

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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NOV 14 2003

STATE OF ILLINOIS
Pollution Control Board

BYRON SANDBERG,

Petitioner,

vs.

CITY OF KANKAKEE, ILLINOIS, THE CITY
OF KANKAKEE, ILLINOIS CITY COUNCIL,
TOWN AND COUNTRY UTILITIES, INC.,
and KANKAKEE REGIONAL LANDFILL,
L.L.C.,

Case No. PCB 04-33

Respondents.

NOTICE OF DISCOVERY DEPOSITION

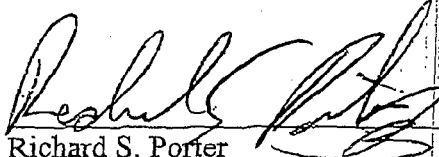
On November 18, 2003, at 2:00 p.m., at the law offices of Hinshaw & Culbertson, 222 North LaSalle Street, Suite 300, Conference Room 3-C, Chicago, Illinois, the deposition of Mr. Werthman will be taken before a notary public (Zucker - 800/806-5395) on oral interrogatories for discovery in this case, and at that time the deponent shall produce all the documents requested on the attached rider.

Dated: 11/14/03

Respectfully Submitted,

On behalf of the COUNTY OF KANKAKEE,
ILLINOIS, and EDWARD D. SMITH,
KANKAKEE COUNTY STATE'S
ATTORNEY,

By: Hinshaw & Culbertson



Richard S. Porter
One of Its Attorneys

HINSHAW AND CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61105-1389
815/490-4900

DEPOSITION RIDER

1. Identify and produce any and all documents, letters, or memoranda which were read, reviewed, or examined by you or the City of Kankakee regarding the Town and Country Utilities, Inc. Landfill Siting Application, which either are or are not a part of the public record of the hearing.
2. All communications, reports, correspondence, and other documents received or sent by the City of Kankakee to or from Town and Country Utilities, Inc. regarding the planning, development, and siting of the facility.
3. All notes, minutes, and other documents of all communications, phone calls and meetings between Town and Country Utilities, Inc. and you or the City of Kankakee, Illinois, the Kankakee City Council or their agents relating to the planning, development, and siting of the facility.
4. Any and all documents relied upon or reviewed by or received by you the City of Kankakee, its officers, Department heads, supervisors and staff or the Kankakee City Council (including but not limited to its consultants, attorneys or experts) concerning or relating to the landfill or siting of the landfill which are not contained in the application or the City of Kankakee public record.
5. Any and all documents, agendas, computer messages, telephone message memos, which reference, mention, memorialize or in any way relate to any communications between you or the City of Kankakee and Town and Country Utilities, Inc.
6. Any and all documents, correspondence, memoranda, e-mail, computer messages, telephone message memos, or other evidence, items, records or things in any way referencing or memorializing any communication of anyone with Hearing Officer Boyd, which are not part of the public record, including any and all drafts of the Hearing Officer's report or recommendations that were reviewed or amended by the City of Kankakee, or the Applicant.

7. Any and all agendas, documents, correspondence, memos, e-mails, computer messages or the like authored, generated or drafted by any City Council member concerning the Application.

8. Any and all documents, correspondence, exhibits, memoranda, writings or recordings in any way referencing the deliberation or consideration of the Application or any condition upon approval suggested, considered or imposed by Hearing Officer Boyd or the City Council, its members, agents, employees, attorneys and staff.

9. Any and all communications, documents, memoranda, recordings, agendas, notes, or evidence concerning any communication between you or the City of Kankakee and Town and Country Utilities, Inc., which refers or relates to any potential or actual lawsuit, dispute or claim against the County of Kankakee, including, but not limited to any declaratory judgment action filed by the City against the County, any injunctive action filed by the City against the County, any County siting hearing, any civil action or other lawsuit filed against the County, or an appeal of any of the aforementioned actions or claims.

10. Any and all communications between you or the City of Kankakee or Town and Country Utilities, Inc. and Mr. Michael Watson or Mr. Merlin Karlock, or any agent or employee of said individuals or any agent, employee, consultant or person affiliated with any company that Mr. Watson or Mr. Karlock are affiliated with in any way, concerning the County of Kankakee or an action, suit or proceeding of which the County is a party or participant.

11. All correspondence, contracts or other communications between each opinion witness or other witness and you or the City of Kankakee in connection with the subject matter of this action.

12. All releases, covenants or other agreements, promises or understandings (including any document reflecting or referring to the same) with respect to the subject matter of this action, which is not contained in the Landfill Siting Application nor admitted into evidence at the City of Kankakee hearing on the Application.

13. Any and all communications, documents, reports, recommendations, memoranda, e-mails, evidence or the like in any way referencing authored, received by or sent to Mr. Yarborough, Ph.D.

14. Any and all documents or tangible evidence memorializing communication you had with any city personnel after March 7, 2003.

AFFIDAVIT OF SERVICE

The undersigned hereby under penalty of perjury under the laws of the United States of America, certifies that on 11/14/03, she served a copy of the foregoing upon:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

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(312) 261-1149 FAX

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(815) 937-0056 FAX

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Anjanita Dumas, Clerk
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385 E. Oak Street
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(815) 933-0482 FAX

Claire A. Manning
Posegate & Denes, P.C.
111 N. Sixth Street
Springfield, IL 62705
(217) 522-6152
(217) 522-6184 FAX

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
(312) 814-8917
(312) 814-3669 FAX

Via facsimile and by depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above.

Barbara D. Stettin

HINSHAW & CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
(815) 490-4900

cc: Barbra Zucker & Associates

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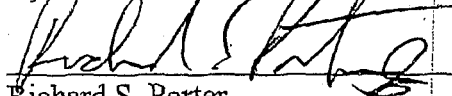
On November 18, 2003, at 2:30 p.m., at the law offices of Hinshaw & Culbertson, 222 North LaSalle Street, Suite 300, Conference Room 3-C, Chicago, Illinois, the deposition of Thomas Volini will be taken before a notary public (Zucker - 800/806-5395) on oral interrogatories for discovery in this case, and at that time the deponent shall produce all the documents requested on the attached rider.

Dated: 11/14/03

Respectfully Submitted,

On behalf of the COUNTY OF KANKAKEE,
ILLINOIS, and EDWARD D. SMITH,
KANKAKEE COUNTY STATE'S
ATTORNEY,

By: Hinshaw & Culbertson



Richard S. Porter

One of Its Attorneys

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100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61105-1389
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DEPOSITION RIDER

1. Identify and produce any and all documents, letters, or memoranda which were read, reviewed, or examined by you or the City of Kankakee regarding the Town and Country Utilities, Inc. Landfill Siting Application, which either are or are not a part of the public record of the hearing.
2. All communications, reports, correspondence, and other documents received or sent by the City of Kankakee to or from Town and Country Utilities, Inc. regarding the planning, development, and siting of the facility.
3. All notes, minutes, and other documents of all communications, phone calls and meetings between Town and Country Utilities, Inc. and you or the City of Kankakee, Illinois, the Kankakee City Council or their agents relating to the planning, development, and siting of the facility.
4. Any and all documents relied upon or reviewed by or received by you the City of Kankakee, its officers, Department heads, supervisors and staff or the Kankakee City Council (including but not limited to its consultants, attorneys or experts) concerning or relating to the landfill or siting of the landfill which are not contained in the application or the City of Kankakee public record.
5. Any and all documents, agendas, computer messages, telephone message memos, which reference, mention, memorialize or in any way relate to any communications between you or the City of Kankakee and Town and Country Utilities, Inc.
6. Any and all documents, correspondence, memoranda, e-mail, computer messages, telephone message memos, or other evidence, items, records or things in any way referencing or memorializing any communication of anyone with Hearing Officer Boyd, which are not part of the public record, including any and all drafts of the Hearing Officer's report or recommendations that were reviewed or amended by the City of Kankakee, or the Applicant.

7. Any and all agendas, documents, correspondence, memos, e-mails, computer messages or the like authored, generated or drafted by any City Council member concerning the Application.

8. Any and all documents, correspondence, exhibits, memoranda, writings or recordings in any way referencing the deliberation or consideration of the Application or any condition upon approval suggested, considered or imposed by Hearing Officer Boyd or the City Council, its members, agents, employees, attorneys and staff.

9. Any and all communications, documents, memoranda, recordings, agendas, notes, or evidence concerning any communication between you or the City of Kankakee and Town and Country Utilities, Inc., which refers or relates to any potential or actual lawsuit, dispute or claim against the County of Kankakee, including, but not limited to any declaratory judgment action filed by the City against the County, any injunctive action filed by the City against the County, any County siting hearing, any civil action or other lawsuit filed against the County, or an appeal of any of the aforementioned actions or claims.

10. Any and all communications between you or the City of Kankakee or Town and Country Utilities, Inc. and Mr. Michael Watson or Mr. Merlin Karlock, or any agent or employee of said individuals or any agent, employee, consultant or person affiliated with any company that Mr. Watson or Mr. Karlock are affiliated with in any way, concerning the County of Kankakee or an action, suit or proceeding of which the County is a party or participant.

11. All correspondence, contracts or other communications between each opinion witness or other witness and you or the City of Kankakee in connection with the subject matter of this action.

12. All transcripts, statements, articles, writings or other documents or tangible items which City of Kankakee may use at hearing in direct or cross-examination of any witness.

13. All releases, covenants or other agreements, promises or understandings (including any document reflecting or referring to the same) with respect to the subject matter of

this action, which is not contained in the Landfill Siting Application nor admitted into evidence at the City of Kankakee hearing on the Application.

14. Any and all documents or things set forth or referred to in Respondent's answers to interrogatories propounded by this or any Petitioner, or which Respondent or Respondent's counsel consulted to prepare said answers.

15. Any and all communications, documents, reports, recommendations, memoranda, e-mails, evidence or the like in any way referencing authored, received by or sent to Mr. Yarborough, Ph.D.

16. Any and all communications, documents, e-mails, reports or recommendations between you, the City of Kankakee, the City Council or its agents, attorneys, staff and employees and Hearing Officer Boyd in any way referencing Mr. Yarborough, Ph.D., or any opinion, recommendation or report of Mr. Yarborough.

17. Any and all documents or evidence in any way memorializing that a report from Mr. Yarborough, Ph.D. was made part of the City public record at any time.

18. Any and all documents or tangible evidence concerning any communications any witness, expert consultant, engineer, employee or agent of Town & Country Utility, Inc. had with any employee or agent of the City of Kankakee after March 7, 2003.

AFFIDAVIT OF SERVICE

The undersigned hereby under penalty of perjury under the laws of the United States of America, certifies that on 11/14/03, she served a copy of the foregoing upon:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

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Claire A. Manning
Posegate & Denes, P.C.
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(217) 522-6184 FAX

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Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
(312) 814-8917
(312) 814-3669 FAX

Via facsimile and by depositing a copy thereof, enclosed in an envelope in the United States
Mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as
above.

Barbara D. Betts

HINSHAW & CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
(815) 490-4900

cc: Barbra Zucker & Associates

HINSHAW & CULBERTSON
ATTORNEYS AT LAW

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CHAMPAIGN, ILLINOIS
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CRYSTAL LAKE, ILLINOIS
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STATE OF ILLINOIS
Pollution Control Board

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MILWAUKEE, WISCONSIN

FACSIMILE TRANSMISSION
TO BE DELIVERED IMMEDIATELY

TO:	COMPANY:	FAX NO.:	PHONE NO.:
<u>Dorothy M. Gunn</u>	<u>IPCB</u>		<u>312/814-3620</u>
<u>George Mueller</u>		<u>433-4913</u>	<u>433-4705</u>
<u>Donald J. Moran</u>	<u>Pederson & Houpt</u>	<u>312/261-1149</u>	<u>312/261-2149</u>
<u>Kenneth A. Leshen</u>		<u>933-3397</u>	<u>933-3385</u>
<u>Christopher W. Bohlen</u>		<u>939-0994</u>	<u>939-1133</u>
<u>L. Patrick Power</u>		<u>937-0056</u>	<u>937-6937</u>
<u>Byron Sandberg</u>			
<u>Anjanita Dumas</u>	<u>Clerk</u>	<u>933-0482</u>	<u>933-0480</u>
<u>Elizabeth Harvey</u>	<u>Swanson, Martin & Bell</u>	<u>312/321-0990</u>	<u>312/321-9100</u>
<u>Claire Manning</u>	<u>Posegate & Denes</u>	<u>217/522-6184</u>	<u>217/522-6152</u>
<u>Brad Halloran</u>	<u>IPCB</u>	<u>312/814-3669</u>	<u>312/814-8917</u>

DATE: November 12, 2003 FROM: Richard S. Porter USER ID: a4549

MATTER NAME: Kankakee MATTER NO.: 827167

NO. OF PAGES (including this Cover): _____ SENDING OPERATOR: Barb Betts

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