

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STOP THE MEGA-DUMP,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 2010-103 cons. 2010-104
	)	(Pollution Control Facility Siting Appeal)
COUNTY BOARD OF DEKALB	)	
COUNTY, ILLINOIS AND	)	
WASTE MANAGEMENT OF	)	
ILLINOIS, INC.,	)	
	)	
Respondents.	)	
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WASTE MANAEMENT OF	)	
ILLINOIS, INC.	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
DEKALB COUNTY BOARD,	)	
	)	
Respondent.	)	

**STOP THE MEGA-DUMP'S FIRST REQUEST TO PRODUCE DOCUMENTS TO THE  
DEKALB COUNTY BOARD**

**NOW COMES** Stop the Mega-Dump ("Petitioner") by its attorney, George Mueller, and directs the DeKalb County Board ("Respondent"), to produce at the office of George Mueller, 609 Etna Road, Ottawa, Illinios, within twenty-eight (28) days of service of this request, or at such other time and place as may be agreed upon by the attorneys for the parties pursuant to Illinois Administrative Code Title 35, Section 101.616, for inspection, copying, reproduction and photographing the following documents, objects or tangible things, to wit:

**DEFINITIONS**

1. **Document.** "Document" shall mean all documents, objects and tangible things, including every original (and any copy of any original and any copy which differs in any way from any original) of every writing of every kind or description, whether handwritten, typed, drawn, sketched, or printed, including, without limitation, computer-generated or maintained data or reports, books, records, papers, pamphlets, brochures, circulars, plans, correspondence, emails, communications, telegrams, memoranda, notes, logs, notebooks, worksheets, reports, lists, analysis, appointment books, diaries, telephone bills and toll call records, expense reports, commission statements, confirmation statements, checkbooks, cancelled checks, receipts, contracts, agreements, instruments, assignments, applications, offers, acceptances, written memorials of oral communications, photographs, photographic slides or negative films, digital images, digital moving images and film strips to which Respondent now has or has had access to in the past.

2. **Communication.** "Communication" includes all discussions, conversations, interviews, meetings, negotiations, emails, instant messaging, cablegrams, mailgrams, telegrams, telexes, cables, or other forms of written or verbal intercourse, however transmitted, including reports, notes, memoranda, lists, agendas, and other documents, the identity of person(s) to whom and by whom it was made, the date it was made, the circumstances under which it was made, including but not limited to the location where it was made, the date it was made, the means by which it was made, and the form in which it was made.

3. **Relate To or Relating To.** "Relating to" or "relating to" as used herein with reference to a subject shall mean both of the following:

a. Containing, comprising, consisting of, constituting, composed of, stating, setting forth or recording, contradicting, referring to, relating to or in any way pertaining to, in whole or in part, that subject; and

b. Describing, discussing, reflecting, interpreting, identifying, concerning, contradicting, referring to, relating to, or in any way pertaining to, in whole or in part, that subject.

4. All and Any. As used herein "all" refers to any and all, and the term "any" likewise refers to any and all.

5. And / Or. "And" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this request any documents which might otherwise be construed to be outside its scope.

6. Any and all capitalized terms not defined herein should be ascribed the meanings given them in the Petition for Review filed with the Pollution Control Board on June 11, 2010, initiating this matter.

### **INSTRUCTIONS**

1. Any word written in the singular shall be construed as plural and any word written in the plural shall be construed as singular when necessary to facilitate complete answers.

2. All information requested is from January 1, 2010, to the date of compliance with this request, unless otherwise specifically indicated. If the answer is not uniformly applied to that entire period, each change within the period is to be indicated with the date of such change.

3. If any document requested is withheld on the ground of privilege, provide a log of all such documents, including: (a) a description of the subject of each such document; (b) all persons who have knowledge of each such document, or any having knowledge regarding each such document, including without limitation the author of any document withheld; (c) the date and circumstance of any communication of such document, including without limitation the identification of the author(s), any addressee(s), indicated or blind carbon copy recipient(s), or other recipient(s); and (d) all grounds relied upon for not providing each such document.

4. If any document described by this request has been lost, destroyed, discarded or otherwise disposed of, that document is to be identified as completely as possible.

5. If any information is redacted from a document produced pursuant to this request, that information is to be identified and described generally, and all grounds relied upon for not providing such information are to be fully set forth.

6. If any document described by this request no longer exists, or is no longer within your possession, custody or control, identify such document(s).

7. Identify in writing each paragraph of this request for which no responsive documents are produced.

8. If, subsequent to your initial response, you come into possession of any document(s) that is(are) responsive to any of the following requests, you are requested to supplement the response accordingly.

9. Documents produced in response to these requests must be organized in categories that correspond to the responsive request.

**DOCUMENTS TO BE PRODUCED**

1. All documents in the possession or control of Respondent referring to the Application that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

2. Any document received or created by any member of the DeKalb County Board referring to the Application that was not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

3. All documents in the possession or control of Respondent referring to WMII that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

4. All documents relating to requests by any and all persons and entities for access to or copies of the siting Application.

5. All documents related to the possible, contingent, contemplated or future use of landfill host fees to be realized if the expanded landfill is permitted and built.

6. All minutes of meetings of any County Board committee, any County agency or department or the County Board during 2010 at which financing or payment

of any County capital improvements or issuance or payment of bonds was discussed, and all notices placed in any publication regarding the same.

7. All documents, not otherwise filed with the Pollution Control Board as part of the record herein, including, without limitation, notes, drafts, memoranda, correspondence and transcripts, considered by the DeKalb County Board regarding the Application.

8. All documents, not otherwise filed with the Pollution Control Board as part of the record herein, including, without limitation, notes, drafts, memoranda, correspondence and transcripts, available to the DeKalb County Board in its consideration of the Application.

9. All documents related to travel by any County Board member to any WMI facility and reimbursement or payment of costs therefor.

10. All documents related to drafting, adoption or amendment of the County pollution control facility siting ordinance and the articles of rules and procedures of the pollution control facility committee.

11. All minutes of meetings of the pollution control facility committee.

12. All documents in the possession or control of Respondent reflecting any opinion or position on the Siting Application of any member of the DeKalb County Board that were not included in the Record filed with the Pollution Control Board pursuant to Illinois Administrative Code Title 35, Section 107.300.

Respectfully submitted,

Stop the Mega-Dump, Petitioner

By: 

George Mueller, Its Attorney

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF LASALLE    )     SS

**AFFIDAVIT OF SERVICE**

The undersigned, a non-attorney, being first duly sworn upon oath, states that a copy of the **Stop the Mega-Dump's First Request to Produce Documents to the DeKalb County Board**, was served upon the following persons by enclosing such documents in separate envelopes, addressed as follows, and depositing said envelopes in a U.S. Postal Service mail box at Ottawa, Illinois on the 9<sup>th</sup> day of July, 2010, before 5:00 p.m., with all fees thereon fully prepaid and addressed as follows:

See attached Service List

**Service List**

Donald Moran  
Attorney for WMII  
Pederson & Houpt  
161 N. Clark St., Suite 3100  
Chicago, IL 60601-3242

Sharon L. Holmes  
DeKalb County Clerk  
110 E. Sycamore St.  
Sycamore, IL 60178

John Therriault, Assistant Clerk  
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James R. Thompson Center  
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Jill Thorp, Legal Assistant