BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Kenda C. Hess, Theresa Adams, Lori Shields, John and Joyce Borchers, Lois Rooney, Charles Archibald, Yolanda Taylor-Hudson, and Mary Mann Reifsteck,	)	
Petitioners,	)	PCB 2027-002 (Third-Party Pollution Control Facility Siting Appeal)
v.	)	
Area Disposal Service, Inc., And Village of Rantoul,	)	
Respondents.	)	

PETITIONERS' MOTION TO COMPEL DISCOVERY RESPONSES FROM RESPONDENT AREA DISPOSAL SERVICE, INC.

Petitioners, by and through their undersigned counsel, respectfully move the Illinois Pollution Control Board's Hearing Officer assigned to this matter, Hearing Officer Carol Webb, for an order compelling Respondent Area Disposal Service, Inc. ("Area Disposal") to immediately serve full and complete answers to Interrogatory Nos. 2, 5, 6, 7, 8, 9, 10, 11, and 12 of Petitioners' First Set of Interrogatories, and to immediately serve full and complete responses, together with all responsive documents, to Request Nos. 1, 3, 5, 6, 8, 9, and 13 of Petitioners' First Set of Document Requests, free of Area Disposal's boilerplate General Objections.[1] In support of this Motion, Petitioners state as follows.

I. INTRODUCTION AND BACKGROUND

Pursuant to 35 Ill. Adm. Code 101.302(i), Petitioners do not now file Exhibits 1-4 (Petitioners' written discovery requests and Area Disposal's written responses) or Exhibit 5 (the Village of Rantoul's written discovery responses) to this Motion to Compel. Petitioners will promptly file Exhibits 1-5 at the direction of the Hearing Officer and/or otherwise request

[1] Pursuant to 35 Ill. Adm. Code 101.500(b), this Motion is directed to Hearing Officer Carol Webb.

permission from the Hearing Officer to file them in connection with this Motion to Compel. *See* 35 Ill. Adm. Code 101.302(i).

On September 10, 2026, Petitioners served their First Set of Interrogatories and First Set of Document Requests on Area Disposal, which contained twenty (20) Interrogatories and fifteen (15) Document Requests, respectively. (Ex. 1, Interrog.; Ex. 2, RFPs). On October 8, 2026, Area Disposal served its Answers and Responses, including numerous objections. (Ex. 3, Interrog. Resp.; Ex. 4, RFP Resp.). Area Disposal did not produce any documents.

As explained in further detail in the sections that follow, Area Disposal's Answers and Responses suffer from two overarching defects that infect nearly every substantive response at issue in this Motion: (1) Area Disposal relies on undifferentiated "General Objections," recited before and, often, in place of a substantive answer, without explaining how any particular objection applies to any particular Interrogatory or Request; and (2) Area Disposal refuses to provide responsive information based on its overly narrowed view of what is relevant to Petitioners' fundamental fairness claim and to the Board's independent duty to consider the fundamental fairness of the local siting proceeding.

Beyond these two global defects, Petitioners take issue with Area Disposal's refusal, in whole or in part, to answer nine (9) Interrogatories and seven (7) Document Requests that go to the heart of Petitioners' claim that the local siting proceeding was not fundamentally fair and/or that are relevant to Petitioners' standing to bring this appeal. In other words, these discovery requests are tailored to get at information relevant to showing the fundamental unfairness of the local siting proceeding. For example, they seek information and documents relevant to showing that Area Disposal engaged in pre-filing or *ex parte* contact with the Village of Rantoul's (hereinafter the "Village" or "Rantoul") Trustees, Mayor, staff, the Hearing Officer, and/or the Village's own supposedly independent consultant, Foth Infrastructure & Environment, LLC ("Foth"), in a manner that rendered siting approval improper because it was not the product of fair and objective deliberation free from prejudgment and bias. Petitioners' fundamental fairness claim rests squarely on this kind of evidence, which—almost by definition—does not appear in the public hearing record. Area Disposal's refusal to respond in full should not be permitted to stand because

the discovery at issue is narrowly tailored and relevant to Petitioners' fundamental unfairness claim, as well as Area Disposal's claim that Petitioners do not have standing due to the Village's siting procedures.

The Board's rules do not obligate Petitioners to confer with Area Disposal to attempt to resolve a discovery dispute in advance of bringing a motion to compel.[2] However, in the interest of efficiency and judicial economy, on October 8, 2026—the same day Area Disposal served its Anwers and Responses—Petitioners' counsel requested a conferral with Area Disposal's counsel. On October 12, 2026, Petitioners' counsel met with Area Disposal's counsel in good faith to try to resolve Petitioners' discovery disputes related to Area Disposal's Answers and Responses. While some of Petitioners' discovery disputes were resolved, the parties could not resolve the disputes raised herein this Motion.[3]

II. LEGAL STANDARDS

The Board's procedural rules authorize discovery in third-party pollution control facility siting appeals, including interrogatories and requests to produce documents, 35 Ill. Adm. Code 101.616 et seq., and provide a mechanism for a party to move to compel a complete response. *See, e.g.*, 35 Ill. Adm. Code 101.610(g). Pursuant to the Board's rules, the Hearing Officer has authority to issue an order compelling the answers to interrogatories or responses to other discovery requests, and Petitioners direct this Motion to the Hearing Officer. *See* 35 Ill. Adm. Code 101.502(a), 101.610(g), 101.614, 101.616(b).

Consistent with Illinois civil discovery practice, here, "[a]ll relevant information and information calculated to lead to relevant information is discoverable," other than that which is protected from disclosure by law. *See* 35 Ill. Adm. Code 101.616(a); *see also* Ill. S. Ct. R. 201(b)(1) ("a party may obtain by discovery full disclosure regarding any matter relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking

[2] Illinois Supreme Court Rule 201(k) does not apply to this proceeding. *See* 35 Ill. Adm. Code 101.100(b).

[3] At the October 12, 2026 conferral meeting, Area Disposal's counsel indicated that there were some issues raised by Petitioners that they would further discuss internally. On October 14, 2026, Area Disposal's counsel notified Petitioners' counsel that they had considered the issues Petitioners' counsel raised and "Area Disposal continues to maintain that it has fully complied with its discovery obligations and that all of the objections it asserted in response to Petitioners' requests are appropriate and well-founded."

disclosure or of any other party, including the existence, description, nature, custody, condition, and location of any documents or tangible things, and the identity and location of persons having knowledge of relevant facts."). Illinois courts applying the Illinois Code of Civil Procedure and the Illinois Supreme Court Rules "overwhelmingly favor liberal discovery procedures" and enforce those procedures so that they "enhance the truth-seeking process" and allow "each party [to discover] as much about the controversy as is reasonably practicable." *See Mistler v. Mancini*, 111 Ill. App. 3d 228, 231–32 (2nd Dist. 1982); *see also* 35 Ill. Adm. Code 101.100(b) (the Board may look to the Code of Civil Procedure and Supreme Court Rules for guidance when the Board's rules are silent). Only when a request seeks privileged materials or is otherwise "unreasonably burdensome" or "abusive" does the court have discretion to limit or prevent the requested discovery. *See e.g.*, *Burnette v. Nockels*, 2025 IL App (1st) 240485, ¶ 15.

Where, as here, the requested discovery satisfies Illinois law's liberal relevance standard, the objecting party has the burden to demonstrate why the information sought is privileged or "overly broad, unduly burdensome, or harassing." *Zagorski v. Allstate Ins. Co.*, 2016 IL App (5th) 140056, ¶ 35. A party resisting discovery on the basis of an objection bears the burden of showing with specificity why a particular request is improper; general, boilerplate, conclusory assertions of overbreadth, undue burden, vagueness, or irrelevance—untethered to the actual language of the specific request at issue—do not satisfy that burden and are properly overruled.

The "Board will hear new evidence relevant to the fundamental fairness of the proceedings where such evidence lies outside the record, including pre-filing contacts." *Timber Creek Homes, Inc., Petitioner v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc., Respondents*, 2014 WL 1117955, at *4 (PCB 14-99, March 20, 2014) (holding, among other things, that pre-filing contacts with a consultant retained by the municipality-respondent in connection to a siting application were discoverable over a relevant time period).

III. AREA DISPOSAL'S BOILERPLATE, UNDIFFERENTIATED, OBJECTIONS SHOULD BE OVERRULED.

Area Disposal's Answers and Responses open with eighteen (18 in the Interrogatory Responses) and seventeen (17 in the Document Request Responses) numbered "General Objections" addressing, mostly in the abstract, privilege, burden, vagueness, overbreadth, relevance, confidentiality, and similar discovery concerns. (Ex. 3 at 1–5; Ex.4 at 1–4). Area Disposal then purports to incorporate every one of these general objections into every individual answer and response, "whether or not any general objection is referenced therein." (Ex. 3 at ¶ 18; Ex. 4 at ¶ 17). For the majority of the specific Interrogatories and Requests at issue in this Motion, Area Disposal supplies no further explanation—it simply restates a subset of the same generic objections (e.g., relevance, overbreadth, vagueness, privilege) in substantially the same language across dozens of requests, without, in most cases, identifying what about the specific request at hand makes it objectionable or providing any substantive answer at all.[4]

This style of objection is improper. A party objecting to discovery must state the grounds for its objection with sufficient specificity that the propounding party, and the Hearing Officer, can evaluate whether the objection has merit as to the particular request at issue. Boilerplate objections recited across dozens of requests, without regard to any given request's actual content, do not meet this standard and preserve nothing. That is especially apparent with respect to Area Disposal's vagueness and ambiguity objections. The instructions Petitioners provided to Area Disposal require that any genuine ambiguity be resolved by the responding party applying a reasonable construction and stating that construction in its answer—not treated as a basis for refusing to answer at all. (*See* Ex. 1 at 3, Instruction #6; Ex. 2 at 3, Instruction #6.) It is also apparent in Area Disposal's burden objections, wherein there is zero explanation of what the burden is or why it would be overly burdensome to produce a particular type of information or category of documents.[5]

[4] Area Disposal also makes a general objection to Petitioners' discovery requests based on their pending Motion to Dismiss Petitioners' Petition, including their fundamental fairness claim. (Ex. 3 at ¶ 1; Ex. 4 at ¶ 1). That objection puts the cart before the horse and is an improper basis to withhold discovery. *See* 35 Ill. Adm. Code 101.502(c) ("Unless the Board orders otherwise, neither the filing of a motion, nor any appeal to the Board of a hearing officer order will stay the proceeding or extend the time to perform any act").

[5] At the parties October 12, 2026 conferral, counsel for Area Disposal represented that the only basis for their burden objections that they could think of during the conferral was that the requested discovery was not relevant and therefore any effort to provide responsive information would be overly burdensome—not that there was anything inherent about the information or documents requested that makes providing it unduly difficult or costly.

Area Disposal's recurring general relevance objections suffer from a related defect: they largely rest on Area Disposal's conclusory position that responsive information and documents related to individuals *other than* the Village's Mayor and Trustees are not relevant to Petitioners' allegations that the siting proceeding was unfair because the Village's Mayor and Trustees prejudged the application. That is a merits argument dressed as a discovery objection. The discovery standard does not ask whether a document or fact will ultimately, or solely, prove Petitioners' claim; it asks whether the information sought is relevant to the subject matter of the proceeding or reasonably calculated to lead to admissible and/or relevant evidence. Area Disposal's own conclusion about what the evidence will or will not contribute to show is not a proper basis to withhold it from Petitioners in the first instance. As discussed in further detail in the sections that follow, Petitioners' discovery requests meet the discovery standard because they seek information relevant to their claim that the Village's Trustees and Mayor prejudged the law and facts of Area Disposal's application.

Area Disposal's relevance objections should also be stricken because they artificially narrow the fundamental fairness topics at issue in this matter to exclusively Petitioners' prejudgment and bias claim. But, Petitioners' fundamental unfairness allegations go beyond their prejudgment claim. They include, for example, their claim that certain timely-submitted public comments were not considered by the Village as required under their local siting procedures. Further, Area Disposal has put the fundamental fairness of the local siting procedures at issue by arguing in its Motion to Dismiss that Petitioners do not have standing to bring this appeal based on those very procedures. (*See* Motion to Dismiss at 4-8). And, "[a]s stated clearly in Section 40.1(a), **the Board's review of the fundamental fairness of the proceedings below is not limited by the pleadings of the parties.** The Board can review all aspects of the county board's decision-making process to determine if it was fundamentally fair." *Clean Quality Resources, Inc., Petitioner v. Marion Cnty. Board, Respondent*, 1991 WL 171684, at *4 (PCB 91-72, August 26, 1991) (emphasis added); *see also* 415 Ill. Comp. Stat. 5/40.1(a)-(b) ("the Board shall include in its consideration…the fundamental fairness of the procedures used by the county board or the governing body of the municipality in reaching its decision"). Therefore, discovery related to a

variety of matters impacting the fundamental fairness of the local siting proceeding is also relevant, and at issue on this appeal, due to the Board's independent duty to consider the fundamental fairness of the procedures used by the Village. Thus, to the extent Area Disposal objects to relevance on the basis that Petitioners' discovery requests seek information relevant to fundamental fairness, but not to their specific prejudgment claim in particular, its objection should be overruled on that basis as well.

Finally, where Area Disposal asserts attorney-client privilege or work-product protection, it has produced no privilege log of any kind, despite Petitioners' discovery expressly requiring one. (Ex. 1, Instr. No. 2; Ex. 2, Instr. No. 2). A blanket, undifferentiated assertion of privilege, without any log identifying the withheld communications by date, author, recipient, and general subject matter, does not permit Petitioners or the Hearing Officer to test the claim and should not be sustained. *See* Ill. S. Ct. R. 201(n).

For these reasons, Petitioners respectfully request that the Hearing Officer overrule and strike Area Disposal's General Objections as applied to the specific Interrogatories and Requests at issue in this Motion, and order Area Disposal to immediately, on an expedited basis, provide complete, substantive answers and responses, and, where privilege is claimed, a compliant privilege log.

IV. AREA DISPOSAL SHOULD BE COMPELLED TO FULLY ANSWER INTERROGATORY NOS. 2, 5, 6, 7, 8, 9, 10, 11, AND 12.[6]

A. Interrogatory No. 2 (First Contact with Rantoul Relating to Rantoul Transfer Station).

Interrogatory No. 2 asks Area Disposal to describe its first contact with Rantoul relating to the Rantoul Transfer Station, including when it occurred, the persons involved, and the nature of the contact. Area Disposal objected to the extent the Interrogatory seeks communications with persons other than the Mayor and Village Board of Trustees. In Area Disposal's view, the Mayor and the Trustees are the only persons relevant to Petitioners' claim that the local siting hearing was

[6] Petitioners incorporate herein and throughout Section IV their arguments from Section III.

fundamentally unfair because they are the ones alleged to have prejudged the application. Accordingly, Area Disposal limited its answer to a series of March 20, 2025 meetings with Trustees and the Mayor, at which Village Administrator Scott Eisenhauer was also present. (Ex. 3, Answ. to Interrog. No. 2).

This self-selected limitation is improper and should be stricken. Petitioners defined "Rantoul" to include not only the Village of Rantoul's Mayor and Village Board of Trustees, but also its Village Clerk, Village Administrator, Village Director of Public Works, employees, agents, consultants, and representatives such as its attorneys. (*See* Ex. 1 at 2). Which of such Rantoul personnel had pre-filing contacts with Area Disposal, other individuals involved, and when such contacts occurred, is information reasonably calculated to lead to admissible evidence relevant to Petitioners' allegations that the pre-filing contacts between Area Disposal and Village's Mayor and Trustees—as well as the employees and staff they rely on—crossed the line and resulted in impermissible prejudgment of the application. *Timber Creek Homes, Inc., Petitioner v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc., Respondents*, 2014 WL 1117955, at *4-5 (PCB 14-99, March 20, 2014) (holding, among other things, that pre-filing contacts with a consultant retained by a municipality in connection to a siting application were discoverable over a relevant time period).

Like in *Timber Creek Homes*, Petitioners' fundamental fairness claim is not limited to direct contact between the applicant and elected officials; the Petition expressly cites record testimony concerning pre-filing review of the Application by Village of Rantoul staff and the Village of Rantoul's consultant. (Petition at 42). Pre-filing contacts between Area Disposal and Village staff and/or consultants are relevant to showing the Village staff's bias and, to the extent the Mayor and Village Trustees relied on Village staff's counsel in making their determination to approve the Rantoul Transfer Station, such bias is relevant to proving Petitioners' claim that the Mayor and Village Trustee were also biased and otherwise prejudged the application. In other words, a pre-filing contact between Area Disposal and Village staff, that shows that the staff prejudged the application and/or were biased in its favor, is the first link in an evidentiary chain relevant to showing bias and prejudgment by the Mayor and Village Trustees. *See e.g., Timber*

Creek Homes, Inc., 2014 WL 1117955, at *4 ("The purpose of discovery is to uncover all relevant information and information calculated to lead to relevant information… Pre-filing contacts may be probative of prejudgment of adjudicative facts, which is an element to be considered in assessing a fundamental fairness allegation.") (internal citations omitted).

Area Disposal should be compelled to answer this Interrogatory in full, without limiting the responsive universe of "Rantoul" contacts to the Mayor and Trustees, consistent with Petitioners' definition of "Rantoul," which includes the Village Clerk, Village Administrator, Director of Public Works, and other Village employees, agents, consultants, and representatives.

B. Interrogatory Nos. 5 and 6 (Retention and Recommendation of the Hearing Officer).

Interrogatory No. 5 asks whether Area Disposal has ever retained or engaged Mr. William Andrichik and/or Michael Best & Friedrich LLP—the firm whose partner, Mr. William Andrichik, served as Hearing Officer—and, if so, to describe the nature and dates of any such engagement. Interrogatory No. 6 asks whether Area Disposal has ever recommended Mr. Andrichik or his firm to serve as a hearing officer, consultant, or legal counsel for anyone else. Area Disposal refused to answer either Interrogatory, asserting only that "Petitioners have not made any allegations of bias or wrongdoing by William Andrichik" and that any such retention or recommendation "would not indicate any bias or prejudgment by the Mayor or Village Board of Trustees." (Ex. 3, Resp. to Interrog. Nos. 5, 6.)

This objection ignores that the fundamental fairness of the local siting proceeding is generally at issue in this matter and misunderstands both Petitioners' prejudgment claim and the discovery standard. Evidence that Hearing Officer Andrichik is beholden to, has financial ties to, or has an ongoing business relationship with Area Disposal—the very applicant appearing before him—is directly relevant to whether the siting proceeding was fundamentally fair. *See, e.g.*, *Concerned Citizens For A Better Environment v. City of Havana and Southwest Energy Corporation*, PCB 94-44 (May 19, 1994), 1994 WL 235432, at *9 ("the issue is whether the extensive contacts and the relationship between the hearing officer and the applicant contributed to fundamentally unfair procedures. Although the petitioners have not specifically listed areas of

alleged bias, the Board does find that under the circumstances of this case, the relationship between the hearing officer, the city and the applicant created inherent bias.")

Whether Area Disposal has retained Mr. Andrichik or his firm, or has recommended him for similar roles, speaks directly to the independence of the official who controlled the evidentiary record and authored the Hearing Officer's Report—which the Village Board considered and adopted nearly in full when approving the Rantoul Transfer Station—finding, among other things, that Area Disposal met its burden to show that its application met all of the applicable statutory criteria. (C1887-1913 (Report of Hearing Officer); C1940-1942 (Ordinance 2833 reflecting the Mayor's and Trustees' adoption and reliance on the Report of the Hearing Officer and his findings). As discussed in Section III, the fundamental fairness of the siting proceeding, and therefore the issue of whether the Hearing Officer was biased, is generally at issue in, and relevant to, this appeal.

The Hearing Officer's ties to Area Disposal are also specifically relevant to Petitioners' prejudgment claim because they tend to show inappropriate interrelatedness between the parties and the Hearing Officer, which may have biased the Mayor and Trustees in favor of the application. For example, the Mayor was responsible for appointing Hearing Officer Andrichik and he and the Village Trustees adopted and relied upon the majority of Hearing Officer Andrichik's Report, findings of fact, and conclusions of law, when voting to approve Area Disposal's application. (*Id.*). Any bias by the Hearing Officer driven by financial ties between him and Area Disposal, and which influenced those findings of fact and law, is relevant to showing prejudgment—especially if, e.g., the Mayor or Trustees predetermined that they would rely on the Hearing Officer's findings because of his ties to Area Disposal, in lieu of independently considering the evidence.

Area Disposal's assertion of attorney-client privilege as to Interrogatory No. 5 is also misplaced: the mere fact and dates of a retention are not privileged; only the substance of legal advice exchanged within that retention might be, and Area Disposal has made no effort to distinguish between the two.

C. Interrogatory No. 7 (Participation in Selecting the Hearing Officer).

Interrogatory No. 7 asks whether Area Disposal participated in, was consulted regarding, recommended, or was informed of the selection of the Hearing Officer prior to his appointment. Area Disposal refused to answer, again asserting only that the Hearing Officer's selection "would not indicate any bias or prejudgment by the Mayor or Village Board of Trustees." (Answers, Interrogatory No. 7.)

This is precisely the type of fact that bears on fundamental fairness. Under the Village's own Ordinance, the Mayor—not the Applicant—appoints the Hearing Officer. Whether Area Disposal had any role in, or advance knowledge of, that selection is squarely relevant to whether the Hearing Officer functioned as a neutral, independent, decisionmaker or as one effectively chosen with and because of Area Disposal's input. Area Disposal has asserted no specific privilege as to this Interrogatory, and its sole relevance objection should be overruled.

D. Interrogatory No. 8 (Pre-Hearing Meetings with the Hearing Officer).

Interrogatory No. 8 asks whether Area Disposal met with the Hearing Officer prior to April 17, 2026, and if so, to identify those meetings, their dates, and participants. Area Disposal again refused to answer on relevance grounds. (Ex. 3, Resp. to Interrog. No. 8). Both pre-filing and *ex parte* contact between an applicant and a hearing officer—if it occurred—would be directly relevant to fundamental fairness, irrespective of whether it also implicates the Mayor or Trustees individually, because it bears on whether the official who presided over and reported on the hearing did so free of improper influence. In any event, the Interrogatory calls for identification of all participants in meetings between Area Disposal and the Hearing Officer, which very well may include the Mayor and Trustees and is otherwise calculated to lead to the discovery of admissible evidence. The Interrogatory should therefore be answered in full.

E. Interrogatory No. 9 (Meetings and Communications with Rantoul Relating to the Transfer Station).

Interrogatory No. 9 asks Area Disposal to identify all meetings and oral conversations with Rantoul—expressly including its attorneys—relating to the Rantoul Transfer Station, with the date, participants, medium, purpose, and outcome of each. Area Disposal objected that the Interrogatory

seeks communications with persons other than the Mayor and Trustees and simply referred Petitioners back to its similarly limited answer to Interrogatory No. 2. (Answers, Interrogatory No. 9.)

For the reasons discussed above regarding Interrogatory No. 2, this self-imposed limitation of Rantoul personnel to only the Mayor and Trustees is improper. Here, by way of just one example, Interrogatory No. 9 expressly calls for communications with the Village's attorney(s), which would include the counsel who represented the Village throughout the proceeding, including at the April 17, 2026 Hearing and the June 16, 2026 Special Meeting—and whom the Mayor and Trustees relied upon in considering law related to their decision to approve the Rantoul Transfer Station. Thus, meetings and oral conversations between Area Disposal and the Village's attorney, whose advice was considered by the Village's Mayor and Trustees, are entirely relevant to ultimately showing prejudgment and bias by the Village's Mayor and Trustees. Area Disposal should be compelled to answer this Interrogatory in full including as to all persons encompassed within Petitioners' definition of "Rantoul."

F. Interrogatory No. 10 (Involvement in Drafting the Village's Solid Waste Ordinances).

Interrogatory No. 10 asks whether Area Disposal participated in, contributed to, was consulted regarding, recommended, wrote, or edited Rantoul's solid waste ordinances, including Ordinance 2796—the very Ordinance establishing the siting procedures Area Disposal now relies upon in its pending Motion to Dismiss—and Ordinance 2813, which amended certain sections of Ordinance 2796. Area Disposal refused to answer, asserting relevance, burden and overbreadth objections. (Ex. 3, Answ. to Interrog. No. 10.)

The information requested by Interrogatory No. 10 is directly relevant to matters at issue in this appeal. Ordinance 2796 establishes the procedural framework—including the ten-day "party" appearance requirement discussed at length in Area Disposal's Motion to Dismiss—that Area Disposal contends defeats Petitioners' standing. Whether Area Disposal had a role in shaping those very procedures, before it filed the Application that would be governed by them, bears directly on the fundamental fairness of the siting framework and on whether the Village's

ordinance-making process was itself free of undue applicant influence. Area Disposal's blanket relevance and burden objections—unaccompanied by any explanation of why a single, narrowly defined, inquiry into its role in drafting two identified ordinances would be unduly burdensome—should be overruled.

G. Interrogatory Nos. 11 and 12 (Retention and Recommendation of Foth Infrastructure & Environment, LLC).

Interrogatory No. 11 asks whether Area Disposal has ever retained or engaged Foth—the firm the Village retained to review the Application and which recommended the Village approve the application (C1574-1581)—and to describe any such engagement. Interrogatory No. 12 asks whether Area Disposal has ever recommended Foth's services to any other person or entity. Area Disposal refused to answer either, relying on the conclusory assertion that any such retention or recommendation "would not indicate any bias or prejudgment by the Mayor or Village Board of Trustees," together with an unsubstantiated privilege objection as to Interrogatory No. 11. (Ex. 3, Interrog. Nos. 11, 12.)

Foth's independence is one factor that is central to assessing whether the Village Board's reliance on Foth's conclusion was proper or whether it evidences prejudgment and bias in favor of the Area Disposal. If Area Disposal has itself retained Foth on other matters, or has recommended Foth's services elsewhere, that fact bears directly on whether Foth functioned as an independent reviewer, or as a firm with an existing financial relationship with the very Applicant whose Application it was reviewing. Further, the Village of Rantoul has stated in an answer to an Interrogatory directed to it that Foth "proposed and recommended" Hearing Officer Andrichik and the Village agreed with Foth's recommendation. (Ex. 5, Rantoul's Written Discovery Responses at Resp. to Interrog. No. 5). Thus, Foth's independence, or lack of independence due to ties to Area Disposal, is relevant to the Village's selection of the Hearing Officer and that Hearing Officer's independence when presiding over the proceeding and proposing findings of fact and law. As with Interrogatory No. 5, the bare fact of a retention is not privileged, and Area Disposal has articulated no basis for withholding it on that ground. Therefore, because the information requested is

relevant, calculated to lead to admissible evidence, and not privileged, Area Disposal should be produce it.

V. AREA DISPOSAL SHOULD BE COMPELLED TO FULLY RESPOND TO DOCUMENT REQUEST NOS. 1, 3, 5, 6, 8, 9, AND 13.[7]

A. Request No. 1 (Documents and Communications with Rantoul Not Part of the Record).

Request No. 1 seeks all documents and communications between Area Disposal and Rantoul relating to the Rantoul Transfer Station that are not part of the Siting Proceeding record. Area Disposal again limited its search to the Mayor and Trustees and represented that it possesses no responsive documents. (Ex. 4, Resp. to RFP No. 1). For the reasons set forth above regarding, e.g., Interrogatory Nos. 2 and 9, Area Disposal should be ordered to conduct a full search—including communications with Village staff, the Village Administrator, and Village counsel—and to supplement its response accordingly, or to certify in writing that no such documents exist following a search of that scope. Communications and documents exchanged between Area Disposal and such Village staff and counsel are relevant to Petitioners' fundamental fairness claim because they will ultimately shed light on whether the Mayor and Trustees relied upon any improper representations outside the evidence when making their determination and whether their decision was biased in favor of Area Disposal.

B. Request No. 3 (Internal Documents Regarding Rantoul's Consideration of the Transfer Station).

Request No. 3 seeks internal documents and communications relating to Rantoul's consideration of the Application that are not part of the record. Area Disposal refused to respond at all, objecting that the Request is vague because it is "not clear whether Petitioners are seeking Area Disposal's internal documents or Rantoul's internal documents." (Ex. 4, Resp. to RFP No. 3). This is not a proper basis to withhold information. Area Disposal should have stated and applied its interpretation of the request if it was concerned about ambiguity, as discussed further in Section III. As Petitioners' counsel explained to Area Disposal's counsel at their October 12, 2026 conferral, the Request seeks documents in Area Disposal's possession, custody, or control

[7] Petitioners incorporate herein and throughout Section V their arguments from Section III.

concerning its impressions and information related to the Village's consideration of the Application. For example, if a representative of Area Disposal met a Village Trustee and took notes that show that the Village Trustee indicated that they had already determined, prior to the hearing, that they would vote to approve Area Disposal's application. That type of information is plainly relevant to Petitioners' claim that the Mayor and Trustees prejudged the application. To the extent Area Disposal withholds any responsive document on a claim of privilege, it should be required to produce a privilege log.

C. Request No. 5 (Documents and Communications with the Hearing Officer).

Request No. 5 seeks documents and communications between Area Disposal and the Hearing Officer relating to the Rantoul Transfer Station or the Siting Proceeding. Area Disposal refused to respond, asserting relevance, burden and overbreadth objections. (Ex. 4 at Resp. to RFP No. 5.) For the reasons discussed above regarding Interrogatory Nos. 5 through 8, this category of documents is relevant of Petitioners' fundamental fairness claim as well as the fundamental fairness of the local siting proceeding in general, and should be produced.

D. Request No. 6 (Documents and Communications with Foth).

Request No. 6 seeks documents and communications between Area Disposal and Foth relating to the Rantoul Transfer Station or the Siting Proceeding. Area Disposal refused to respond on relevance, burden and overbreadth grounds. (Ex. 4, Resp. to RFP No. 6). For the reasons discussed above regarding Interrogatory Nos. 11 and 12, this category of documents is directly relevant to, *e.g.*, Foth's independence as the Village's own retained reviewer of the Application. The Hearing Officer, Area Disposal's experts, and the Village's Mayor and Trustees relied upon Foth's recommendations that statutory criteria were met and that Area Disposal's application should be approved. Thus, documents showing that Foth was not independent and instead tied to Area Disposal would be relevant to showing bias and a fundamentally unfair siting proceeding.

E. Request No. 8 (Documents Regarding Rantoul's Solid Waste Ordinances).

Request No. 8 seeks documents and communications relating to Rantoul's draft and final solid waste ordinances, including Ordinance 2796 and Ordinance 2813. Area Disposal refused to respond on relevance, burden, breadth, and privilege grounds, without further elaboration or a

privilege log. (Ex. 4, Resp. to RFP No. 8). For the reasons discussed above regarding Interrogatory No. 10, this category of documents is relevant to whether Area Disposal had a role in shaping the very procedural framework it now invokes to seek dismissal of the Petition, and should be produced, with a privilege log provided for any properly withheld material.

F. Request No. 9 (Documents Regarding Rantoul's Decision to Approve the Transfer Station).

Request No. 9 seeks all documents and communications relating to Rantoul's decision to approve the Rantoul Transfer Station, including drafts and final versions of Ordinance 2833—the ordinance memorializing the Village Board's approval. Area Disposal narrowed its response to "documents and communications exchanged with Rantoul" and represented that, aside from the publicly available Ordinance 2833, it possesses no responsive documents. (Ex. 4, Resp. to RFP No. 9).

This response is deficient for two reasons. First, the Request is not, by its terms, limited to communications exchanged with Rantoul; it seeks all documents and communications "relating to" Rantoul's decision, which would include, for example, communications between Area Disposal and Foth regarding edits to a draft of Ordinance 2833. Area Disposal should be compelled to respond to the Request as written, not as unilaterally narrowed, subject only to a properly logged privilege claim.

Second, Area Disposal generally objected to all of Petitioners' definitions, which would include "Rantoul." (Ex. 4, at 2-3, #7). To the extent Area Disposal is withholding a responsive communication with a Rantoul employee or representative included in Petitioners' definition of "Rantoul," Area Disposal should be required to produce such responsive communications because they are relevant to Petitioners' fundamental unfairness claim. For example, documents reflecting that the Village Administrator shared a draft of Ordinance 2833 (i.e., the Village's written decision approving the Rantoul Transfer Station) with Area Disposal in advance of the vote would be relevant to showing prejudgment and bias.

G. Request No. 13 (Documents and Communications with the Village Administrator).

Request No. 13 seeks documents and communications between Area Disposal and Rantoul's Village Administrator. Area Disposal refused to respond, asserting that communications with the Village Administrator "would not indicate any bias or prejudgment by the Mayor or Village Board of Trustees." (Ex. 4, Resp. to RFP No. 13.) As discussed above regarding Interrogatory No. 2, Area Disposal's own interrogatory answer confirms that Village Administrator Scott Eisenhauer attended, at least, Area Disposal's earliest meetings with the Village and record as well as the Village of Rantoul's interrogatory answers reveal that he was directly involved in this matter before and throughout the local siting proceedings. (Ex. 5). Communications with the Village's chief administrative officer concerning a matter he participated in from the outset are plainly relevant and should be produced as they could lead to evidence tending to show bias and prejudgment on the part of the Mayor and Village Trustees who relied on him throughout the process.

VI. EXPIDITED RELIEF REQUESTED

Pursuant to 35 Ill. Adm. Code 101.612, 101.614, 101.616, the Hearing Officer has authority to set the schedule for this appeal proceeding, including discovery deadlines. To the extent the Hearing Officer orders all or part of the relief requested herein and requires Area Disposal to provide additional responsive information and/or documents, Petitioners respectfully request that Area Disposal be ordered to do so immediately, on an expedited basis, to account for the hearing schedule and related procedural deadlines. Further delay by Area Disposal in substantively responding to proper discovery requests poses a serious risk of material prejudice to Petitioners. To the extent delay results in Petitioners not having such discovery in their possession by the November 4, 2026 hearing, they would be prevented from admitting evidence of fundamental unfairness yielded by such discovery. Further, to the extent Petitioners do not possess outstanding discovery in sufficient time in advance of the hearing to take other procedural steps, such as noticing or subpoenaing witnesses revealed in that discovery and who may be necessary to authenticate documents, Petitioners will be further prevented from presenting evidence supporting

their fundamental unfairness claim and standing. To prevent material prejudice, Petitioners respectfully request that the Hearing Officer order Area Disposal to produce information and documents sought herein immediately, on an expedited basis.

CONCLUSION

WHEREFORE, and for the foregoing reasons, Petitioners respectfully request that the Hearing Officer enter an order:

1. overruling and striking Area Disposal's General Objections as applied to Interrogatory Nos. 2, 5, 6, 7, 8, 9, 10, 11, and 12 and Request Nos. 1, 3, 5, 6, 8, 9, and 13;
2. requiring Area Disposal to serve full and complete answers to Interrogatory Nos. 2, 5, 6, 7, 8, 9, 10, 11, and 12, and full and complete responses, with all responsive documents, to Request Nos. 1, 3, 5, 6, 8, 9, and 13, immediately, or on an expedited basis as the Hearing Officer deems appropriate;
3. requiring, to the extent Area Disposal withholds any document or information on a claim of privilege or work-product protection, that Area Disposal produce a privilege log compliant with Illinois Supreme Court Rule 201(n) concurrently with its supplemental discovery answers and responses; and
4. granting such other and further relief as the Board deems just and appropriate.

Dated: October 14, 2026

Respectfully submitted,
/s/ Margaret E. Galka

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NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on October 14, 2026, I caused to be electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the foregoing Motion to Compel, a copy of which is hereby served upon you.

/s/ Margaret E. Galka

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CERTIFICATE OF SERVICE

I hereby certify that, on October 14, 2026, I served a copy of the foregoing NOTICE OF FILING on the parties on the attached service list, by sending a copy to the email addresses designated on the service list.

/s/ Margaret E. Galka

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