

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)
)
 Petitioner)
)
 v.) No. PCB 2014-099
) (Pollution Control Facility Siting Appeal)
)
 VILLAGE OF ROUND LAKE PARK,)
 ROUND LAKE PARK VILLAGE BOARD)
 and GROOT INDUSTRIES, INC.,)
)
 Respondents)

NOTICE OF FILING

To: see service list

PLEASE TAKE NOTICE that on or before April 25, 2014, I filed the attached with the Clerk of the Illinois Pollution Control Board, copies of which are hereby served upon you by email.

By: *Glenn C. Sechen*
The Sechen Law Group, PC
Attorney for the
Village of Round Lake Park

Certificate of Service

The undersigned hereby attorney certifies that on the 25th day of April, 2014, a copy of the above was filed and served by email, as agreed by counsel, upon the persons shown in the Service List:

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
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Petitioner)	
)	
v.)	No. PCB 2014-099
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VILLAGE OF ROUND LAKE PARK,)	(Pollution Control Facility Siting Appeal)
ROUND LAKE PARK VILLAGE BOARD)	
and GROOT INDUSTRIES, INC.,)	
)	
Respondents)	

**VILLAGE OF ROUND LAKE PARK'S RESPONSE TO INTERROGATORIES
PURSUANT TO THE HEARING OFFICER'S ORDER OF APRIL 7, 2014**

Now comes the Village of Round Lake Park by its attorney, The Sechen Law Group and hereby responds to Timber Creek Homes, Inc.'s ("TCH") interrogatories redrafted as follows:

GENERAL RESPONSE: The Hearing Officer originally limited TCH discovery requests to the dates between the date on which Village of Round Lake Park's ("RLP") Appraiser was retained and the date on which siting was granted. RLP's Appraiser was retained on June 20, 2013 when the Mayor signed the fee letter or contract of RLP's Appraiser. The Round Lake Park Village Board ("RLPVB") granted siting on December 12, 2013. RLP responded in good faith to comply with the aforesaid discovery order in its original responses to TCH's discovery requests, and in fact exceed the scope of the required responses regarding RLP's appraiser.

In a April 7, 2014 order affirmed by the PCB, the Hearing Officer ruled that "TCH may pursue discovery regarding entries reflected in the Village Board's minutes" which were the subject of the TCH Request to Admit, but specifically limited that discovery to that pertaining to the subject transfer station itself. TCH has failed to propounded new discovery requests and has orally declined to do so during a telephonic conference with the Hearing Officer. Accordingly there is some confusion. In good faith RLP is providing TCH with discovery in modified form in order to incorporate the provisions of the Hearing Officer's April 7, 2014 order. RLP's response is consistent with TCH's original discovery requests and the Hearing Officer's order. RLP is providing non-privileged discovery information only to the extent that it pertains 1) to the subject transfer station itself; and 2) to an entry in the Village Board's meeting minutes which were the subject of Petitioner's Requests to Admit. Thus, such things as those related to zoning, land planning, solid waste planning, hauling contracts and recycling, including but not limited to construction and demolition debris [as well as the facility related thereto], are outside the scope of this response. Since Village Board meetings are

essentially updates, information up to 14 days prior to the subject Village Board meeting is being provided. Only a portion of the relevant requests to admit pertain. The ability of RLP to respond is limited as RLP's Counsel was retained on or about April 20, 2010. RLP is unable to respond regarding dates prior to retention.

Subsequent to the retention of RLP Counsel and prior to the filing of the Application as well as subsequent to the grant of siting, RLP and the Village Board functioned together as a unit of government. While prior to the filing of the Application RLP Counsel had little contact with the Village Board, subsequent to the filing of the Application and until the grant of siting, RLP Counsel functioned independently and isolated himself from and had no contact with the Village Board outside of the public hearing. Accordingly, RLP adopts the responses to discovery filed by the Village Board, including but not limited to its objections and claims of privilege. Any privileged material produced is accidentally produced without waiver. Further, there is an agreement with TCH precluding the application of any claim of waiver. RLP does not, by its responses waive its objection to discovery outside the limits set by the hearing officer. Any information provided herewith that is outside the scope of the Hearing Officer orders is inadvertent and should not be construed as a waiver of the limitations set by the hearing officer. Any privileged material produced is accidentally produced without waiver. RLP incorporates as part of its response to these interrogatories, the response of RLPVB as well as the documents produced by all of the Respondents up to and including those produced pursuant to the most current order. Any documents withheld under a claim of privilege will appear in a privilege log and/or be provided to the Hearing Officer for his review in the nature of an in camera inspection.

RLP Counsel has no independent recollection related to any single request or the time frame related thereto, other than that specifically noted in an individual response. A number of documents may be produced by RLP. Some of those documents may refer to communications and provide a guide as to when other communications may have occurred and various details related to each. A response to a one request may well include things that are relevant to other requests but may not be included in more than one response. Pursuant to 101 IL Admin Code 616 (h) RLP's responses will be amended as required by RLP, the Village Board or both. Accordingly, as to each request, investigation continues.

INTERROGATORIES

1. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 24 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: See response to production request and the General Response. See *also*, the response of the Village Board. Note that production of one or more documents was withheld under a claim of privilege. See the General Response regarding that as well.

2. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 25 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: See response to production request and the General Response. See *also*, the response of the Village Board. Note that production of one or more documents was withheld under a claim of privilege. See the General Response regarding that as well.

3. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 26 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: See response to production request and the General Response. See *also*, the response of the Village Board.

4. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 27 of the TCH Request to

Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: See response to production request and the General Response. See *a/so*, the response of the Village Board.

5. Identify all communications in verbal, written or electronic form made regarding the proposed transfer station as reflected in Exhibit 28 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: None are known to RLP. See the response of the Village Board.

CERTIFICATON

The Village of Round Lake Park advises that its investigation is continuing and that it reserves the right to supplement its responses hereto. However, the undersigned certifies that he verily believes the forgoing response is, at this time, true, complete and accurate to the best of his knowledge. Dated April 25, 2014.

Respectfully submitted,
Village of Round Lake Park

By *Glenn C. Sechen*
One of Its Attorneys

Glenn C. Sechen
The Sechen Law Group, PC
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312-550-9220

CERTIFICATE OF SERVICE

I, Glenn C. Sechen, an attorney, certify that on this 25th day of April, 2014, by email, I have served a copy of the attached upon:

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VILLAGE OF ROUND LAKE PARK**

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)	
Respondents)	

VILLAGE OF ROUND LAKE PARK'S RESPONSE TO PETITIONER'S REQUEST FOR PRODUCTION OF DOCUMENTS FROM VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD

Now comes the Village of Round Lake Park by its attorney, The Sechen Law Group and hereby responds to the First Request for Productions of Documents of Petitioner, Timber Creek Homes, Inc. ("TCH") as follows:

GENERAL RESPONSE: The Hearing Officer originally limited TCH discovery requests to the dates between the date on which Village of Round Lake Park's ("RLP") Appraiser was retained and the date on which siting was granted. RLP's Appraiser was retained on June 20, 2013 when the Mayor signed the fee letter or contract of RLP's Appraiser. The Round Lake Park Village Board ("RLPVB") granted siting on December 12, 2013. RLP responded in good faith to comply with the aforesaid discovery order in its original responses to TCH's discovery requests, and in fact exceed the scope of the required responses regarding RLP's appraiser.

In a April 7, 2014 order affirmed by the PCB, the Hearing Officer ruled that "TCH may pursue discovery regarding entries reflected in the Village Board's minutes" which were the subject of the TCH Request to Admit, but specifically limited that discovery to that pertaining to the subject transfer station itself. TCH has failed to propounded new discovery requests and has orally declined to do so during a telephonic conference with the Hearing Officer. Accordingly there is some confusion. In good faith RLP is providing TCH with discovery in modified form in order to incorporate the provisions of the Hearing Officer's April 7, 2014 order. RLP's response is consistent with TCH's original discovery requests and the Hearing Officer's order. RLP is providing non-privileged discovery information only to the extent that it pertains 1) to the subject transfer station itself; and 2) to an entry in the Village Board's meeting minutes which were the subject of Petitioner's Requests to Admit. Thus, such things as those related to zoning, land planning, solid waste planning, hauling contracts and recycling, including but not limited to construction and demolition debris [as well as the facility related thereto], are outside the scope of this response. Since Village Board meetings are

essentially updates, information up to 14 days prior to the subject Village Board meeting is being provided. Only a portion of the relevant requests to admit pertain. The ability of RLP to respond is limited as RLP's Counsel was retained on or about April 20, 2010. RLP is unable to respond regarding dates prior to retention.

Subsequent to the retention of RLP Counsel and prior to the filing of the Application as well as subsequent to the grant of siting, RLP and the Village Board functioned together as a unit of government. While prior to the filing of the Application RLP Counsel had little contact with the Village Board, subsequent to the filing of the Application and until the grant of siting, RLP Counsel functioned independently and isolated himself from and had no contact with the Village Board outside of the public hearing. Accordingly, RLP adopts the responses to discovery filed by the Village Board, including but not limited to its objections and claims of privilege. Any privileged material produced is accidentally produced without waiver. Further, there is an agreement with TCH precluding the application of any claim of waiver. RLP does not, by its responses waive its objection to discovery outside the limits set by the hearing officer. Any information provided herewith that is outside the scope of the Hearing Officer orders is inadvertent and should not be construed as a waiver of the limitations set by the hearing officer. Any privileged material produced is accidentally produced without waiver. RLP incorporates as part of its response to these interrogatories, the response of RLPVB as well as the documents produced by all of the Respondents up to and including those produced pursuant to the most current order. Any documents withheld under a claim of privilege will appear in a privilege log and/or be provided to the Hearing Officer for his review in the nature of an in camera inspection.

RLP Counsel has no independent recollection related to any single request or the time frame related thereto, other than that specifically noted in an individual response. A number of documents may be produced by RLP. Some of those documents may refer to communications and provide a guide as to when other communications may have occurred and various details related to each. A response to a one request may well include things that are relevant to other requests but may not be included in more than one response. Pursuant to 101 IL Admin Code 616 (h) RLP's responses will be amended as required by RLP, the Village Board or both. Accordingly, as to each request, investigation continues.

DOCUMENTS REQUESTED

1. All documents regarding the proposed transfer station and as reflected in Exhibit 24 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: Known documents will be produced. See General Response. See *also*, the response of the Village Board. Note that production of one or more documents was withheld under a claim of privilege. See the General Response regarding that as well.

2. All documents regarding the proposed transfer station and as reflected in Exhibit 25 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: Known documents will be produced. See General Response. See *also*, the response of the Village Board. Note that production of one or more documents was withheld under a claim of privilege. See the General Response regarding that as well.

3. All documents regarding the proposed transfer station and as reflected in Exhibit 26 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: Known documents will be produced. See General Response. See *also*, the response of the Village Board.

4. All documents regarding the proposed transfer station and as reflected in Exhibit 27 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: Known documents will be produced. See General Response. See *also*, the response of the Village Board.

5. All documents regarding the proposed transfer station and as reflected in Exhibit 28 of the TCH Request to Admit Facts and Genuineness of Documents served on the Village Board and Village of Round Lake Park.

RESPONSE: No responsive documents can be located. See General Response. See *also*, the response of the Village Board.

CERTIFICATON

The Village of Round Lake Park advises that its investigation is continuing and that it reserves the right to supplement its responses hereto. However, the undersigned certifies that he verily believes the forgoing response is, at this time, true, complete and accurate to the best of his knowledge. Dated April 25, 2014.

Respectfully submitted,
Village of Round Lake Park

By *Glenn C. Sechen*
One of Its Attorneys

Glenn C. Sechen
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CERTIFICATE OF SERVICE

I, Glenn C. Sechen, an attorney, certify that on this 25th day of April, 2014, by internet link, I have served a copy of the attached upon:

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