

BEFORE THE 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.,

Respondents.

Case No. PCB 04-33

WASTE MANAGEMENT OF ILLINOIS,
INC.,

Petitioner,

vs.

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

Respondents.

Case No. PCB 04-34

COUNTY OF KANKAKEE, ILLINOIS and
EDWARD D. SMITH, KANKAKEE COUNTY
STATE'S ATTORNEY,

Petitioners,

vs.

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

Respondents.

Case No. PCB 04-35

HINSHAW & CULBERTSON
ATTORNEYS AT LAW

BELLEVIEW, ILLINOIS
CHAMPAIGN, ILLINOIS
CHICAGO, ILLINOIS
CRYSTAL LAKE, ILLINOIS
JOLIET, ILLINOIS
LISTON, ILLINOIS
PEORIA, ILLINOIS
ROCKFORD, ILLINOIS
SPRINGFIELD, ILLINOIS
WAUKEGAN, ILLINOIS
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RPorter@hinshawlaw.com

CLERK'S OFFICE

NOV 7 2003

STATE OF ILLINOIS
Pollution Control Board

LOS ANGELES, CALIFORNIA
SAN FRANCISCO, CALIFORNIA
FT. LAUDERDALE, FLORIDA
JACKSONVILLE, FLORIDA
MIAMI, FLORIDA
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NEW YORK, NEW YORK
APPLETON, WISCONSIN
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 7, 2003 FROM: Richard S. Porter USER ID a4549

MATTER NAME: Kankakee MATTER NO.: 827167

NO. OF PAGES (including this Cover): 13 SENDING OPERATOR: Danita

COMMENTS, IF ANY:

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**PETITIONERS', COUNTY OF KANKAKEE, ILLINOIS AND
EDWARD D. SMITH, KANKAKEE COUNTY STATE'S ATTORNEY,
SUPPLEMENTAL RESPONSE TO RESPONDENT, TOWN & COUNTRY
UTILITIES, INC.'S REQUEST FOR PRODUCTION
OF DOCUMENTS**

NOW COME the Petitioners, COUNTY OF KANKAKEE, ILLINOIS and EDWARD D. SMITH, KANKAKEE COUNTY STATE'S ATTORNEY, and for their Supplemental Response to Respondent, TOWN & COUNTRY UTILITIES, INC.'s, Request for Production of Documents, states as follows:

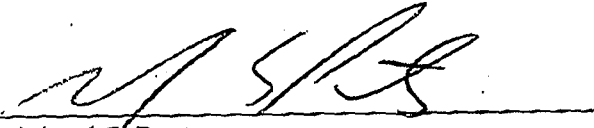
4. All documents Petitioner intends to present as evidence during the hearing in this cause.

RESPONSE: See also newspaper article from Daily Journal quoting City Council Member JoAnne Schwade and Freedom of Information Requests to the City of Kankakee, attached hereto.

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 Attorneys

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

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AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on November 7, 2003, a copy of the foregoing was served upon:

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

Attorney George Mueller
501 State Street
Ottawa, IL 61350
(815) 433-4705
(815) 433-4913 FAX

Donald J. Moran
Pederson & Houpt
161 N. Clark Street, Suite 3100
Chicago, IL 60601-3242
(312) 261-2149
(312) 261-1149 FAX

Elizabeth Harvey, Esq.
Swanson, Martin & Bell
One IBM Plaza, Suite 2900
330 North Wabash
Chicago, IL 60611
(312) 321-9100
(312) 321-0990 FAX

Kenneth A. Leshen
Leshen & Sliwinski, P.C.
One Dearborn Square, Suite 550
Kankakee, IL 60901-3927
(815) 933-3385
(815) 933-3397 FAX

Christopher W. Bohlen
200 E. Court Street, Suite 602
P.O. Box 1787
Kankakee, IL 60901
(815) 939-1133
(815) 939-0994 FAX

L. Patrick Power
956 N. Fifth Avenue
Kankakee, IL 60901
(815) 937-6937
(815) 937-0056 FAX

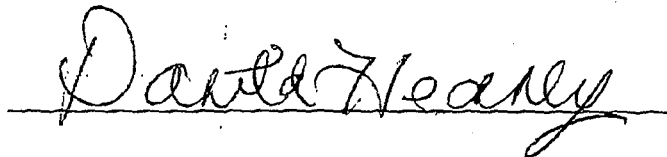
Byron Sandberg
109 Raub St.
Donovan, IL 60931
byronsandberg@starband.net

Anjanita Dumas, Clerk
City of Kankakee
385 E. Oak Street
Kankakee, IL 60901
(815) 933-0480
(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

By faxing 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.



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

The victim was attacked at approximately 10:30 p.m. while standing on the sidewalk in the 300 block of South Washington Avenue. The two youths rapidly approached from opposite sides of a house. They punched the victim in the face and mouth before fleeing with his jacket, according to the victim.

Two busted for DUI

• A drunk driver found asleep at the wheel told police he got lost and stopped to take a nap.

Kankakee County Sheriff's Police discovered Michael Barnes, 43, parked with the engine running at a home in the 1000 south mile of 15000W Road Wednesday night. Police said his blood-alcohol level measured .12 percent.

Barnes, of 18530 W. 3000N Road, Lot 67, Reddick, was arrested for driving under the influence.

• Olga M. Soapp, 35, of Momence, was arrested by Illinois State Police at approximately 12:45 a.m. today on 1000N Road at 4000E Road for driving under the influence of alcohol. Police said she had initially been stopped for having one headlight out.

She was also arrested on two outstanding Kankakee County warrants, one of which was for failing to make a court appearance on a previous drunk driving arrest.

addressing anticipated future growth.

Board members agreed last week to construct an addition to the existing 10,000-square-foot building and dropped plans to relocate. Estimated cost for the project of 8,000 to 12,000 square feet is \$1 million, but the amount would be considerably less than building a new library.

"We know we can afford \$1 million," said board member and Finance Committee Chairman Ed Grabow. The board is looking at spending about \$300,000 in existing funds and financing the remaining amount. The board intends to complete the project without raising property taxes.

"I consider this a little project," Grabow said.

As far back as 1998, the board has discussed either expanding or relocating because the existing

Library Board President Keith O'Dell said the district had considered having a library at the Career Center Road site of a planned school for Bourbonnais Elementary District 53. That proposal was rejected, O'Dell said, because the school district was looking at ways to control who would be coming into the library.

O'Dell said that because the library is a public building, access would have to be given to all people, and such restrictions could not be accepted.

Now that the board has selected expansion, the focus will be on contacting people to provide advice on developing such a project.

Library Director Diana Dillinger plans to contact Fred Schlipf of the Urbana library system to act as a consultant on the expansion.

Schwade reiterates support of Town & Country project

By Lee Provost
Journal writer

Three-term 2nd Ward Republican Alderman JoAnne Schwade is not backing away from her support of the Kankakee Region Landfill project as she seeks her fourth council term.

And, Schwade said, she has only heard from two ward residents opposing the 236-acre landfill project being eyed for a section of land in rural Otto Township.

"Given my druthers I would prefer some high-tech industry locating here, but that's not going to happen right now and it's obvious there is a need for this space," she said.

The Kankakee City Council unanimously approved the siting request by Town & Country Utilities Inc. president Tom Volini last summer. An appeal to the Illinois Pollution Control Board by current Kankakee County landfill operator Waste Management, the Kankakee County Board and resident Byron Sandberg overturned the council decision.

A new set of siting hearings for Volini's project are likely to be held in June.

The regional landfill would accept out-of-county waste and the city would collect about \$2 million a year through the host fee agreement with Volini.

JoAnne Schwade

Party: Republican

Address: 969 S. Chicago Ave.

Family: Husband, Dr. James Schwade; two daughters, Jennifer and Julie

Education: Bachelor of science degree, Creighton University; St. Joseph H.S., Dunlap, Iowa

Profession: Homemaker

Civic/volunteer activities: 2nd Ward alderman, May 1991-present; Zonta Leadership Award, 2002; Neighborhood Partners of Kankakee "Golden Paintbrush Award," 2002; First American Bank board member; Junior League of Kankakee County Stone Barn Foundation; Provena St. Mary's Hospital Foundation Board member; Bishop McNamara H.S. Foundation Board; Kankakee Valley Symphony Foundation Board member; Kankakee Kultivators member; Kankakee Sesqui-centennial Committee member; St. Patrick's Catholic Church and choir member.



Schwade attended all 57 hours of the original siting hearing. She noted she did considerable outside research on the subject. "It is my duty to determine as best I can as to how safe it will be. I didn't just rely on the hearings to determine that."

Since that first hearing, Volini has said he would incorporate a double plastic liner to add protection for groundwater.

Regarding other funding sources, Schwade noted the sales tax sharing arrangements the city

has inked with some about 10 business has been a gold mine.

The alderman said she also expects further cooperation between the city, Bradley, Bourbonnais and Aroma Park on various initiatives that can lead to more savings of taxpayers' money.

"We've been working more efficiently and Kankakee is certainly not the only community with money problems. The state and national governments are hurting as well. Everyone is in critical shape."

Taylor ke toward la

By Lee Provost
Journal writer

For 2nd Ward aldermanic candidate James Taylor Jr., the proposition of establishing a second landfill within Kankakee County's borders is a difficult subject.

The candidate believes Waste Management can adequately handle the waste needs of this county. However, he knows the host fees proposed by the developer of the Kankakee Regional Landfill would provide slack for the city's tight budget.

"I have nothing bad to say about Tom Volini (Town & Country Utilities Inc. president and landfill developer)," Taylor said. "I just don't know if he could be any better job than Waste Management."

Taylor, however, has made it clear he was not closing his mind to discussions with Volini.

"I would not turn a deaf ear to Mr. Volini. More information needs to be provided so the council can make the best decision possible."

Through the host fee agreement as approved by the Kankakee City Council, the city would receive about \$2 million a year for a little more than 20 years. Also receiving money through the host fee would be the Kanka-

Brenda Gorski

From: Brenda Gorski [blgorski@k3county.net]
Sent: Friday, November 07, 2003 11:48 AM
To: R Porter (E-mail); Charles Helsten (E-mail)
Cc: 'esmith@k3county.net'; 'bwheeler@k3county.net'
Subject: requested information

Chuck and Rick:

- 1) I made separate requests for "all documents, including hard files, and printed copies of computer data base information" re: the Bradshaw property (13-16-23-400-001) from County Assessor, CountyCollector, and County Clerk. If it is true that they all share the same data base, the information provided should be the same from each.
- 2) Hooray for Bobbi! She just came from the Journal with a copy of the news article. It will be faxed.
- 3) Also, by fax we're sending you copies of FOIs from April 2(X2)April 8, April 9, July 30, August 28. Please note that I have never been allowed to view file-stamped copies of the application, nor have I ever been allowed to view or obtain a copy of the hearing officer's recommendations. In a rotunda conversation with Mr. Bohlen yesterday Chris advised that yes he did have Hearing Officer Boyd's findings but that he objected to the production of the same.

Anything else you need at this time? Brenda



**STATE'S ATTORNEY
COUNTY OF KANKAKEE
CIVIL DIVISION**

189 EAST COURT STREET - SUITE 502 • KANKAKEE, ILLINOIS 60901-3992
(815) 937-2959 • FAX (815) 937-3918

EDWARD D. SMITH

State's Attorney

BRENDA L. GORSKI

Chief Legal Counsel

April 2, 2003

Ms. Anjanita Dumas
Kankakee City Clerk
385 E. Oak Street
Kankakee, IL 60901

RE: *Town & Country Siting Application*

Dear Ms. Dumas:

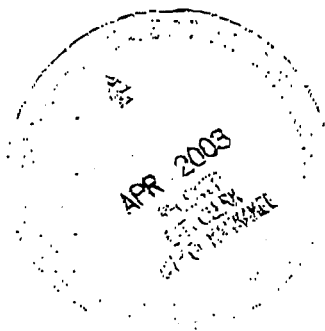
Last week Ms. Michelle Sadler of the County's Planning Office requested a copy of the Town & County Landfill Siting Application filed in March 2003 with the City of Kankakee. At that time she was advised that you would let her know when it was available. To date, Ms. Sadler has heard nothing.

Pursuant to the Illinois Freedom of Information Act, I hereby request a copy of the Town & Country Landfill Siting application filed in March 2003 with the City. Further, pursuant to the Act, I hereby request that the costs and fees for such application be waived in the interest of public health, safety, and general welfare.

EDWARD D. SMITH, STATE'S ATTORNEY
Of Kankakee County, Illinois

By: _____

[Signature]
Assistant State's Attorney



CITY OF KANKAKEE
STATE OF ILLINOIS

Department:

City Clerk's

Date:

7-30-03

REQUEST FOR PUBLIC RECORDS

Pursuant to the Freedom of Information Act, Public Act 83-1013, effective July 1, 1984, I hereby request the following public records within seven (7) working days:

Re: Filings by Law Offices of George Mueller re. Pollution Control Siting filed 3/7/03

EXACT DESCRIPTION/TITLE

DATE

SEC OR PAGE#

1) Copy of Notice of Filing 7/25/03

2) Copy of Facsimile Cover Sheet + Revised pages 7/25/03

3) Town & County's Summary of Evidence re: Characterization of the Bedrock System. 7/25/03

4) Proposed findings of fact of the City Council of the City of Kankakee with regard to the Application for siting approval for a new regional Pollution Control Facility.

5)

City of Kankakee will only produce copies of those documents requested and described with a responsible degree of accuracy. The City is not required to guess at what is being request. Nor is the City required to compile lists not in existence, or interpret or extrapolate information.

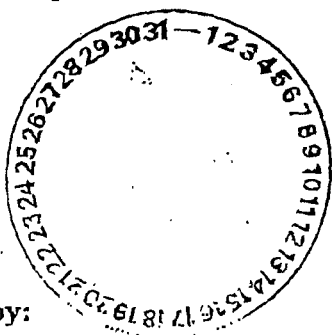
In the absence of statutory or case law to the contrary, it is the policy of the City to decline to produce information relating to specific wages of specific employees.

I request to inspect these public records in person during regular office hours in the Department where they are maintained.

I request _____ copies of these records and agree to pay (\$.25 cents) per page for photocopying.

I request _____ copies of these records to be certified and agree to pay \$ _____ per copy extra for certification.

☒ I request that all fees be waived or reduced in the public interest because the furnishing of the information requested can be considered as primarily benefiting the general public.



BRENDA GORSKI, ASA

NAME

185 E COURT ST, Suite 502

ADDRESS

KANKAKEE, IL 60901

CITY, STATE, ZIP

937-2957

TELEPHONE

Request received by:

Date: 7-30-2003

Time: 12:00 o'clock PM

**To be Acted on
Within 7 Working
Days**

Department: City Clerk

Date: 8/28/03

REQUEST FOR PUBLIC RECORDS

Pursuant to the Freedom of Information Act, Public Act 83-1013, effective July 1, 1984, I hereby request the following public records within seven (7) working days:

<u>Description or Title</u>	<u>Date</u>	<u>Specific Sections or Page No's:</u>
-----------------------------	-------------	--

1. Town & Country's Second Application for Siting Approval
2. Hearing Officer's Recommendation
- 3.
- 4.
- 5.

I request to inspect these public records in person during regular office hours in the Department where they are maintained.

I request _____ copies of these records and agree to pay twenty cents (\$.20) per page for photocopying.

I request _____ copies of these records to be certified and agree to pay \$_____ per copy extra for certification.

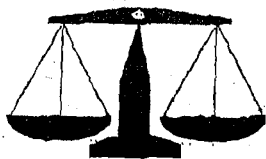
X I request that all fees be waived or reduced in the public interest because the furnishing of the information requested can be considered as primarily benefiting the general public.

Name: Brenda L. Gorski, Assistant State's Attorney 

Address: 189 E. Court Street, Suite 502

City, State, Zip Kankakee, IL 60901

Request received by: _____ Date: _____, 2003 Time: _____



Edward D. Smith

State's Attorney

Brenda L. Gorski

Assistant State's Attorney

STATE'S ATTORNEY
COUNTY OF KANKAKEE
CIVIL DIVISION

189 E. Court St., Suite 502, Kankakee, Illinois 60901-3992
(815) 937-2959 Fax: (815) 929-3969

FAX COVER SHEET

DATE: 8-28-03

TO: City Clerk

FROM: Brenda Gorski, ASA fax: (815) 933-0482

RE: Request for Public Information

COMMENTS

NUMBER OF PAGES INCLUDING COVER SHEET 2

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS TRANSMISSION IS NOT THE INTENDED RECIPIENT, PLEASE TAKE NOTE THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS INFORMATION IS STRICTLY PROHIBITED. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US VIA THE U.S. POSTAL SERVICE AT OUR ADDRESS LISTED ABOVE. THANK YOU.

11/07/2003 15:46 FAX
8/28/2003 16:31 FAX

F.12
008
001

ACTIVITY REPORT

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
08/19 14:46	815 937 7862		5268	AUTO RX	G3	1 OK 00'44
08/20 06:50	913126023058		0512	TRANSMIT	ECM	5 OK 01'57
08/20 11:14	99325313		0513	TRANSMIT	ECM	24 OK 04'18
08/21 10:21			5287	AUTO RX	ECM	1 OK 00'31
08/21 15:32			5268	MEMORY RX	ECM	1 OK 00'29
08/21 15:40	312 814 3055		5289	MEMORY RX	ECM	4 OK 00'52
08/25 09:59	9352429		0514	TRANSMIT		0 NG 00'00 0 STOP
08/25 10:00	99352429		0515	TRANSMIT	ECM	4 OK 00'53
08/25 14:06	9325313		0516	TRANSMIT		0 NG 00'00 0 STOP
08/25 14:30	99325313		0517	TRANSMIT	ECM	1 OK 00'15
08/25 15:58	8159352429		5270	AUTO RX	ECM	4 OK 00'48
08/27 14:40	99323865		0518	TRANSMIT	ECM	3 OK 01'41
08/27 14:43	99363838		0519	TRANSMIT	G3	3 OK 02'01
08/27 14:52	99288738		0520	TRANSMIT		0 NG 00'00 0 0018
08/27 14:53	94688159		0521	TRANSMIT		0 NG 00'00 0 0018
08/27 14:55			5271	AUTO RX	ECM	1 NG 00'20 1
08/27 14:58			5272	AUTO RX	ECM	1 NG 00'20 1
08/27 15:01			5273	AUTO RX	ECM	9 OK 08'45
08/28 16:28			5274	AUTO RX	ECM	2 OK 01'30
08/28 16:30	99330482		0522	TRANSMIT	ECM	2 OK 00'58

11/07/2003 15:46 FAX

CITY OF KANKAKEE
STATE OF ILLINOISDepartment: CITY CLERKDate: 4-8-03REQUEST FOR PUBLIC RECORDS

Pursuant to the Freedom of Information Act, Public Act 83-1013, effective July 1, 1984, I hereby request the following public records within seven (7) working days:

- | EXACT DESCRIPTION/TITLE | DATE | SEC OR PAGE# |
|---|------|--------------|
| 1) City Resolution/ORDINANCE rescinding provision in SOLID WASTE plan providing copy of siting landfill siting application to the county board chairman. | | |
| 2) Record Book or File-stamped copy of the Application. | | |
| 5) | | |

City of Kankakee will only produce copies of those documents requested and described with a responsible degree of accuracy. The City is not required to guess at what is being request. Nor is the City required to compile lists not in existence, or interpret or extrapolate information.

In the absence of statutory or case law to the contrary, it is the policy of the City to decline to produce information relating to specific wages of specific employees.

☒ I request to inspect these public records in person during regular office hours in the Department where they are maintained.

☒ I request 1 copies of these records and agree to pay (\$.25 cents) per page for photocopying.

☐ I request _____ copies of these records to be certified and agree to pay \$ _____ per copy extra for certification.

☒ I request that all fees be waived or reduced in the public interest because the furnishing of the information requested can be considered as primarily benefiting the general public.

BRENDA GORSKI, SAO-Civil

NAME

189 E. COURT ST., SUITE 502

ADDRESS

BORRBO KANKAKEE IL

CITY, STATE, ZIP

937-2959

TELEPHONE

Request received by:

A. Dumas
Date: 4-8-03 .20 23
Time: 4:10 o'clock A .M