

0198-001

**RECEIVED**

CLERK'S OFFICE

MAY 07 2003

ILLINOIS POLLUTION CONTROL BOARD

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

PCB 03-125  
 PCB 03-133  
 PCB 03-134  
 PCB 03-135  
 (consolidated)  
 (Pollution Control Facility Siting Appeals)

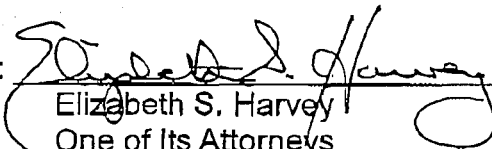
STATE OF ILLINOIS  
Pollution Control Board

NOTICE OF MAILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 7th day of May 2003, the following **Mr. Gil's Responses to Watson's Written Questions**, attached hereto, were mailed to you.

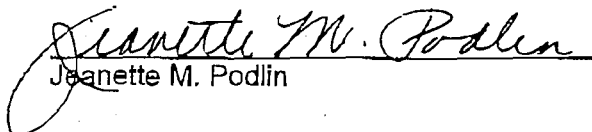
COUNTY OF KANKAKEE and  
COUNTY BOARD OF KANKAKEE

By:   
 Elizabeth S. Harvey  
 One of Its Attorneys

Elizabeth S. Harvey  
 SWANSON, MARTIN & BELL  
 One IBM Plaza, Suite 2900  
 330 North Wabash Avenue  
 Chicago, Illinois 60611  
 Telephone: (312) 321-9100  
 Firm I.D. No. 29558

CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served copies of the described documents in the above-captioned matter via facsimile and U.S. Mail to all those listed on the service list on May 7, 2003.

  
Jeanette M. Podlin

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

**EFRAIM GIL  
MAY 6, 2003**

1. **Employed on a contractual basis.**
2. **1989**
3. **2003**
4. **No. My role was limited to fact-finding.**
5. **None**
6. **Yes, as a fact-finder**
7. **Do not recall**
8. **Do not recall**
9. **Do not recall**
10. **N/a**
11. **N/a**
12. **Do not recall**
13. **N/a (don't recognize the name Chris Rubac)**
14. **N/a**
15. **N/a**
16. **N/a**
17. **No, that is not my understanding. I did not serve in any negotiating capacity; my role was limited to fact-finding**
18. **Don't know**
19. **To the best of my recollection the Waste Management employees with whom I communicated during that time period were Dale Hokstra and Lee Edelman.**

20. Do not remember whether or not my fact-finding assignment continued into 2002
21. Do not remember
22. Do not recall
23. See 22 above
24. Do not understand the question
25. N/a
26. I don't recall
27. N/a
28. Do not know
29. N/a
30. N/a
31. During my years as Solid Waste Coordinator, various amendments were considered, although I have no recollection regarding dates.
32. See #31 above
33. See #31 above
34. See #31 above
35. Don't know
36. See #31 above
37. Unclear question
38. N/a
39. No

- 40. No, except the possibility of one box lunch that may have been provided during a meeting which ran through the lunch hour.
- 41. No
- 42. N/a
- 43. I may have duplicates as part of several papers copied per routine retirement process.
- 44. See above #43. Regarding the subject matter, a variety of subject matters relating to years of service copied per routine retirement process.
- 45. Home. Recently discharged from hospital after suffering a diabetic attack and stroke. Am currently under doctor's care for diabetes, post-stroke condition and on-going heart disease.
- 46. Yes
- 47. No, other than for non-stressful activities.
- 48. No
- 49. No

Date: 5/6/03 Signed Efraim Gil Efraim Gil

Witness:  
Date: 5/6/03 Signed Enid Lucchesi Gil Enid Lucchesi Gil

**VERIFICATION**

Under the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in my answers to written questions are true and correct.

Date: 5/7/03, 2003.

Signed: Efrain Gil  
Efrain Gil

Date: 5/7/03, 2003.

Witness signature: Enid Lucchesi Gil

Witness printed name: Enid Lucchesi Gil

**Instructions:** You are to review and respond to the following questions without the help of anyone else and without conferring with your attorney or the attorney for the County, County Board, or any other entity. You must sign your answers to the questions in the space provided below, under oath and under penalty to perjury.

Please print your name: \_\_\_\_\_

1. Have you been employed by or with the County of Kankakee, either on an individual or a contractual basis?

\_\_\_\_\_  
\_\_\_\_\_

2. During what year did you start your employment or contractual relationship with the County of Kankakee?

\_\_\_\_\_  
\_\_\_\_\_

3. During what year did you end your employment or contractual relationship with the County of Kankakee?

\_\_\_\_\_  
\_\_\_\_\_

4. Were you involved in the negotiation of the host agreement for the proposed Kankakee County Landfill expansion, between the County of Kankakee and Waste Management of Illinois, Inc.?

\_\_\_\_\_  
\_\_\_\_\_

5. What was your role in the negotiations?

\_\_\_\_\_  
\_\_\_\_\_

6. Did you meet or confer or communicate in any way with Waste Management of Illinois, Inc. or its representatives in 2000 concerning the host agreement for the proposed landfill expansion?

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7. If your answer is "Yes," to Question 6, above, approximately how many times?

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8. If your answer is "Yes," to Question 6, above, were County Board Members present?

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9. Did you meet or confer or communicate in any way with Waste Management of Illinois, Inc. or its representatives in 2001, but before November 2001, concerning the host agreement for the proposed landfill expansion?

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10. If your answer is "Yes," to Question 9, above, approximately how many times?

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11. If your answer is "Yes," to Question 9, above, were County Board Members present?

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12. Did one of the meetings between you, Waste Management of Illinois, Inc. representatives, and County Board Members take place, during 2001 and before November 2001, at the Settler's Hill Landfill?

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13. Chris Rubak, from Waste Management of Illinois, Inc. was present at the meeting described in Question 12, correct?

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14. What did Chris Rubak talk about at the meeting?

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15. Which County Board Members were present at the meeting referenced in Question 12?

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16. Which Waste Management of Illinois, Inc. representatives were present at the meeting referenced in Question No.12?

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17. In 2001, before November 2001, is it your understanding that there was a group, but not an official committee, of County Board Members who were working with you in negotiating the host agreement for the proposed landfill expansion? If so, who were they:

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18. Is it your understanding that in November 2001, this unofficial group of County Board Members was officially formed into a committee?

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19. With who did you meet, confer or communicate with in any way, from Waste Management of Illinois, Inc., during 2001 (the entire year) concerning the host agreement for the proposed expansion?

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20. With who did you meet, confer or communicate with in any way from Waste Management of Illinois, Inc., during 2002 (the entire year) and, approximately when did those communications take place (month or season, to the best of your recollection)?

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21. With what frequency did you communicate with the County Board Members from March 2002 to January 31, 2003, concerning the proposed landfill expansion and/or siting application?

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22. Did you explain, communicate, meet or confer with any County Board Member after the first siting application was withdrawn by Waste Management of Illinois, Inc. to explain why it was withdrawn?

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23. After the first siting application was withdrawn by Waste Management of Illinois, Inc., did you explain, communicate, meet or confer with any County Board Member concerning any portion of Waste Management of Illinois, Inc.'s siting proposal?

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24. Did you have input, prior to Waste Management of Illinois, Inc.'s filing its siting application, concerning the design, location or operation of the proposed landfill expansion?

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25. If you answered Question 24 affirmatively, please describe your input.

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26. Between March 2002 and January 31, 2003, did you call, meet with, confer, or communicate in any way with Waste Management of Illinois, Inc. or its representatives (including, but not limited to its officer, employees and attorneys)?

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27. If your answer to Question 26 is "Yes," please identify with whom you had the communication, when it occurred, the subject matter, and what was said to you and what you said to Waste Management of Illinois, Inc.

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28. After January 31, 2003, is it true that Waste Management of Illinois, Inc. and the County of Kankakee have held meetings and have been negotiating to change or relax some of the conditions imposed on the proposed expansion on January 31, 2003, as part of the County Board's decision.

29. Were you a part of those meetings?

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30. If you answered Question 29 in the affirmative, what was your role, how many meetings, conferences, etc. did you attend, and who else do you know was involved in these negotiations?

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31. Is it true that during, at least, January 2003, the County Board was considering another amendment to the Solid Waste Management Plan?

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32. Were you involved in this amendment, referenced in Question 31, in any way?

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33. If you answered Question 32 "Yes," in what way were you involved?

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34. Mr. Charles Helston represented the County Board concerning the amendment to the Solid Waste Management Plan described in Question 31, correct?

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35. Approximately how many times are you aware of the County Board and Mr. Helston meeting concerning the amendment described in Question 31?

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36. The amendment described in Question 31, concerned clarification that the County of Kankakee's Solid Waste Management Plan calls for only one landfill, correct?

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37. And the landfill called for in that Plan in the Kankakee County RDF a/k/a Kankakee County Landfill, which is owned and operated by Waste Management of Illinois, Inc., right?

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38. If you answered Question 37 that the Question is incorrect, explain why it is incorrect?

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39. Have you ever accepted a gift or gratuity, no matter what the value, from Waste Management of Illinois, Inc. or any of its parent or affiliate corporations, or any of its representatives?

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40. Have you ever accepted a meal without charge, no matter what the value, from Waste Management of Illinois, Inc. or any of its parent or affiliate corporations, or any of its representatives?

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41. Have you ever accepted a trip, vacation, or either housing accommodation or transportation to such a trip or vacation (whether or not the trip or vacation included a

meeting or seminar in a relevant field to your work), from Waste Management of Illinois, Inc. or any of its parent or affiliate corporations, or any of its representatives?

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42. If you answered "yes" to any of the Questions 39-41, above, please describe each instance of accepting such things, by providing the approximate date (or, if you cannot recall the date, the year and the month and/or season), describe what you received (i.e., what type of gift, gratuity, meal, trip, vacation or transportation you received), and, if the receipt was of a trip of any kind, describe the destination of the trip.

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43. Do you have any documents in your possession concerning any of the following: Kankakee County RDF or the Kankakee County Landfill, the proposed landfill expansion or siting application from Waste Management of Illinois, Inc., Waste Management of Illinois, Inc., negotiations which occurred concerning the host fee agreement between the County and Waste Management of Illinois, Inc. concerning the landfill expansion, your calendars or appointment books for 2000-2003.

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44. Do you have any documents from your work with the County of Kankakee at home? If so, what subject matters do those documents concern?

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45. Are you at home or in a hospital at the time you are answering these questions?

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46. Are you able to speak?

\_\_\_\_\_  
\_\_\_\_\_

47. Have you left your house for any reason in the last week? If so, what reasons?

\_\_\_\_\_  
\_\_\_\_\_

48. Have you hired Ms. Elizabeth Harvey and/or Mr. Richard Porter to represent you, i.e., be your attorney, for any reason? If so, what reason(s)?

\_\_\_\_\_  
\_\_\_\_\_

49. Have you ever been to Hawaii? If so, what is the last time (i.e., most recent in time to today) you went there and what was the purpose of your travel (i.e., vacation, business, seminar, combination or some or all of these).

\_\_\_\_\_  
\_\_\_\_\_

Under penalties as provided by law pursuant to ILL. REV. STAT CHAP. 110, SEC. 1-109, I certify that the statements set forth herein are true and correct.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Dated: \_\_\_\_\_

Witness signature: \_\_\_\_\_

Witness printed name: \_\_\_\_\_