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STATE OF ILLINOIS
Pollution Control BoardPETITIONER'S INTERROGATORIES

NOW COME the COUNTY OF KANKAKEE and EDWARD D. SMITH, STATE'S ATTORNEY OF KANKAKEE COUNTY, Petitioners in the above matter, pursuant to the Rules of the Illinois Pollution Control Board, and submit the following Interrogatories to the Respondent, the TOWN AND COUNTRY UTILITIES, INC.

DEFINITIONS

- A. "Town and Country Utilities, Inc." refers to Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. and their respective agents, attorneys, directors, officers, employees, consultants, experts, witnesses, representatives and all persons or entities who have acted or purported to act on their respective behalves.
- B. "City of Kankakee" refers to the City of Kankakee and the City of Kankakee, Illinois City Council and its members and their respective agents, employees, staff, consultants, experts, attorneys, elected or appointed officials, and all persons or entities who have acted or purported to act on their respective behalves.
- C. "County" refers to Petitioner, Kankakee County, its agents, employees and all persons or entities who have acted or purported to act on its behalf, including, but not limited to, State's Attorney of Kankakee County Edward D. Smith.
- D. "Communication" means, without limiting the generality of its meaning, any form of communication between two or more persons, including but not limited to correspondence, e-mails, conversations, phone calls, reports, documents, and memoranda.

- E. "Landfill Siting Application" means Respondent's Application seeking approval for a proposed facility to be located within the corporate boundaries of the City of Kankakee, Kankakee County, Illinois, which is the subject of this matter.
- F. "Document" means, without limiting the generality of its meaning, writings, papers, or tangible things of any kind and nature whatsoever in the possession or subject to the control of the Respondent, its agents, experts, witnesses, employees or attorneys, including letters, handwritten notes, calendar pads, appointment books, notepads, notebooks, correspondence of any kind, postcards, memorandum, telegrams, telexes, e-mails, internal communications of any kind, annual or other reports, financial statements, billing statements, payment authorizations, canceled checks, books, records, ledgers, journals, minutes of all meetings, contracts, agreements, appraisals, analysis, charts, graphs, bulletins, speeches, reports, data sheets, data tapes, or readable computer interpretations thereof, computer programs, software or any medium containing computer programs, circulars, pamphlets, notices, statements, stenographic notes, surveys, microfilm, microfiche, tape and disk recordings, photostats, photographs, drawings, transparencies, overlays, periodicals, sketches, illustrations, blueprints, plans, and personal interviews, wherever located, including non-final drafts or earlier versions and non-identical copies of any of the above, and all compilations of the foregoing, including binders, notebooks, folders and files.
- G. "Facility" shall refer to the proposed landfill which is the subject of the application filed by Town and Country with the City of Kankakee.

- H. "Refer or relate" means anything which directly or indirectly concerns, consists of, pertains to, reflects, evidences, describes, sets forth, constitutes, contains, shows, underlies, supports, or refers to in any way, or was used in the preparation of, appended to, legally, logically, or factually connected with, proves, disproves, or tend to prove or disprove.
- I. The singular and plural form shall be construed interchangeably so as to bring within the scope of these requests any documents which might otherwise be construed outside their scope.
- J. The words "and" and "or" shall be construed conjunctively and disjunctively as necessary to bring within this document request all information that might otherwise be construed as outside their scope.

INSTRUCTIONS

1. *Continuing Responses.* This document request shall be deemed to be continuing in nature and if, after serving your responses, additional information becomes known or available to you, that is responsive to this document request, then you are required to reasonably supplement or amend your responses.
2. *Work Product or Privileges.* With respect to each document, oral statement, or communication which you claim is privileged or subject to the work product doctrine, identify the document, statement or communications to the fullest extent, including the date, maker, and recipient, the general subject matter, and the basis of the claim of privilege or work product.

In accordance with the foregoing definitions and instructions, please answer the following:

INTERROGATORIES

INTERROGATORY NO. 1: Identify all persons who provided information regarding or assisted in answering these interrogatories.

ANSWER:

INTERROGATORY NO. 2: Please identify all persons of Town & Country Utilities, Inc. who met, talked, or communicated with the City of Kankakee prior to the filing of the Landfill Siting Application on March 7, 2003 relating to the planning, development and siting of the Facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:**INTERROGATORY NO. 3:** Identify all persons of Town and Country Utilities, Inc.

who met, talked, or otherwise communicated with the City of Kankakee after the filing of the Landfill Siting Application on March 7, 2003, relating to the County of Kankakee or any pending or contemplated lawsuit or action with or against the County of Kankakee, and for each such individual, please:

- (g) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (h) the subject matter of each such communication;
- (i) describe and delineate the exact statements made during the course of each such communication;
- (j) identify date, time and duration of each such communication;
- (k) identify the location of each such communication; and
- (l) identify all persons present at such communication.

ANSWER:

INTERROGATORY NO. 4: Pursuant to the testimony of Mr. Werthman there were meetings and communications between the experts, witnesses, employees, agents or consultants of Town and Country Utilities, Inc. with City personnel, including City staff, after the filing of the Application and before the Section 39.2 hearings for each such communication, please:

- (a) identify the individual(s) involved in the communications by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:

INTERROGATORY NO. 5: Identify all Kankakee City Officials or personnel, consultant, or employees that had any involvement in, made any recommendations, proposed any conditions, or made any decisions regarding the August 19, 2003 decision granting approval of Town and Country Utilities, Inc.'s Siting Application, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) describe the nature and extent of the person's involvement;
- (c) identify all documents reviewed by such person regarding the August 19, 2003, decision granting approval of the Siting Application;

- (d) identify all documents generated by such personnel having involvement in, making recommendations or decisions regarding the August 19, 2003 decision granting approval of the Siting Application.

ANSWER:

INTERROGATORY NO. 6: Identify all individuals from the City of Kankakee or Town and Country Utilities, Inc. who met, talked, wrote, or otherwise communicated with Hearing Officer Boyd before or after the filing of the Landfill Siting Application on March 7, 2003, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:

INTERROGATORY NO. 7: Identify whether Town and County Utilities, Inc. is aware of any communications Kankakee City Council Members with Mayor Green or any other City of

Kankakee employee, agent, attorney, staff member or other City Council member after the filing of the Landfill Siting Application on March 7, 2003 relating to the planning, development and siting of the Facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:

INTERROGATORY NO. 8: Identify each and every witness, consultant, employee or person associated with Town and Country Utilities, Inc., all Kankakee City Council Members who met, talked, or otherwise communicated with City Department Heads, supervisors, staff, employees or consultants before or after the filing of the Landfill Siting application on March 7, 2003, relating to the planning, development and siting of the Facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:

INTERROGATORY NO. 9: Identify all communications of Hearing Officer Boyd with the Town and Country Utilities, Inc. or its attorneys or agents before or after the filing of the Landfill Siting Application on March 7, 2003, and for each such communication, please:

- (a) identify what type of communication occurred (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;

- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:

INTERROGATORY NO. 10: Identify all communications by Hearing Officer Boyd with any other person before or after the filing of the Landfill Siting Application on March 7, 2003, in any way relating to the planning, development and siting of a solid waste management facility, or his recommendations or opinions concerning the same and for each such communication, please:

- (a) identify what type of communication occurred (written, oral, telephone, e-mail, etc.).
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:

INTERROGATORY NO. 11: Identify all Town and Country Utilities, Inc. personnel that had any involvement in, had any communications, made any recommendations, or made any

decisions regarding any civil action brought by the City of Kankakee against the County of Kankakee, including, but not limited to, any declaratory judgment or injunctive action, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:

INTERROGATORY NO. 12: Identify each and every communication that Town and Country Utilities, Inc. had which led it to conclude that Judith Skates was the only owner entitled to notice concerning the Bradshaw/Skates property, and for each such communication, please:

- (a) identify what type of communication occurred (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;

- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

ANSWER:

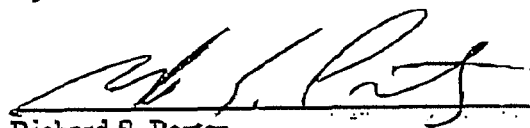
INTERROGATORY NO. 13: Please identify each witness you expect to present to testify at hearing, and state the subject of each witness' testimony and identify any document any witness will utilize in his or her testimony.

ANSWER:

Dated: October 17, 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

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STATE OF ILLINOIS
Pollution Control Board

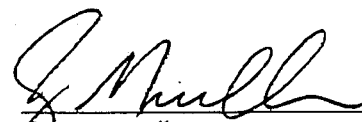
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Bradley P. Halloran, Hearing Officer	George Mueller
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☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Following please find Interrogatories directed to Town & Country Utilities by the County of Kankakee, which were inadvertently not attached to the Motion to Strike Interrogatories that my office mailed to you on October 22, 2003.


George Mueller

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