or about August 16, 2002. To the extent such notice was sent by U.S. Mail of any form (*i.e.*, regular, first class, registered or certified mail), identify what proof exists of such mailing.

OBJECTION: WMII objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 21: Identify each and every attempted, but not actuated, service of notice, pursuant to Section 39.2(b) of the Illinois Environmental Protection Act, on Brenda Keller for the siting application that was filed by WMII on or about

August 16, 2002. To the extent such notice was sent by U.S. Mail of any form (*i.e.*, regular, first class, registered or certified mail), identify what proof exists of such mailing.

OBJECTION: WMII objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 22: Identify each and every service on Brenda Keller which WMII asserts was actuated or completed, pursuant to Section 39.2 of the Illinois Environmental Protection Act, on Robert Keller for the siting application that was filed by WMII on or about August 16, 2002.

OBJECTION: WMII objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 23: Identify each and every service on Robert Keller which WMII asserts was actuated or completed, pursuant to Section 39.2(b) of the Illinois Environmental Protection Act, on Brenda Keller for the siting application that was filed by WMII on or about August 16, 2002.

OBJECTION: WMII objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

INTERROGATORY NO. 24: Identify each and every Person who signed a report or portion of the Siting Application filed in support of any of the statutory Criteria of Section 39.2(a) of the Illinois Environmental Protection Act.

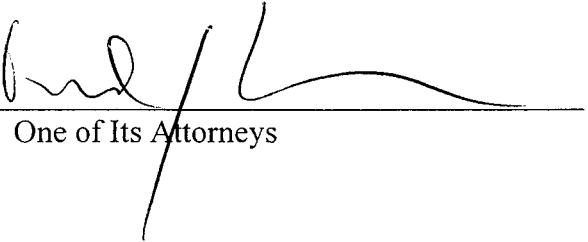
OBJECTION: WMII objects to this interrogatory to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act. WMII further objects to this interrogatory on the grounds that it exceeds the maximum number of written interrogatories permitted under Section 101.620 the Rules.

Dated: April 10, 2003

Respectfully submitted,

WASTE MANAGEMENT OF ILLINOIS, INC.

By

A handwritten signature in black ink, appearing to read 'DMoran', is written over a horizontal line. A long, thin vertical stroke extends downwards from the signature, crossing the line.

One of Its Attorneys

Donald J. Moran
PEDERSEN & HOUP
161 North Clark Street, Suite 3100
Chicago, Illinois 60601
(312) 641-6888
Attorney Registration No. 1953923

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APR 10 2003

MICHAEL WATSON,)	
)	
Petitioner,)	PCB 03-134
)	
v.	)	(Third-Party Pollution Control
	)	Facility Siting Appeal)
COUNTY OF KANKAKEE, COUNTY)	
BOARD OF KANKAKEE, and WASTE	)	(Consolidated with PCB 03-125, 03-
MANAGEMENT OF ILLINOIS, INC.,	)	133, 03-135)
)	
Respondents.)	

WASTE MANAGEMENT OF ILLINOIS, INC.'S OBJECTIONS TO PETITIONER MICHAEL WATSON'S DOCUMENT REQUESTS

Respondent WASTE MANAGEMENT OF ILLINOIS, INC. ("WMII"), by its attorneys, Pedersen & Houpt, objects to the document requests submitted by Petitioner Michael Watson by stating as follows:

GENERAL OBJECTIONS

1. WMII objects to these document requests and the Definitions and Instructions as improper, overly broad, unreasonable and exceeding the permissible scope of discovery under the Illinois Pollution Control Board (the "Board") Procedural Rules (the "Rules"). The document requests appear to seek information relating to alleged prejudgment of adjudicative facts or fundamental unfairness "concerning the communication, conduct and decision-making process of Kankakee, the committee that made recommendations to and advised Kankakee, and WMII". (See Petitioner's Amended Petition for Review, ¶¶10c and d). Before such discovery requests may be made, however, Petitioner must allege specific instances or evidence of pre-filing

collusion or prejudgment. Land and Lakes Co. v. Village of Romeoville, No. PCB 92-25, slip. op. at 4 (June 4, 1992); DiMaggio v. Solid Waste Agency of Northern Cook County, No. PCB 89-138, slip op. at 7 (October 27, 1989). Petitioner has only made the generalized and vague statements of "improper *ex parte* communications" and "other fundamental fairness issues". (See Petitioner's Amended Petition for Review, ¶¶10c and d). Petitioner has failed to make allegations of specific instances of misconduct which would justify its broad and wide-ranging document requests.

2. WMII objects to the document requests on the basis that they seek information relating to the process by which the Kankakee County Solid Waste Management Plan was enacted and amended. The Board lacks the authority to review this legislative process. Residents Against a Polluted Environment v. County of LaSalle, No. PCB 96-243, slip op. at 15-16 (Sept. 19, 1996) aff'd Residents Against Polluted Environment v. Illinois Pollution Control Board, 293 Ill. App. 3d 219, 687 N.E.2d 552, 555 (3d Dist. 1997). Thus, any interrogatory that seeks such information is improper and beyond the scope of permissible discovery.

3. WMII objects to the document requests to the extent they request information relating to the Amended and Restated Host Community Agreement. Drafting and execution of the host agreement is a legislative function which is not an indication of prejudgment or bias. Residents Against a Polluted Environment v. County of LaSalle, No. PCB 96-243, slip op. at 15-16 (Sept. 19, 1996) aff'd Residents Against Polluted Environment v. Illinois Pollution Control Board, 293 Ill. App. 3d 219, 687 N.E.2d 552, 555 (3d Dist. 1997). Information concerning the

Host Agreement is neither relevant nor reasonably calculated to lead to the discovery of relevant evidence for the issues in this appeal.

4. WMII objects to the document requests to the extent they request information relating to the statutory criteria, as the review before the Board shall be based "exclusively on the record before the county board or the governing body of the municipality." 415 ILCS 5/40.1(b). Although it is proper for the Board to hear new evidence relevant to the fundamental fairness of the proceedings where such evidence necessarily lies outside of the record, a *de novo* review is not appropriate on a review of the statutory criteria. Land & Lakes Co. v. Pollution Control Board, 319 Ill. App. 3d 41, 48, 743 N.E.2d 188, 194 (3d Dist. 2000). The Board is restricted to reviewing the factual findings rendered below. Because the Board cannot make its own findings of fact concerning whether the statutory criteria was met, the admission of evidence regarding the statutory criteria is prohibited.

5. WMII objects to the document requests to the extent they seek disclosure of information protected by the attorney-client privilege, the attorney work-product doctrine or any other applicable privilege or protection.

OBJECTIONS TO SPECIFIC DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1: Any and all documents that you intend to or may utilize at any deposition taken in this matter.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome in requesting documents that WMII "may utilize at any deposition." WMII further

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objects this document request to the extent it seeks disclosure of information protected by the attorney-client privilege and the attorney work-product doctrine.

DOCUMENT REQUEST NO. 2: Any and all documents that you intend to, or may, utilize at the hearing scheduled in this matter.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome in requesting documents that WMII "may utilize at the hearing." WMII further objects this document request to the extent it seeks disclosure of information protected by the attorney-client privilege and the attorney work-product doctrine.

DOCUMENT REQUEST NO. 3: Any and all documents between, provided to, or received by WMII, or any of its affiliates or parents or their officers or employees, any of the following Persons, other than those documents which are included in the Record on Appeal, concerning or relating to the Siting Application or any of its component parts:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this document request to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct.

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WMII also objects to this document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 4: Any and all documents created by or provided to any of WMII consultants involved in the preparation of the Siting Application, or persons who testified on WMII's behalf during the public hearings on the siting application filed on or around August 16, 2002, concerning or related to the Siting Application or a landfill expansion at the site proposed in the Siting Application, whether or not such documents were provided to anyone outside WMII and its consultants, excluding documents included in the Record on Appeal.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to this document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 5: Any and all documents between, provided to, or received by WMII, or any of its affiliates or parents or their officers or employees, any of the following Persons, other than those documents which are included in the Record on Appeal, concerning or relating to the Resolution 01-10-09-393 (purporting to Amend Kankakee County's Solid Waste Management Plan):

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to this document request to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII further objects to this document request on the ground that the Board lacks authority to review the legislative process by which the Kankakee County Solid Waste Management Plan was enacted and amended. WMII further objects to this document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 6: Any and all documents between, provided to, or received by WMII, or any of its affiliates or parents or their officers or employees, any of the following Persons, other than those documents which are included in the Record on Appeal, concerning or relating to Resolution No.02-03-12-481 purporting to amend Kankakee County's Solid Waste Management Plan):

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to this document request to the extent it seeks information

relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII further objects to this document request on the ground that the Board lacks authority to review the legislative process by which the Kankakee County Solid Waste Management Plan was enacted and amended. WMII further objects to this document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 7: Any and all documents between, provided to, or received by WMII, or any of its affiliates or parents or their officers or employees, any of the following Persons, other than those documents which are included in the Record on Appeal, concerning or relating to the Host Agreement between WMII and the County and/or County Board:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to this document request because communications concerning or relating to the Host Agreement between WMII and the individuals or entities listed in subparagraphs (a) through (j) are not reviewable by the Board. WMII further objects to this

document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 8: Any and all documents between, provided to, or received WMII, or any of its affiliates or parents or their officers or employees, any of the following Persons, other than those documents which are included in the Record on Appeal, concerning or relating to the development, design, operation or location of a landfill expansion by WMII in Kankakee County:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to this document request to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII also objects to this document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 9: Any and all documents between, provided to, or received by WMII, or any of its affiliates or parents or their officers or employees, any of the following Persons, other than those documents which are included in the

Record on Appeal, concerning or relating to the development of a landfill expansion at, within or adjacent to the site that was the subject of the Siting Application:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII objects to the phrase "concerning or relating to the development of a landfill expansion at, within or adjacent to the site that was the subject of the Siting Application" as vague and ambiguous. WMII further objects to this document request to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII also objects to this document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 10: Any and all documents between, provided to, or received by WMII, or any of its affiliates or parents or their officers or employees, any of the following Persons, other than those documents which are included in the Record on Appeal, concerning or relating to the decision of the Kankakee County Board to approve, with or subject to conditions, the Facility:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to this document request to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII further objects to this document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 11: Any and all documents between, provided to, or received by WMII, or any of its affiliates or parents or their officers or employees, any of the following Persons, other than those documents which are included in the Record on Appeal, concerning or relating to the document titled *Summary Report of the Proposed Expansion of the Kankakee Recycling and Disposal Facility*, prepared by the Kankakee County Staff, and dated January 6, 1003 (or any of the drafts of that document) or the information contained in that document or its drafts:

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;

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- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to this document request to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct. WMII further objects to this document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 12: A copy of the cellular or mobile phone invoices, itemized to show phone calls made and/or received, from or to Dale Hoekstra, for the time period from August 16, 2002 to February 28, 2003.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to the extent this document request seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct.

DOCUMENT REQUEST NO. 13: A copy of the cellular or mobile phone invoices or itemization of phone calls made and/or received to or from Dale Hoekstra, on the or any mobile or cellular phone used by Mr. Hoekstra on January 31, 2003.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to the extent this document request seeks information relating

to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct.

DOCUMENT REQUEST NO. 14: A copy of the cellular or mobile phone invoices, itemized to show phone calls made and/or received, from or to Lee Addleman, for the time period from August 16, 2002 to February 28, 2003.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to the extent this document request seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct.

DOCUMENT REQUEST NO. 15: A copy of the cellular or mobile phone invoices or itemization of phone calls made and/or received to or from Lee Addleman, on the or any mobile or cellular phone used by Mr. Addleman on January 31, 2003.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII further objects to the extent this document request seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct.

DOCUMENT REQUEST NO. 16: Any and all documents showing, in an itemized manner, the phone calls made or received from anyone at WMII to any of the following Persons, for the time period from August 16, 2002 to February 28, 2003:

- a. Karl Kruse, Kankakee County Board Chairman;
- b. George Washington, Jr., County Board Member;
- c. Pam Lee, County Board Member; and
- d. Mike Quigley.

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OBJECTION: WMII objects to this document request to the extent it seeks information relating to an alleged prejudgment of adjudicative facts or any other type of fundamental unfairness given that Petitioner has not made any allegations of specific instances of misconduct.

DOCUMENT REQUEST NO. 17: Any and all documents concerning or relating to or evidencing communications between WMII and/or any of its parents or affiliates or their officers or employees, and any of the following Persons concerning Kankakee County's decision to identify only one landfill location, specifically, and/or one landfill operator, specifically, in its Solid Waste Management Plan, as amended.

- a. The County (including, but not limited to its staff, employees, consultants, and/or attorneys, no matter if employed by or contracted with the County);
- b. The County Board (including, but not limited to those Members listed in subparagraphs d through g, below);
- c. The County Regional Planning & Development Commission;
- d. Karl Kruse;
- e. Pam Lee;
- f. Mike Quigley (during the time he was a County Board Member and during the time he was not a County Board Member);
- g. George Washington, Jr.;
- h. Attorneys from the firms of Hinshaw & Culbertson and/or Swanson, Martin & Bell;
- i. The Kankakee County Board Chairman; and
- j. Any member of the general public.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome. WMII objects to the document requests on the basis that they seek information relating to the process by which the Kankakee County Solid Waste Management Plan was enacted and amended. The Board lacks the authority to review this legislative process. WMII further objects to this document request to the extent it seeks information relating to the statutory criteria, in which case discovery is prohibited by Section 40.1(b) of the Act.

DOCUMENT REQUEST NO. 18: Any and all documents to which you, WMII, or the Persons responsible for providing information for the WMII's Answers to

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Petitioner Michael Watson's Interrogatories, relied on or utilized in preparing those Answers to Interrogatories.

OBJECTION: WMII objects to this document request as being overly broad and unduly burdensome in requesting documents that WMII "relied on or utilized". WMII further objects this document request to the extent it seeks disclosure of information protected by the attorney-client privilege and the attorney work-product doctrine.

Dated: April 10, 2003

Respectfully submitted,

WASTE MANAGEMENT OF ILLINOIS, INC.

By 

One of Its Attorneys

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