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AUG 27 2003

STATE OF ILLINOIS
Pollution Control Board

Petitioner,

V.

AMERICAN DISPOSAL SERVICES OF
ILLINOIS, INC., and LIVINGSTON
COUNTY BOARD,

Respondents.

PCB 03-236
(Pollution Control Facility
Siting Appeal)

TO: See Attached Service List

AMERICAN DISPOSAL SERVICES OF ILLINOIS,
INC., Respondent

By EHRMANN GEHLBACH BADGER & LEE

By

Douglas E. Lee

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Ehrmann Gehlbach Badger & Lee
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Proof of Service

STATE OF ILLINOIS)
COUNTY OF LEE)

The undersigned, being first duly sworn, states that on August 26, 2003, a true and correct copy of the foregoing Notice of Filing, together with the Motion to Compel attached thereto, was served upon the following persons, at the addresses indicated, by overnight mail and that prior to 3 p.m. on August 26, 2003, said Motion to Compel was sent by e-mail to the Hearing Officer and counsel for the parties, at the e-mail addresses indicated:

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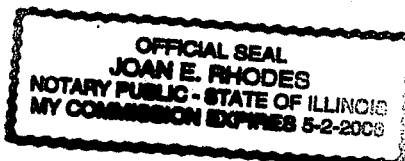
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Christina K. Eged

Subscribed and sworn to before me
this 26th day of August, 2003.

Joan E. Rhodes
Notary Public



BOARD
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3. As set forth in Section 101.616 of the Board's Rules, "the Board may look to the Code of Civil Procedure and the Supreme Court Rules for guidance where the Board's procedural rules are silent." While the Board's rules are silent as to whether parties must, when requested, state the subjects of expected witnesses' testimony, Illinois Supreme Court Rule 213(f)(1) indisputably

requires that such information be provided: "For each lay witness, the party must identify the subjects on which the witness will testify. An answer is sufficient if it gives reasonable notice of the testimony, taking into account the limitations on the party's knowledge of the facts known by and opinions held by the witness."

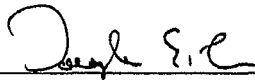
4. Such disclosure is especially important in cases like this one, in which the parties are required to complete significant discovery in a relatively short period of time. Petitioner's full response to the Interrogatory will enable American to determine which, if any, of the identified witnesses it wishes to depose, promote the efficient preparation of this case, and prevent unfair surprise.

5. For all of the foregoing reasons, American respectfully requests the Hearing Officer to enter an Order requiring Petitioner to fully respond to the Interrogatory.

Respectfully submitted,

AMERICAN DISPOSAL SERVICES OF ILLINOIS,
INC., Respondent

By EHRMANN GEHLBACH BADGER & LEE

By 
Douglas E. Lee

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