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SEP 05 2003

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROCHELLE WASTE DISPOSAL, L.L.C. )

Petitioner, )

vs. )

CITY COUNCIL OF THE CITY OF )  
ROCHELLE, ILLINOIS, )

Respondent. )

No. PCB 03- 218

(Pollution Control Facility  
Siting Appeal)

NOTICE OF FILING

TO: Counsel or Parties on attached Certificate of Service.

YOU ARE HEREBY NOTIFIED, that on September 3, 2003, we filed an original and nine copies of the attached Subpoena Duces Tecum served upon Frank Beardin with the Illinois Pollution Control Board, a copy of which is herewith served on you.

ROCHELLE WASTE DISPOSAL, L.L.C.

By:   
Michael F. O'Brien

Michael F. O'Brien  
McGreevy, Johnson & Williams, P.C.  
6735 Vistagreen Way  
P.O. Box 2903  
Rockford, IL 61132  
815/639-3700  
815/639-9400 (Fax)

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SEP 05 2003

STATE OF ILLINOIS  
Pollution Control Board

Before the Illinois Pollution Control Board

ROCHELLE WASTE DISPOSAL, L.L.C.

\_\_\_\_\_

\_\_\_\_\_

Complainant/Petitioner,

v.

CITY COUNCIL OF THE CITY OF

ROCHELLE, ILLINOIS,

\_\_\_\_\_

Respondent.

PCB 03-218

SUBPOENA DUCES TECUM

TO: Frank Beardin  
Route 2nd  
Rochelle, IL 61068

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e)  
(2002)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give  
testimony at the ~~hearing~~ <sup>XXXXX</sup> deposition in the above-captioned matter at 10 o'clock

       a        .m. on Thursday, September 4,        20 03, at  
Rochelle City Hall, 420 North Sixth Street, Rochelle, IL 61068

You are also ordered to bring with you documents relevant to the matter under  
consideration and designated herein, (1) Any and all documents in your possession relating  
to any communication between November 22, 2002, and May 1, 2003, any member of the  
Rochelle City Council had with anyone (other than the City's attorneys) regarding the proposed  
expansion of the Rochelle Landfill. (2) Any election or campaign materials, speeches or letters  
to the editor of any newspaper you prepared or distributed since January 1, 2001, relating to  
the proposed expansion of the Rochelle landfill.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill.

Adm. Code 101.622(g) and 101802.

ENTER:

Dorothy M. Gunn

Dorothy M. Gunn, Clerk  
Pollution Control Board

Date: April 25, 2003

I served this subpoena duces tecum by handing a copy to FRANK BEARDIN  
\_\_\_\_\_ on August 30, 2003.

[Signature]

Subscribed and sworn to before me this 30 day of August,  
2003.

Margaret M. Sadler  
Notary Public



**ATTORNEY'S CERTIFICATE OF SERVICE**

The undersigned, being first duly sworn on oath, depose and say that I am an attorney and served the foregoing instrument upon the within named:

Mr. Brad Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph, 11<sup>th</sup> Floor  
Chicago, IL 60601

Charles Helsten, Esq.  
Richard Porter, Esq.  
Hinshaw & Culbertson  
100 Park Avenue  
Rockford, IL 61101

Alan Cooper, Esq.  
Rochelle City Attorney  
400 May Mart Drive  
P.O. Box 194  
Rochelle, IL 61068

by sealing a true and correct copy of the same in an envelope, addressed as shown above, with sufficient United States postage and by depositing said envelope, so sealed and stamped, in the United States Mail at Rockford, Illinois, at or about the hour of 5 o'clock p.m., on the 3<sup>rd</sup> day of September, 2003.



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Michael F. O'Brien

Michael F. O'Brien  
McGreevy, Johnson & Williams, P.C.  
6735 Vistagreen Way  
P.O. Box 2903  
Rockford, IL 61132  
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