

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 14-99
)	(Pollution Control Facility
)	Siting Appeal)
VILLAGE OF ROUND LAKE PARK, ROUND)	
LAKE PARK VILLAGE BOARD and GROOT)	
INDUSTRIES, INC.,)	
)	
Respondents.)	

REQUEST TO ADMIT TO PETITIONER

NOW COMES the Respondent, Groot Industries, Inc. ("Groot"), and propounds the following requests to Petitioner Timber Creek Homes, Inc. ("TCH"), to be answered by TCH by March 15, 2014. **Failure to respond to the following requests to admit within 28 days may have severe consequences. Failure to respond to the following requests within 28 days will result in all the facts requested being deemed admitted as true for this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding or an attorney.**

DEFINITIONS

A. "TCH" refers to Timber Creek Homes, Inc., and all of its respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on its behalf.

B. "Village of Round Lake Park" or "Village" means the Village of Round Lake Park and all of its respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on its behalf.

C. "Round Lake Park Village Board" or "Village Board" means the Village Board, its members, and any of their respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on their behalf.

D. "Groot" means Groot Industries, Inc., and any of its respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on its behalf.

E. "Communication" means, without limiting the generality of its meaning, any form of communication between two or more persons, whether in writing or oral, including but not limited to correspondence, e-mails, conversations, phone calls, reports, documents, and memoranda.

F. "Siting Application" means Groot's Application seeking approval for a municipal solid waste transfer station to be located at the northeast corner of Illinois Route 120 and Porter Drive in the Village of Round Lake Park, filed on June 21, 2013.

G. "Document" means, without limiting the generality of its meaning, writings, papers, or tangible things of any kind or nature whatsoever in the possession or subject to the control of the Petitioner, its respective agents, employees, representatives, witnesses, or attorneys, including but not limited to letters, handwritten notes, calendar pads, appointment books, notepads, notebooks, correspondence of any kind, postcards, memorandum, telegrams, telexes, e-mails, internal communications of any kind, annual or other reports, financial statements, billing statements, payment authorizations, canceled checks, books, records, ledgers, journals, minutes of all meetings, contracts, agreements, appraisals, analysis, charts, graphs, bulletins, speeches, reports, data sheets, data tapes, or readable computer interpretations thereof, computer programs, software or any medium containing computer programs, circulars, pamphlets, notices, statements, stenographic notes, surveys, microfilm, microfiche, tape and disk recordings, photostats, photographs, drawings, transparencies, overlays, periodicals, sketches, illustrations, blueprints, plans, and personal interviews, wherever located, including non-final drafts or earlier versions and non-identical copies of any of the above, and all compilations of the foregoing, including binders, notebooks, folders and files.

H. "Refer or relate" means anything which directly or indirectly concerns, consists of, pertains to, reflects, evidences, describes, sets forth, constitutes, contains, shows, underlies, supports, or refers to in any way, or was used in the preparation of, appended to, legally, logically, or factually connected with, proves, disproves, or tend to prove or disprove.

I. "Siting process and procedures" includes any and all proceedings and processes employed by the Village or the Village Board before and after the filing of the Siting Application through the decision rendered by the Village Board on December 12, 2013, concerning the Siting Application.

J. The singular and plural form shall be construed interchangeably so as to bring within the scope of these requests any documents which might otherwise be construed outside their scope.

K. The words "and" and "or" shall be construed conjunctively and disjunctively as necessary to bring within this document request all information that might otherwise be construed as outside their scope.

INSTRUCTIONS

1. Petitioners shall separately set forth each matter to which an admission is requested.

2. The Responses to these Requests shall specifically admit or deny the matters, or set forth in detail the reason(s) why Petitioner cannot admit or deny the matters.

3. If an objection is made, then the reasons therefor shall be stated specifically.

In accordance with the foregoing definitions and instructions, please answer the following:

REQUESTS TO ADMIT

1. Admit that the Siting Application was filed June 21, 2013.

RESPONSE:

2. Admit that the Siting Application was publicly available after its filing.

RESPONSE:

3. Admit that the hearing on the Siting Application commenced on September 23, 2013, and concluded on October 2, 2013.

RESPONSE:

4. Admit that written public comments regarding the Siting Application were accepted through November 1, 2013.

RESPONSE:

5. Admit that during the hearing on the Siting Application, oral public comments were permitted.

RESPONSE:

6. Admit that all parties registered as participants in the hearing were permitted to participate.

RESPONSE:

7. Admit that TCH participated in the hearings on the Siting Application, through its attorney and witnesses.

RESPONSE:

8. Admit that TCH did not object prior to the Village Board's decision on December 12, 2013, regarding the ability to participate in the siting process.

RESPONSE:

9. Admit that TCH did not object prior to the Village Board's decision on December 12, 2013, regarding the hearing procedures or process.

RESPONSE:

10. Admit that TCH did not object prior to the Village Board's decision on December 12, 2013, regarding the procedures or process for public comment on the Siting Application.

RESPONSE:

11. Admit that TCH did not make any motion during the hearing or prior to the Village Board's decision on December 12, 2013, regarding the fundamental fairness of the siting process or procedures.

RESPONSE:

12. Admit that TCH did not make any objection during the siting process or procedures that the Village Board was biased.

RESPONSE:

13. Admit that TCH did not make any objection during the siting process or procedures that the Village Board had pre-judged the Siting Application.

RESPONSE:

14. Admit that TCH did not make any objection during the siting process or procedures that the procedure, process, or hearings were fundamentally unfair.

RESPONSE:

15. Admit that the members of the Village Board attended each day of the hearing regarding the Siting Application.

RESPONSE:

Dated: February 14, 2014 _____ Respectfully submitted,

On behalf of GROOT INDUSTRIES, INC.

/s/ Richard S. Porter
Richard S. Porter
One of Its Attorneys

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