

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

PEORIA DISPOSAL COMPANY,

Petitioner,

v.

PEORIA COUNTY BOARD,

Respondent.

PCB 06-184
(Pollution Control Facility Siting
Appeal)

COPY

**RESPONDENT PEORIA COUNTY BOARD'S RESPONSE TO SECOND SET OF
REQUESTS TO ADMIT OF PETITIONER, PEORIA DISPOSAL COMPANY**

NOW COMES Respondent, Peoria County Board, by and through its attorneys David A. Brown, and hereby responds to Petitioner's Second Set of Requests to Admit as follows:

1977. The document attached hereto as Exhibit D, titled "Final Findings of Fact," is a true and accurate copy of Deposition Exhibit #35, identified by Karen Raithel under oath, on September 28, 2006.

Response: Admitted.

1978. The document titled "Final Findings of Fact" (Exhibit D hereto) was not filed in the Peoria County Clerk's office prior to May 8, 2006.

Response: Admitted.

1979. The document titled "Final Findings of Fact" (Exhibit D hereto) was not filed in the Peoria County Clerk's office prior to May 13, 2006.

Response: Admitted.

1980. The document titled "Final Findings of Fact" (Exhibit D hereto) was not filed in the Peoria County Clerk's office prior to June 7, 2006.

Response: Admitted.

1981. The document titled "Final Findings of Fact" (Exhibit D hereto) was not filed in the Peoria County Clerk's office prior to Peoria Disposal Company's appeal to the Pollution Control Board.

Response: Admitted.

1982. The document titled "Final Findings of Fact" (Exhibit D hereto) was not filed by the County Board as part of the Record before the Pollution Control Board in this case.

Response: Admitted.

1983. The document titled "Final Findings of Fact" (Exhibit D hereto) was not tendered or sent to Peoria Disposal Company prior to document production in this appeal, on August 30, 2006.

Response: Admitted.

1984. The document titled "Final Findings of Fact" (Exhibit D hereto) was not received by Peoria Disposal Company prior to document production in this appeal, on August 30, 2006.

Response: Respondent lacks sufficient knowledge and/or information to admit or deny the truth of the statement set forth in paragraph #1984. However, Respondent has no information which would suggest the document was received by Peoria Disposal Company before that date.

1985. The document titled "Final Findings of Fact" (Exhibit D hereto) was not posted on the Peoria County website.

Response: Admitted.

1986. The document titled "Final Findings of Fact" (Exhibit D hereto) was never made public by the County Board.

Response: Admitted.

1987. The "purple color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 2-6) were not filed in the Peoria County Clerk's office prior to May 8, 2006.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

1988. The "purple color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 2-6) were not filed in the Peoria County Clerk's office prior to May 13, 2006.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

1989. The "purple color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 2-6) were not filed in the Peoria County Clerk's office prior to June 7, 2006.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

1990. The "purple color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 2-6) were not filed in the Peoria County Clerk's office prior to Peoria Disposal Company's appeal to the Pollution Control Board.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

1991. The "purple color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 2-6) were not filed by the County Board as part of the Record before the Pollution Control Board in this case.

Response: Admitted. However, Respondent further states that it has, or will shortly, file a motion with the Pollution Control Board to supplement to Record so as to include the proposed findings of fact utilized and referenced by the County Board during the April 6, 2006, meeting.

1992. The "purple color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 2-6) were not tendered or sent to Peoria Disposal Company prior to document production in this appeal, on August 30, 2006.

Response: Denied. To the best of Respondent's knowledge, copies of the proposed findings of fact were provided to the parties and the public at the April 6, 2006, meeting. However, copies provided to the public at the hearing were not color coded.

1993. The "purple color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 2-6) were not received by Peoria Disposal Company prior to document production in this appeal, on August 30, 2006.

Response: Denied. To the best of Respondent's knowledge, copies of the proposed findings of fact were provided to the parties at the April 6, 2006, meeting. However, copies provided to the public at the hearing were not color coded.

1994. The "purple color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 2-6) were not posted on the Peoria County website.

Response: Admitted.

1995. The "purple color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 2-6) were never made public by the County Board.

Response: Denied. To the best of Respondent's knowledge, copies of the proposed findings of fact were provided to the parties and otherwise made public at the April 6, 2006, meeting. However, copies provided to the public at the hearing were not color coded.

1996. The "pink color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 7-11) were not filed in the Peoria County Clerk's office prior to May 8, 2006.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

1997. The "pink color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 7-11) were not filed in the Peoria County Clerk's office prior to May 13, 2006.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

1998. The "pink color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 7-11) were not filed in the Peoria County Clerk's office prior to June 7, 2006.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

1999. The "pink color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 7-11) were not filed in the Peoria County Clerk's office prior to Peoria Disposal Company's appeal to the Pollution Control Board.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

2000. The "pink color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 7-11) were not filed by the County Board as part of the Record before the Pollution Control Board in this case.

Response: Admitted. However, Respondent further states that it has, or will shortly, file a motion with the Pollution Control Board to supplement to Record so as to include the proposed findings of fact utilized and referenced by the County Board during the April 6, 2006, meeting.

2001. The "pink color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 7-11) were not tendered or sent to Peoria Disposal Company prior to document production in this appeal, on August 30, 2006.

Response: Denied. To the best of Respondent's knowledge, copies of the proposed findings of fact were provided to the parties at the April 6, 2006, meeting. However, copies provided to the public at the hearing were not color coded.

2002. The "pink color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 7-11) were not received by Peoria Disposal Company prior to document production in this appeal, on August 30, 2006.

Response: Denied. To the best of Respondent's knowledge, copies of the proposed findings of fact were provided to the parties at the April 6, 2006, meeting. However, copies provided to the public at the hearing were not color coded.

2003. The "pink color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 7-11) were not posted on the Peoria County website.

Response: Admitted.

2004. The "pink color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 7-11) were never made public by the County Board.

Response: Denied. To the best of Respondent's knowledge, copies of the proposed findings of fact were provided to the parties and otherwise made public at the April 6, 2006, meeting. However, copies provided to the public at the hearing were not color coded.

2005. The "yellow color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 12-16) were not filed in the Peoria County Clerk's office prior to May 8, 2006.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

2006. The "yellow color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 12-16) were not filed in the Peoria County Clerk's office prior to May 13, 2006.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

2007. The "yellow color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 12-16) were not filed in the Peoria County Clerk's office prior to June 7, 2006.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

2008. The "yellow color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 12-16) were not filed in the Peoria County Clerk's office prior to Peoria Disposal Company's appeal to the Pollution Control Board.

Response: Denied. The document was part of the County Clerk's County Board files. However, Respondent admits it was not included in the landfill application related files.

2009. The "yellow color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 12-16) were not filed by the County Board as part of the Record before the Pollution Control Board in this case.

Response: Admitted. However, Respondent further states that it has, or will shortly, file a motion with the Pollution Control Board to supplement to Record so as to include the proposed findings of fact utilized and referenced by the County Board during the April 6, 2006, meeting.

2010. The "yellow color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 12-16) were not tendered or sent to Peoria Disposal Company prior to document production in this appeal, on August 30, 2006.

Response: Denied. To the best of Respondent's knowledge, copies of the proposed findings of fact were provided to the parties and otherwise made public at the April 6, 2006, meeting. However, copies provided to the public at the hearing were not color coded.

2011. The "yellow color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 12-16) were not received by Peoria Disposal Company prior to document production in this appeal, on August 30, 2006.

Response: Denied. To the best of Respondent's knowledge, copies of the proposed findings of fact were provided to the parties and otherwise made public at the April 6, 2006, meeting. However, copies provided to the public at the hearing were not color coded.

2012. The "yellow color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 12-16) were not posted on the Peoria County website.

Response: Admitted.

2013. The "yellow color coded findings" referenced at the April 6, 2006, meeting of the Peoria County Board (see Transcript, pg. 5, lines 12-16) were never made public by the County Board.

Response: Denied. To the best of Respondent's knowledge, copies of the proposed findings of fact were provided to the parties and otherwise made public at the April 6, 2006, meeting. However, copies provided to the public at the hearing were not color coded.

Respectfully submitted,
Peoria County Board, Respondent



DAVID A. BROWN, one of its
Attorneys

VERIFICATION

Under the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief or that he has no knowledge sufficient to form a belief as to the truth of the allegations and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated: November 7, 2006.



Patrick Ulrich, Peoria County Administrator

Black, Black & Brown
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101 S. Main Street
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Morton, IL 61550
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Appeal)

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT OF SERVICE


The undersigned, being duly sworn upon oath, states that a copy of the attached Respondent Peoria County Board's Response to Second Set of Requests to Admit of Petitioner, Peoria Disposal Company, was served upon the following persons by enclosing such documents in separate envelopes, addressed as follows, and depositing said envelopes in the U.S. Postal Service mail box at Morton, Illinois on the 8th day of November, 2006, before 5:00 p.m., with all fees thereon fully prepaid and addressed as follows:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

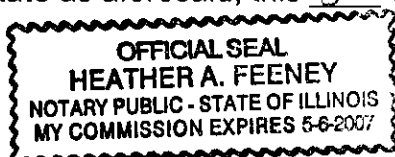
George Mueller, P.C.
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628 Columbus Street, Suite 204
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Brian J. Meginnes
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602

Dated: November 8, 2006.


David A. Brown

Subscribed and sworn to before me, a Notary Public, in the County and State as aforesaid, this 8th day of November, 2006.




Notary Public