

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.)
)
)
) Petitioner,)
) PCB No. 14-99
v.) (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 ATTACHED SERVICE LIST

Please take notice that on June 2, 2014 the undersigned caused to be filed electronically with the clerk of the Illinois Pollution Control Board **RESPONDENT ROUND LAKE PARK VILLAGE BOARD'S MOTION ADOPTING RESPONDENT VILLAGE OF ROUND LAKE PARK'S RESPONSE TO TCH MOTION FOR SANCTIONS**, a copy of which is attached hereto.

Respectfully Submitted,

On behalf of Round Lake Park Village Board

Peter S. Karlovics

Peter S. Karlovics

Peter S. Karlovics #6204536
The Law Offices of Rudolph F. Magna #110560
495 N. Riverside Dr., Ste. 201
PO Box 705
Gurnee, IL 60031

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**RESPONDENT ROUND LAKE PARK VILLAGE BOARD'S MOTION
ADOPTING RESPONDENT VILLAGE OF ROUND LAKE PARK'S
RESPONSE TO TCH MOTION FOR SANCTIONS**

Now comes the Respondent, Round Lake Park Village Board ("RLPVB"), by its attorneys, the Law Offices of Rudolph F. Magna, and hereby adopts Respondent Village of Round Lake Park's RESPONSE TO TCH MOTION FOR SANCTIONS (hereinafter "RLP Sanctions Motion Response"), filed with the Illinois Pollution Control Board on June 1, 2014, as its own response, and incorporates said Sanctions Motion Response verbatim as if it were fully set forth herein, with the following addition:

1. Petitioner Timber Creek Homes (hereinafter "TCH"), in its Motion for Sanctions, alleged that Respondent VRLP withheld a document under a claim of privilege, which is an email between Charles Helsten, Counsel for Groot, and Glenn Sechen, Attorney for the Village of Round Lake Park (hereinafter "RLP"), which was attached to TCH's Motion for Sanctions as Exhibit "A" (hereinafter referred to as "Helsten-Sechen email string")

2. RLPVB adds the attached Exhibit "A" to the RLP Sanctions Motion Response, which is the TCH's Freedom of Information Request to RLP on May 2, 2013, and the response on the part of RLP to said Request (hereinafter "RLP FOIA Response").

3. That as part of the above RLP FOIA Response, TCH was provided a copy of the Helsten-Sechen email string (see the last two (2) pages of Exhibit "A" attached hereto).

4. That the Helsten-Sechen email string attached as the last two (2) pages of Exhibit "A" is a true and accurate copy of the Helsten-Sechen email string tendered to TCH as part of the RLP FOIA Response

5. That at the right hand bottom of the last two (2) pages of Exhibit "A," the date that the email was printed is reflected as May 30, 2013.

6. That TCH cannot claim that RLPVB or RLP withheld the Helsten-Sechen email string, as alleged in TCH's Motion for Sanctions, because RLP previously tendered the Helsten-Sechen email string as part of the RLP FOIA Response.

WHEREFORE, Respondent, Round Lake Park Village Board, respectfully requests that the relief requested in Respondent Village of Round Lake Park's RESPONSE TO TCH MOTION FOR SANCTIONS be granted, and that Respondent, Round Lake Park Village Board be granted such further and other relief as deemed just and proper.

Respectfully Submitted,
Village Board of Round Lake Park,
Respondent

By: Peter S. Karlovics
Peter S. Karlovics,
Attorney for the
Village Board of Round Lake Park

The Law Offices of Rudolph F.
Magna 110560
Peter S. Karlovics # 6204536
P.O. Box 705
Gurnee, Illinois 60031
(847) 623-5277

**Jeep & Blazer, L.L.C.
environmental law**

Jeffery D. Jeep*
Michael S. Blazer**

* Also Admitted in Massachusetts
** Also Admitted in New York

24 N. Hillside Avenue, Suite A
Hillside, IL 60162
(708) 236-0830
(708) 236-0828 Fax

Patti S. Blazer
email: pblazer@enviroatty.com

MAY 3 - 2013

Web Site: www.enviroatty.com

May 2, 2013

Delivery via Federal Express

Mr. Peter Karlovics
Village Attorney-The Village of Round Lake Park
The Law Offices of Rudolph F. Magna
495 N. Riverside Drive
Suite 201
P.O. Box 705
Gurnee, IL 60031

RE: FOIA Request

Dear Mr. Karlovics,

This is a request, under the Illinois Freedom of Information Act ("Act"), 5 ILCS 140/1 et seq., for copies of public records. I am requesting ANY and ALL documents pertaining to the Groot C&D Transfer Station* and/or Groot MSW Transfer Station**, including, but not limited to:

- internal correspondence and e-mails, including correspondence between the Village and its agents, attorneys and consultants;
- staff reports or reviews;
- meeting minutes;
- agreements (including drafts);
- correspondence and e-mails with Groot Industries, Inc., including its agents, attorneys and consultants;
- correspondence and e-mails with other units of government or government agencies, including the Illinois Environmental Protection Agency and the Solid Waste Agency of Lake County.
- applications, renderings, reports or project descriptions; and
- public notices or communications.

*Groot C&D Transfer Station means the general construction and demolition transfer station proposed by Groot Industries, Inc. to be located at 200 South Porter Drive, at the northwest corner of Illinois Route 120 and Porter Drive, in the Village of Round Lake Park, Illinois.

**Groot MSW Transfer Station means the municipal solid waste proposed by Groot Industries, Inc. to be located at 201 South Porter Drive, at the northeast corner of Illinois Route 120 and Porter Drive, in the Village of Round Lake Park, Illinois.

Please call me at 708/236-0830 with any questions. Thank you for your prompt attention to this matter.

Sincerely,



Exhibit "A"

Re: Freedom of Information Request regarding Groot MSW Transfer Station and Groot C... Page 1 of 3

From: Peter Karlovics <pkarlovics@aol.com>
To: jdjeep <jdjeep@enviroatty.com>
Cc: pblazer <pblazer@enviroatty.com>
Subject: Re: Freedom of Information Request regarding Groot MSW Transfer Station and Groot C&D Transfer Station
Date: Wed, May 8, 2013 3:48 pm
Attachments: signed_Host_Agreement_for_C_and_D_between_Groot_and_RLP.pdf (978K), Final_Signed_Waste_Transfer_Station_Host_Agreement_with_Groot.pdf (1427K), Signed_First_Amendment_to_Host_Community_Agreement.pdf (704K), RLP_Siting_Ordinance.pdf (1119K)

Dear Jeff:

Thank you for your email.

Attached are the Host Agreements for the C&D facility, and for the Waste Transfer Station, along with the First Amendment to that Agreement, and the Siting Ordinance for the Waste Transfer Station.

I thought that would be a good start for you.

If there is anything else I can email you in advance of our meeting next week, please let me know.

I look forward to hearing from you regarding your availability next week.

The Law Offices of

Rudolph F. Magna

Peter S. Karlovics

495 N. Riverside, Suite 201

Gurnee, Illinois 60031

Office: (847) 623-5277 Facsimile: (847) 623-5336

This email and any pages attached thereto originate from the Law Offices of Rudolph F. Magna and may be confidential and/or privileged pursuant to the attorney-client privilege and work-product doctrine. The information is intended for the use of the individual or entity named. It is prohibited for anyone else to disclose, copy, distribute or use the contents of this message if you are not the intended recipient. The contents may not be copied or distributed without this disclaimer.

Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free. No responsibility is accepted by Law Offices of Rudolph F. Magna for any loss or damage arising in any way from its use.

If you received this message in error, please delete the message and advise the sender by reply e-mail or notify us immediately at (847) 623-5277.

-----Original Message-----

From: Jeff Jeep <jdjeep@enviroatty.com>

To: Peter Karlovics <pkarlovics@aol.com>

Cc: Patti Blazer <pblazer@enviroatty.com>

Sent: Mon, May 6, 2013 1:25 pm

Subject: Re: Freedom of Information Request regarding Groot MSW Transfer Station and Groot C&D Transfer Station

Re: Freedom of Information Request regarding Groot MSW Transfer Station and Groot C... Page 2 of 3

Peter,

Your email is correct. We agree to inspect discoverable portions of the Groot C&D and MSW transfer station files in lieu of the Village producing copies of those files. Lets tentatively schedule our visit to inspect the files for Friday, May 10 at 1:30 PM. I need to confirm that John Hock, our consulting expert, is available. I will get back to you to confirm no later than Wednesday of this week.

Regards,

Jeffery D. Jeep
jdjeep@enviroatty.com

From: Peter Karlovics <PKarlovics@aol.com>
Date: Fri, 3 May 2013 17:40:40 -0500
To: Patti Blazer <pblazer@enviroatty.com>, "Jeffery D. Jeep" <jdjeep@enviroatty.com>
Subject: Freedom of Information Request regarding Groot MSW Transfer Station and Groot C&D Transfer Station

Dear Jeff and Ms. Blazer:

This is to confirm my conversation with Jeff Jeep today regarding the Freedom of Information Act Request ("FOIA") filed by Ms. Blazer dated May 2, 2013. The FOIA request in question is attached to this email for your reference.

From my conversation with Jeff, it is my understanding that the FOIA request filed by Ms. Blazer was done upon Jeff's request. If this is not accurate, please let me know.

Jeff informed me in our conversation that he wishes to withdraw the filed FOIA request, and instead, wishes for a meeting with me to review the discoverable portions of the Groot MSW Transfer Station file for copying (the copies of which will be provided), and to receive information regarding the regulations approved by the Village governing the Groot C&D Transfer Station. I seek confirmation that Ms. Blazer agrees with that request (by either fax or email from her).

I also ask Jeff to examine his schedule, and let me know if Friday, May 10, 2013 at 1:30 PM at my office is a good time for him to meet to review the Groot MSW Transfer Station and to receive information regarding the regulations approved by the Village for the Groot C&D facility.

I look forward to hearing from you.

The Law Offices of

Rudolph F. Magna

Peter S. Karlovics

495 N. Riverside, Suite 201

Gurnee, Illinois 60031

Office: (847) 623-5277 Facsimile: (847) 623-5336

This email and any pages attached thereto originate from the Law Offices of Rudolph F. Magna and may be confidential and/or privileged pursuant to the attorney-client privilege and work-product doctrine. The information is intended for the use of the individual or entity named. It is prohibited for

Re: Freedom of Information Request regarding Groot MSW Transfer Station and Groot C... Page 3 of 3

anyone else to disclose, copy, distribute or use the contents of this message if you are not the intended recipient. The contents may not be copied or distributed without this disclaimer.

Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free. No responsibility is accepted by Law Offices of Rudolph F. Magna for any loss or damage arising in any way from its use.

If you received this message in error, please delete the message and advise the sender by reply e-mail or notify us immediately at (847) 623-5277.

----- Original Message -----

Subject: Fw: Further Discussion of Host Agreement Terms

From: chelsten@hinshawlaw.com

Date: Mon, September 17, 2012 6:14 pm

To: glenn@sechenlawgroup.com

CONFIDENTIAL AND PRIVILEGED

Glenn: This time with the correct email address.

Charles F. Helsten
HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

Phone: 815-490-4906
Fax: 815-490-4901
chelsten@hinshawlaw.com

----- Forwarded by Charles F. Helsten/HCO7 on 09/17/2012 06:13 PM -----

CONFIDENTIAL AND PRIVILEGED

Glenn: This follows our most recent conversation of earlier today concerning HA terms. As I indicated earlier this afternoon, Groot will pay \$.10/ton as an additional Host fee for tonnage that comes from the Village to the Transfer Station where the Village is under direct contract with Groot. Groot will not offer any additional/supplemental Host Fee for the Village simply directing its waste to this Transfer Station where Groot does not have the hauling contract with the Village.

In addition, Groot needs a 3 (three) year hiatus before the first Annual Host Fee Adjustment takes place (not the 1 (one) year hiatus currently proposed by the Village. Moreover, the Annual Adjustment cannot exceed 3% (three per cent), with no recapture/"claw back" provision.

As previously indicated, Groot is in agreement with all other terms of the Village's proposed Host Agreement, but those discussed above are of critical importance to Groot.

Charles F. Helsten
HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

Phone: 815-490-4906
Fax: 815-490-4901
chelsten@hinshawlaw.com

[FWD: Fw: Further Discussion of Host Agreement Terms]

Page 2 of 2

Charles F. Holsten/HC07
09/17/2012 05:00 PM

To glenn@sechenlawgroup.com
cc
Subject Further Discussion of Host Agreement Terms

Hinshaw & Culbertson LLP is an Illinois registered limited liability partnership that has elected to be governed by the Illinois Uniform Partnership Act (1997).

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

AFFIDAVIT OF SERVICE

The undersigned certifies that on June 2, 2014 a copy of the foregoing **Notice of Filing** and **RESPONDENT ROUND LAKE PARK VILLAGE BOARD'S MOTION ADOPTING RESPONDENT VILLAGE OF ROUND LAKE PARK'S RESPONSE TO TCH MOTION FOR SANCTIONS** were served upon the following:

For the Village of Round Lake Park:

Attorney Glenn Sechen
The Sechen Law Group
13909 Laque Drive
Cedar Lake, IN 46303-9658
glenn@sechenlawgroup.com

Ms. Karen Eggert
Village of Round Lake Park
203 E. Lake Shore Drive
Round Lake Park, IL 60073
keggert@villageofroundlakepark.com

For Groot Industries, Inc.
Attorney Charles F. Helsten
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105
chelsten@hinshawlaw.com

Attorney Richard S. Porter
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105
rporter@hinshawlaw.com

Attorney George Mueller
Mueller Anderson & Associates
609 Etna Road
Ottawa, IL 61350
george@muelleranderson.com

For Timber Creek Homes, Inc.:

Attorney Jeffrey D. Jeep
Jeep & Blazer, LLC
24 North Hillside Avenue
Suite A
Hillside, IL 60162
jdjeep@enviroatty.com

Attorney Michael S. Blazer
Jeep & Blazer, LLC
24 North Hillside Avenue
Suite A
Hillside, IL 60162
mblazer@enviroatty.com

By e-mailing a copy thereof as addressed above.

The Law Offices of Rudolph F. Magna #110560
495 N. Riverside Dr., Ste. 201
PO Box 705
Gurnee, IL 60031

Peter S. Karlovics
