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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

BYRON SANDBERG,

Petitioner,

vs.

THE CITY OF KANKAKEE, ILLINOIS, CITY
COUNCIL, TOWN AND COUNTRY
UTILITIES, INC. and KANKAKEE REGIONAL
LANDFILL, L.L.C.,

Respondents,

No. PCB 04-33

(Third-Party Pollution Control Facility Siting
Appeal)

WASTE MANAGEMENT OF ILLINOIS, INC.

Petitioner,

vs.

THE CITY OF KANKAKEE, ILLINOIS, CITY
COUNCIL, TOWN AND COUNTRY
UTILITIES, INC. and KANKAKEE REGIONAL
LANDFILL, L.L.C.,

Respondents,

PCB 04-34

(Third-Party Pollution Control Facility Siting
Appeal)

COUNTY OF KANKAKEE, ILLINOIS and
EDWARD D. SMITH, KANKAKEE COUNTY
STATE'S ATTORNEY,

Petitioner,

vs.

THE CITY OF KANKAKEE, ILLINOIS, CITY
COUNCIL, TOWN AND COUNTRY
UTILITIES, INC. and KANKAKEE REGIONAL
LANDFILL, L.L.C.

Respondents.

PCB 04-35

(Third-Party Pollution Control Facility
Siting Appeal)
(Consolidated)

NOV 7 2003

PETITIONER'S RESPONSE TO RESPONDENTS' MOTION TO STRIKE **STATE OF ILLINOIS**
INTERROGATORIES ***Pollution Control Board***

NOW COME the COUNTY OF KANKAKEE and EDWARD D. SMITH, STATE'S ATTORNEY OF KANKAKEE COUNTY, Petitioners in the above matter, and in response to Respondent's Motion to Strike the Interrogatories propounded by the County of Kankakee, Illinois, state as follows:

1. The interrogatories propounded by the County of Kankakee, Illinois and Edward D. Smith should not be stricken.
2. The interrogatories propounded by the County of Kankakee, Illinois and Edward D. Smith contain 13 questions, 11 of which contain subparts simply seeking more detailed information concerning the respective interrogatories.
3. Those subparts do not ask for different information than what is contained in the interrogatories themselves; therefore, they should not be counted in the total number of interrogatories because those subparts cannot stand on their own as separate questions.
4. All of the information sought in the interrogatories and subparts of the interrogatories propounded by the County of Kankakee, Illinois and Edward D. Smith is necessary for a full and fair presentation of the facts of this case.
5. This case involves a landfill siting hearing involving tens of thousands of documents with the local environment at stake.
6. This is a situation where it is necessary that there be specific information received by Petitioners concerning the fundamental fairness of the entire landfill siting hearing.
7. Without the information sought in each of the interrogations and subparts, Petitioners will be unduly prejudiced because they will be without essential information that Petitioners cannot elicit from any other source.

8. Requiring Respondents to answer the interrogatories and subparts propounded by the County of Kankakee, Illinois and Edward D. Smith will not cause prejudice to Respondents.

WHEREFORE, Petitioners, COUNTY OF KANKAKEE and EDWARD D. SMITH, STATE'S ATTORNEY OF KANKAKEE COUNTY, request that this Board deny Respondent's Motion to Strike Interrogatories.

Dated: November 5, 2003

Respectfully submitted,
EDWARD D. SMITH KANKAKEE COUNTY
STATE'S ATTORNEY AND THE COUNTY
OF KANKAKEE

By: HINSHAW & CULBERTSON



Richard S. Porter
One of Its Attorneys

HINSHAW AND CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on November 5, 2003, a copy of the foregoing was served upon:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Attorney George Mueller
501 State Street
Ottawa, IL 61350
(815) 433-4705
(815) 433-4913 FAX

Donald J. Moran
Pederson & Houpt
161 N. Clark Street, Suite 3100
Chicago, IL 60601-3242
(312) 261-2149
(312) 261-1149 FAX

Elizabeth Harvey, Esq.
Swanson, Martin & Bell
One IBM Plaza, Suite 2900
330 North Wabash
Chicago, IL 60611
(312) 321-9100
(312) 321-0990 FAX

Kenneth A. Leshen
Leshen & Sliwinski, P.C.
One Dearborn Square, Suite 550
Kankakee, IL 60901-3927
(815) 933-3385
(815) 933-3397 FAX

Christopher W. Bohlen
200 E. Court Street, Suite 602
P.O. Box 1787
Kankakee, IL 60901
(815) 939-1133
(815) 939-0994 FAX

L. Patrick Power
956 N. Fifth Avenue
Kankakee, IL 60901
(815) 937-6937
(815) 937-0056 FAX

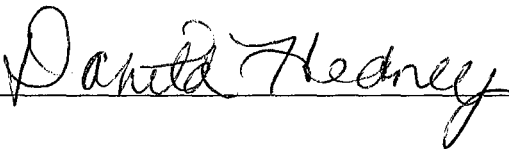
Byron Sandberg
109 Raub St.
Donovan, IL 60931
byronsandberg@starband.net

Anjanita Dumas, Clerk
City of Kankakee
385 E. Oak Street
Kankakee, IL 60901
(815) 933-0480
(815) 933-0482 FAX

Claire A. Manning
Posegate & Denes, P.C.
111 N. Sixth Street
Springfield, IL 62705
(217) 522-6152
(217) 522-6184 FAX

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
(312) 814-8917
(312) 814-3669 FAX

By faxing a copy thereof, at or before the hour of 10:00 A.M., addressed as above.



HINSHAW & CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61105-1389
(815) 490-4900