

EXHIBIT F



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April 1, 2016

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VIA E-MAIL (EMCGINLEY@ATG.STATE.IL.US)

Evan McGinley
Office of Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602

Re: *Johns Manville v. Illinois Department of Transportation*, PCB No. 14-3

Dear Counsel:

I am writing to request on behalf of Complainant Johns Manville ("JM") that we schedule a Rule 201(k) conference to address certain issues with Respondent Illinois Department of Transportation's ("IDOT") responses to JM's First Set of Requests for Admission, JM's Second Set of Document Requests, and JM's Third Set of Interrogatories (together, "JM's Discovery Requests"), filed with the Illinois Pollution Control Board ("IPCB") on March 30, 2016.

As an initial matter, IDOT does not appear to have made a good faith effort to comply with the Hearing Officer's Order to respond to discovery by March 30. For example, IDOT refused to answer many of JM's Discovery Requests on the ground that commonly used and understood terms, such as a "right," "interest," and "conveyed," are purportedly "vague and ambiguous." These objections make it appear that IDOT is simply trying to evade answering the questions. Indeed, IDOT is clearly aware of the meaning of these terms as they are repeatedly used by IDOT in its own Highway Jurisdictional Guidelines and IDOT even uses some of these terms in its answers to certain parts of JM's Discovery Requests. IDOT cannot have it both ways and we think the Hearing Officer will agree. If, after reviewing this letter, IDOT continues to be confused by any terms in the discovery, JM is happy to define them more fully and/or discuss their meaning and our intent on a call.

Further, in its responses to JM's Discovery Requests, IDOT imposes its own definition of "Right of Way." Doing so is inappropriate given that JM's Discovery Requests specifically defines "Right of Way" as the "IDOT right of way within the southeast quadrant of the intersection of Greenwood Avenue and Sand Street in Waukegan, Illinois, designated as Parcel No. 0393, as described at IDOT 002800." IDOT 002800 also gives a very specific legal description for Parcel No. 0393. Because IDOT refused to utilize JM's definition of "Right of Way," without explanation

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as to why JM's inclusion of the term "Right of Way" in its Discovery Requests was objectionable, several of IDOT's discovery responses do not adequately and/or fully respond to JM's Discovery Requests. Again, if IDOT is confused about the term "Right of Way," we are happy to clarify. However, it is fairly obvious that the property that falls within the legal description contained in IDOT 002800 should be a sufficient description of the Right of Way for IDOT to respond properly.

To facilitate the discussion, JM specifically addresses herein IDOT's responses to JM's Discovery Requests, which require supplementation:

JM's First Set of Requests for Admission:

- Nos. 1 and 2: In these Requests, JM asked IDOT to admit that the Right of Way (as defined) encompasses portions of Site 6 and Site 3, respectively. IDOT denied that "a Right of Way encompasses portions" of those Sites, but admitted that "a 'Grant for Public Highway' encompasses portions" of Site 6 and Site 3. IDOT, however, does not delineate what it means by the phrase "Grant for Public Highway," which is a document conveying rights to many different parcels, which were not the subject of these Requests. As such, JM requests that IDOT amend its responses to specifically address Parcel No. 0393 in the "Grant for Public Highway," IDOT 002800, as originally requested.
- Nos. 3, 4: These Requests asked IDOT to "[a]dmit that IDOT currently has a right to use the Right of Way" and that "IDOT has had a right to use the Right of Way since 1971." IDOT objected to the "use of the term 'right,' as that term is undefined within the 'Instructions and Definitions section of Johns Manville's First Set of Requests for Admission and that term is therefore vague and ambiguous." That JM did not define every single commonly understood term in its "Instructions and Definitions" of its Discovery Requests, however, does not render such terms vague and ambiguous. Rather, the term "right" is plainly understood to mean "[t]he interest, claim, or ownership that one has in tangible or intangible property" and "[a] power, privilege, or immunity secured to a person by law." See BLACK'S LAW DICTIONARY 1436 (9th ed. 2009). Accordingly, JM requests that IDOT supplement its response using the commonly understood definition of the term "right."
- No. 5: This Request asked IDOT to "[a]dmit that IDOT never transferred, conveyed, or divested itself of its interest in the Right of Way. Again, IDOT objected to commonly understood terms, such as "transferred," "conveyed," "divested," and "interest" as vague and ambiguous. These terms, too, have readily discernable meanings had IDOT reviewed and responded to JM's Discovery Requests in good faith. For example, "transferred" plainly means "[t]o convey or remove from one place or one person to another; to pass or hand over from one to another, esp. to change over the possession or control of." See BLACK'S

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LAW DICTIONARY 1636 (9th ed. 2009). As does “convey.” *See Convey Definition*, MERRIAM-WEBSTER, www.merriam-webster.com/dictionary/convey (last visited Mar. 31, 2016) (“to change the ownership of (property) from one person to another”). Similarly, “divest” means to completely or partially lose an interest in an asset, such as land. *See BLACK’S LAW DICTIONARY* 547 (9th ed. 2009). As such, IDOT cannot reasonably object to these terms. This is particularly so where IDOT used the terms “transferred” and “reconveyed” in other discovery responses (*see, e.g.*, IDOT’s response to Interrogatory No. 1). Nor does IDOT’s objection that the term “interest” — which is commonly understood to mean “a legal share in something,” including “any aggregation of rights, privileges, powers, and immunities” (*see BLACK’S LAW DICTIONARY* 885 (9th ed. 2009)) — is vague and ambiguous have merit. JM requests that IDOT supplement its response using the commonly understood definitions of these terms.

- No. 6: This Request asked IDOT to “[a]dmit that IDOT has never vacated or abandoned the Right of Way.” IDOT objected to this Request, in part, on the basis that the terms “vacated” and “abandoned” are “potentially contradictory” but the fact that these terms are connected with the disjunctive “or” renders them not contradictory, particularly where the IPCB regulations provided IDOT with the ability to answer part of the Request while offering an explanation as to why the remainder of the Request cannot be admitted or denied. Like all other terms IDOT objected to, the terms “vacated” and “abandoned” also have commonly understood definitions. *See BLACK’S LAW DICTIONARY* 1688 (9th ed. 2009) (defining “vacate” as “(1) [t]o nullify or cancel; make void; invalidate; (2) [t]o surrender occupancy or possession; to move out or leave.”); *id.* at 2 (defining “abandonment” as “[t]he relinquishing of a right or interest with the intention of never reclaiming it”). They are also discussed in IDOT’s Highway Jurisdictional Guidelines. JM requests that IDOT supplement its response using the commonly understood definitions of these terms.
- No. 9: In this Request, JM asked IDOT to admit that the Right of Way (as defined) is part of a “State highway” (as defined in 605 ILCS 5/2-203). IDOT responded by imposing its own use of the phrase “Grant for Public Highway” (over the “Right of Way” term defined by JM), which is not responsive to the Request as the “Grant for Public Highway” document, IDOT 002800, conveys rights to many different parcels, which were not the subject of this Request. As such, JM requests that IDOT amend its response to specifically address Parcel No. 0393 in the “Grant for Public Highway,” IDOT 002800, as originally requested.
- Nos. 11, 12: This Request asked IDOT to admit that “IDOT has not entered into any written contract . . . for the jurisdiction, maintenance, . . . of the Right of Way. . .” or that “IDOT has not authorized any other authority to enter into a written contract.” IDOT’s objection and refusal to answer these Requests on the grounds that terms such as “written contract,” “maintenance,” “engineering, or “improvement,” is disingenuous, particularly

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where these terms are plain and are used in the referenced portion of the Illinois Highway Code, which governs IDOT's authority and responsibilities. As such, IDOT's assertion that it would need to speculate as to the meaning of these terms is nonsensical. JM requests that IDOT supplement its responses in good faith.

JM's Second Set of Document Requests:

Of note, while IDOT claims that "additional documents that are responsive to [JM's Discovery Requests] are being produced in conjunction with these responses," IDOT only produced three documents in response to JM's Discovery Requests. Please confirm that IDOT is not withholding any documents on the basis of any of its General Objections or specific objections regarding the use of a particular term that IDOT views as vague or ambiguous.

- Nos. 3-7: These Requests asked for communications relating to the Right of Way and IDOT's efforts to determine its interest in the Right of Way, including all communications with testifying experts Steven Gobelman and Keith Stoddard. In response, IDOT incorporated its General Objections, which included objections based on attorney-client privilege, the work product doctrine, the deliberative due process, privilege, and "any other doctrine or privilege protecting information from discovery." Given that Steven Gobelman and Keith Stoddard are testifying experts, however, IDOT cannot claim privilege with respect to documents exchanged with these individuals. Please confirm that no documents responsive to these Requests have been withheld on the basis of privilege, or, in the alternative, provide a privilege log.
- No. 19: This Request asked for all documents relating to the "project" in the Preliminary Environmental Site Assessment ("PESA") produced by IDOT, identified at IDOT 003303. While IDOT 003303 provides that it was the "Final Report of a preliminary environmental assessment by the ISGS of natural and man-made hazards" and that "[w]ork on this project involves acquisition of additional ROW or easement . . ." no documents related to the Environmental Assessment were produced. The PESA states that "[i]t is not known whether this project entails building demolition or modification, or railroad ROW acquisition. Stationing information was provided by IDOT for the project ROW in feet, and is presented as such in this report." *See* IDOT 003303. The PESA also uses the term "along the project ROW" and refers to the intersection of Greenwood and Sand Street as well as the area that encompasses the ROW. *See* IDOT 003303, IDOT 003336. IDOT itself therefore admits a project existed and, in fact, discusses what appears to be the current version of the project in its response to Interrogatory No. 6. Obviously there was a project that was contemplated at the time of the PESA, which might or might not have been amended over time. However, there was a reason that the ROW area was investigated. IDOT's failure to provide documents related to the contemplated project, as it existed at the time of the PESA as well as how it exists now including any connection to the ROW

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area, is inappropriate. Furthermore, as explained in IDOT's "Manual for Conducting Preliminary Environmental Site Assessments for Illinois Department of Transportation Infrastructure Projects" (2d ed.), which notably, was not produced by IDOT but is clearly responsive to Document Requests Nos. 13, 14, and 19, IDOT conducts environmental due diligence on highway construction and improvement projects through the Preliminary Environmental Site Assessment. Thus, IDOT's assertion that "all non-privileged documents responsive to this request for production have produced during prior discovery," cannot be correct. The only document produced was this Final PESA. Obviously, other documents exist relating to the underlying contemplated and/or executed project and they must be produced.

JM's Third Set of Interrogatories:

- No. 1: This Interrogatory asked IDOT to identify any interests or rights currently possessed or held by IDOT with respect to the Right of Way and if none, to describe how and when any rights were transferred or divested. IDOT responded with a number of meritless objections and stated that it held a "Grant of Public Highway" at one time, which could not be transferred or conveyed. IDOT further stated that once construction was completed, it had no further use for the Grant of Public Highway. IDOT's answer is not responsive to the Interrogatory. IDOT is required to answer the question as-posed. Please amend.
- No. 2: This Interrogatory asked IDOT to "[d]escribe any and all steps taken . . . to determine whether and to what extent" IDOT was holding an interest in or rights with respect to the Right of Way from September 29, 2000 to present. While IDOT responded that "staff have reviewed various documents related to the 'Right of Way' and concluded that there would have been no need for maintaining the 'Right of Way,'" the staff persons, documents reviewed, and dates of the activities mentioned were not provided. Further, IDOT failed to discuss the steps taken or discussions had by Keith Stoddard, Steven Gobelman, and/or Steven Warren with respect to the Right of Way in or around May 2015, as identified in IDOT 002797-002798. Nor does IDOT's response include any information regarding its efforts to obtain the title commitment attached to IDOT's Rule 213(f)(3) disclosure of March 31, 2016. Rather, IDOT's response about whether IDOT "had further use for the 'Grant of Public Highway'" once construction of the Amstutz project was completed, which was not the subject of JM's Interrogatory, is unresponsive. Also, JM's Document Request No. 2 asked for any and all documents consulted or reviewed in responding to JM's Discovery Requests. It is hard to believe IDOT did not consult the documents the staff reviewed in responding to the discovery. Please amend your response promptly.
- No. 3: IDOT responded to this Interrogatory regarding work performed on the Right of Way by referring JM to documents previously produced in this case. IDOT, however, has

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not produced any documents other than those related to work done on the Amstutz Project in the 1970s. JM agrees to limit the time period for this Interrogatory to 1976-present and notes that the PESA is an example of work described in the request and thus must be discussed. Please supplement IDOT's response.

- No. 5: This Interrogatory asked for JM to identify occurrences in which IDOT performed "remedial or removal actions" with respect to rights of way. JM agrees to define "removal" and "remedial action" as those terms are defined in CERCLA, 42 U.S.C. §§ 9601(23),(24) as well as any work aimed at investigating whether contamination is present in, on, or under property, including but not limited to subsurface work (e.g., soil borings, groundwater monitoring). Please supplement IDOT's response in light of this definition.
- No 6: This Interrogatory asked for information related to the "project" identified in IDOT 003303. While IDOT responded that "the 'project' in question is not 'contemplated to involve the Right of Way, Site 3, Site 6, and/or other areas at the intersection of Green and Sand Street,'" JM notes that the PESA covered parts of the ROW. *See* IDOT 003336. Further, this Interrogatory concerned the "project" as contemplated at the time the document was created, not the "project" as it is contemplated now. Please include in your answer a response as to "the project," that was contemplated or considered at the time the PESA was performed.

JM requests that IDOT amend its discovery responses to address the deficiencies raised above.

JM reserves its right to identify further deficiencies in IDOT's responses to JM's Discovery Requests as JM's review of IDOT's responses and document production continues.

Please let us know when today or Monday, April 4, 2016 you are available to meet and confer to discuss the issues raised herein.

Sincerely,



Lauren J. Caisman

cc: Ellen O'Laughlin
Matthew D. Dougherty

EXHIBIT G

IDOT Sequence #: 16145
IDOT Job #: P91-092-10

ISGS: 2308

PRELIMINARY ENVIRONMENTAL SITE ASSESSMENT

FINAL REPORT

DATE: April 21, 2011

IDOT DESIGN DATE: August 31, 2011

PRELIMINARY REPORT DATE: May 1, 2011

DATE REQUEST RECEIVED: October 26, 2010

LOCATION: FAP 352 (IL 137) at Greenwood Avenue interchange, Waukegan, Lake County; Zion quadrangle (USGS 7.5-minute topographic map), T45N, R12E, Sections 9, 10, 15 and 16.

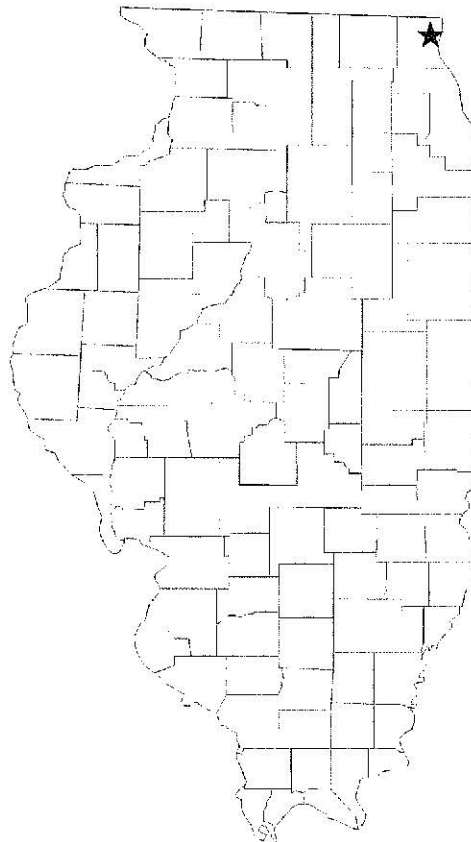


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GLOSSARY OF ACRONYMS

AAI	-	All Appropriate Inquiries	MTBE	-	methyl tertiary-butyl ether
ACM	-	Asbestos-Containing Material	NFR	-	No Further Remediation
AST	-	Aboveground Storage Tank	NFRAP	-	No Further Remedial Action Planned
ASTM	-	American Society for Testing and Materials	NIPC	-	Northeastern Illinois Planning Commission
AULs	-	Activity and Use Limitations (includes institutional controls, engineered barriers, and HAAs)	NPL	-	National Priorities List
BOL	-	Bureau of Land (IEPA)	NRCS	-	Natural Resources Conservation Service (formerly Soil Conservation Service)
BTEX	-	Benzene, Toluene, Ethylbenzene, and total Xylenes	OSFM	-	Office of the State Fire Marshal
☪	-	Centerline	PAA	-	Permit Access Agreement
CERCLIS-	-	Comprehensive Environmental Response, Compensation, and Liability Information System	PAH/PNA-	-	Polynuclear Aromatic Hydrocarbon
FEMA	-	Federal Emergency Management Agency	PCB	-	Polychlorinated Biphenyl
FID	-	Flame Ionization Detector	PESA	-	Preliminary Environmental Site Assessment
FIRM	-	Flood Insurance Rate Map	P.G.	-	Professional Geologist
GC	-	Gas Chromatograph	PID	-	Photoionization Detector
HAA	-	Highway Authority Agreement	ppb	-	parts per billion (equivalent to µg/kg for solids, and µg/l in liquids)
ICC	-	Illinois Commerce Commission	ppm	-	parts per million (equivalent to mg/kg in solids, and mg/l in liquids)
IDNR	-	Illinois Department of Natural Resources	PRP	-	Potentially Responsible Party
IDOT	-	Illinois Department of Transportation	RCRA	-	Resource Conservation and Recovery Act
IEMA	-	Illinois Emergency Management Agency	REC	-	Recognized Environmental Condition
IEPA	-	Illinois Environmental Protection Agency	ROW	-	Right-of-Way
IMD	-	Illinois Manufacturers Directory	SIC	-	Standard Industrial Classification
ISD	-	Illinois Services Directory	SRP	-	Site Remediation Program
ISGS	-	Illinois State Geological Survey	TACO	-	Tiered Approach to Cleanup Objectives
ISTC	-	Illinois Sustainable Technology Center (formerly Waste Management and Research Center)	TCLP	-	Toxicity Characteristic Leaching Procedure
ISV	-	Initial Site Visit	TRI	-	Toxic Release Inventory
ISWS	-	Illinois State Water Survey	TVOC	-	Total Volatile Organic Compound
LUST	-	Leaking Underground Storage Tank	USDA	-	United States Department of Agriculture
µg/kg	-	micrograms per kilogram (ppb)	USEPA	-	United States Environmental Protection Agency
µg/l	-	micrograms per liter (ppb)	USGS	-	United States Geological Survey
mg/kg	-	milligrams per kilogram (ppm)	UST	-	Underground Storage Tank
mg/l	-	milligrams per liter (ppm)	VOC	-	Volatile Organic Compound
M.P.	-	Milepost			
MSDS	-	Material Safety Data Sheet			

EXECUTIVE SUMMARY

This report presents the results of an environmental site assessment for IL 137 at Greenwood Avenue interchange, Waukegan, Lake County. This report was prepared on behalf of the Illinois Department of Transportation (IDOT) by the Illinois State Geological Survey (ISGS).

The following sites were examined for this project. The tables below list sites along the project for which recognized environmental conditions (RECs)* were identified for each address or address range (Table 1); sites along the project for which only de minimis conditions were identified (Table 2); sites along the project for which no RECs were identified (Table 3); and sites adjacent to but not on the project that were identified on environmental databases (Table 4). Further investigation of sites with RECs may be desired.

Table 1. The following sites along the project were determined to contain RECs:

Property name IDOT parcel #	ISGS site #	REC(s), including de minimis conditions	Regulatory database(s)	Land use
Mobil NA	2308-1	USTs; evidence of chemical use; transformers; potential lead paint	BOL, UST	Commercial
Vacant building NA	2308-2	Possible USTs; potential ACM and lead paint; protruding pipe	None	Residential
Bob and Annie's Family Restaurant NA	2308-4	Possible USTs; transformer; potential ACM and lead paint	None	Commercial
Front Row Bar and Grill NA	2308-6	Natural gas explosion; potential lead paint	ERNS	Commercial
Stevens Instrument Company NA	2308-10	Potential chemical use; potential ACM and lead paint	None	Industrial
Centerline Corporation NA	2308-11	Potential chemical use; transformers; potential ACM and lead paint	None	Industrial
Vacant building NA	2308-12	Former UST with documented release; transformers; potential ACM and lead paint	BOL, IEMA, UST, LUST	Industrial

Vacant land NA	2308-13	Former open dumping; fill; potential ACM and lead paint	BOL	Vacant
Johns-Manville NA	2308-15	Former USTs with documented releases; asbestos; VOCs; metals	NPL CERCLIS, RCRA, TRI, BOL, SRP, LUST, UST, IEMA, AULs landfill	Industrial/ landfill/ vacant
Vacant land NA	2308-16	Asbestos	None	Vacant
Intersection of Greenwood Avenue and Pershing Road NA	2308-17	Potential former chemical use	RCRA, BOL	Vacant

Table 2. The following sites along the project were determined to contain de minimis conditions only:

Property name IDOT parcel #	ISGS site #	De minimis condition(s)	Land use
Bowen Park NA	2308-3	Transformer; potential ACM and lead paint	Municipal
Apartments NA	2308-5	Transformer; potential ACM and lead paint	Residential
Bearing Headquarters Company NA	2308-7	Potential ACM and lead paint	Commercial
Alan E. Jones, Attorney NA	2308-8	Potential ACM and lead paint	Commercial
HC&D NA	2308-9	Potential ACM and lead paint	Commercial

Table 3. The following sites along the project were determined not to contain RECs or de minimis conditions:

Property name IDOT parcel #	ISGS site #	Land use
Vacant land NA	2308-14	Transportation/ vacant

Table 4. The following additional sites, adjacent to but not on the project, were identified on environmental databases:

Property name	ISGS site #	Regulatory database(s)	Land use
Pfleger Greiss	2308-A	Active CERCLIS, RCRA, BOL, SRP	Industrial
Waukegan Electric Generating Station	2308-B	RCRA, BOL, LUST, UST	Industrial

* For all sites:

Where REC(s) are indicated as present, a condition was noted that may be indicative of releases or potential releases of hazardous substances on, at, in, or to the site, as discussed in the text. Potential hazards were not verified by ISGS testing. Radon, biological hazards (such as mold, medical waste, or septic waste), and non-agricultural pesticides and/or herbicides may also be of concern. No further investigation concerning the presence or use of these factors was conducted for this PESA.

Where RECs are not indicated as present, radon, biological hazards (such as mold, medical waste, or septic waste), and non-agricultural pesticides and/or herbicides may still be of concern. No further investigation concerning the presence or use of these factors was conducted for this PESA.

For the purposes of this report, the following are considered to be de minimis conditions:

- Normal use of lead-based paint on exteriors and interiors of buildings and structures.
- Use of asbestos-containing materials in building construction.
- Transformers in normal use, unless the transformers were observed to be leaking, appear on an environmental regulatory list, or were otherwise determined to pose a hazard not related to normal use.
- Agricultural use of pesticides and herbicides. In addition, most land in Illinois was under agricultural use prior to its conversion to residential, industrial, or commercial development. Pesticides, both regulated and otherwise, may have been used throughout the project area at any time. Unless specifically discussed elsewhere in this report, no information regarding past pesticide use that would be subject to enforcement action was located for this project,

and such use is considered a de minimis condition.

Radon and biological hazards are not considered in this PESA unless specifically noted.

NA = No parcel number was supplied by IDOT for this site.

Although potential natural hazards and undermining, if present, are described in this report, they are not considered as RECs or de minimis conditions for the purposes of this report, and are therefore not listed in the tables above.

BACKGROUND

Introduction

This is the **Final Report** of a preliminary environmental assessment by the ISGS of natural and man-made hazards that may be encountered along IL 137 at Greenwood Avenue interchange, Waukegan, Lake County (Attachment 1). Work on this project involves acquisition of additional ROW or easement, and subsurface utility relocation or linear excavation. It is not known whether this project entails building demolition or modification, or railroad ROW acquisition. Stationing information was provided by IDOT for the project ROW in feet, and is presented as such in this report. Stationing information provided was incomplete and will not be referenced for every site discussed within this report. All stationing information is approximate, and refers to the approximate midpoint of the site's frontage along the ROW. All stationing is for the road that the site is addressed to, unless otherwise indicated. This report identifies and evaluates recognized environmental conditions (RECs) that may be indicative of releases or potential releases of hazardous substances on, at, in, or to the proposed project.

This assessment has been prepared using historical and geological information including aerial photographs, U.S. Geological Survey topographic maps, plat maps, file information of the ISGS and other state agencies, and various other sources of information. An on-site investigation has been completed. The specific methods used to conduct the assessment are contained in "A Manual for Conducting Preliminary Environmental Site Assessments for Illinois Department of Transportation Highway Projects" (Erdmann et al., 1996, and revisions in preparation). If new environmental information is received concerning this site, this report will be updated accordingly and the information made part of the permanent file. If such information is considered to have a significant impact on the findings of this report, the report will be corrected by addendum and resubmitted to IDOT Bureau of Design and Environment.

This Preliminary Environmental Site Assessment (PESA) was performed in compliance with the IDOT-ISGS PESA Manual (Erdmann et al., 1996, and revisions in preparation) and not with the All Appropriate Inquiries environmental assessment standard (40 CFR Part 312) that took effect on November 1, 2006.

Geology

Bedrock geology. The topmost bedrock unit in the project area has been mapped as undifferentiated units of Silurian age; these units consist primarily of limestones and dolomites.

Surficial geology. The total drift thickness in the project area ranges from 30 m (100 ft) to 61 m (200 ft). The surficial layer of the majority of the project consists of man-made land. At the western project limit, the Grayslake Peat forms a discontinuous surficial layer to a maximum depth of 6 m (20 ft). This is underlain by sand, silt, and gravel of the Equality Formation, Dolton Member, to a maximum thickness of 6 m (20 ft). The Equality Formation is underlain by the silty and clayey glacial deposits of the Wedron Group.

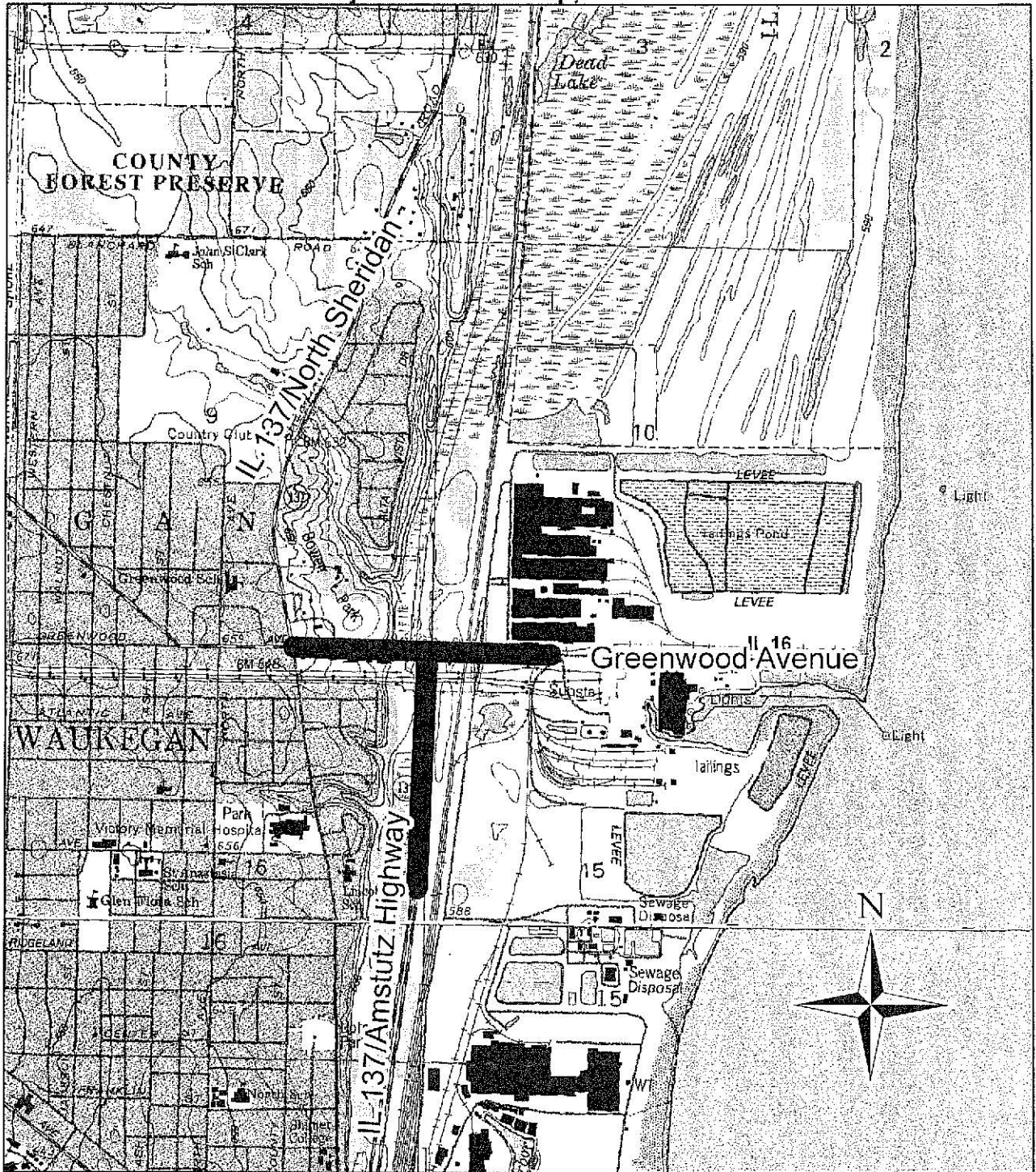
Soils. Along the project ROW, the NRCS has classified the Adrian muck, ponded, 0 to 2 percent slopes as hydric. Non-prime farmland soils along the ROW are the Ozaukee silt loam,

LIST OF ATTACHMENTS

1. Project location map, ISGS #2308.
2. Map Showing Locations of All Sites, pages 1-2.
3. NFR Letter Site 2308-15, IEPA #0971900014 For IEMA #20020976, #20029077.

Attachment 1

Project Location Map, ISGS #2308

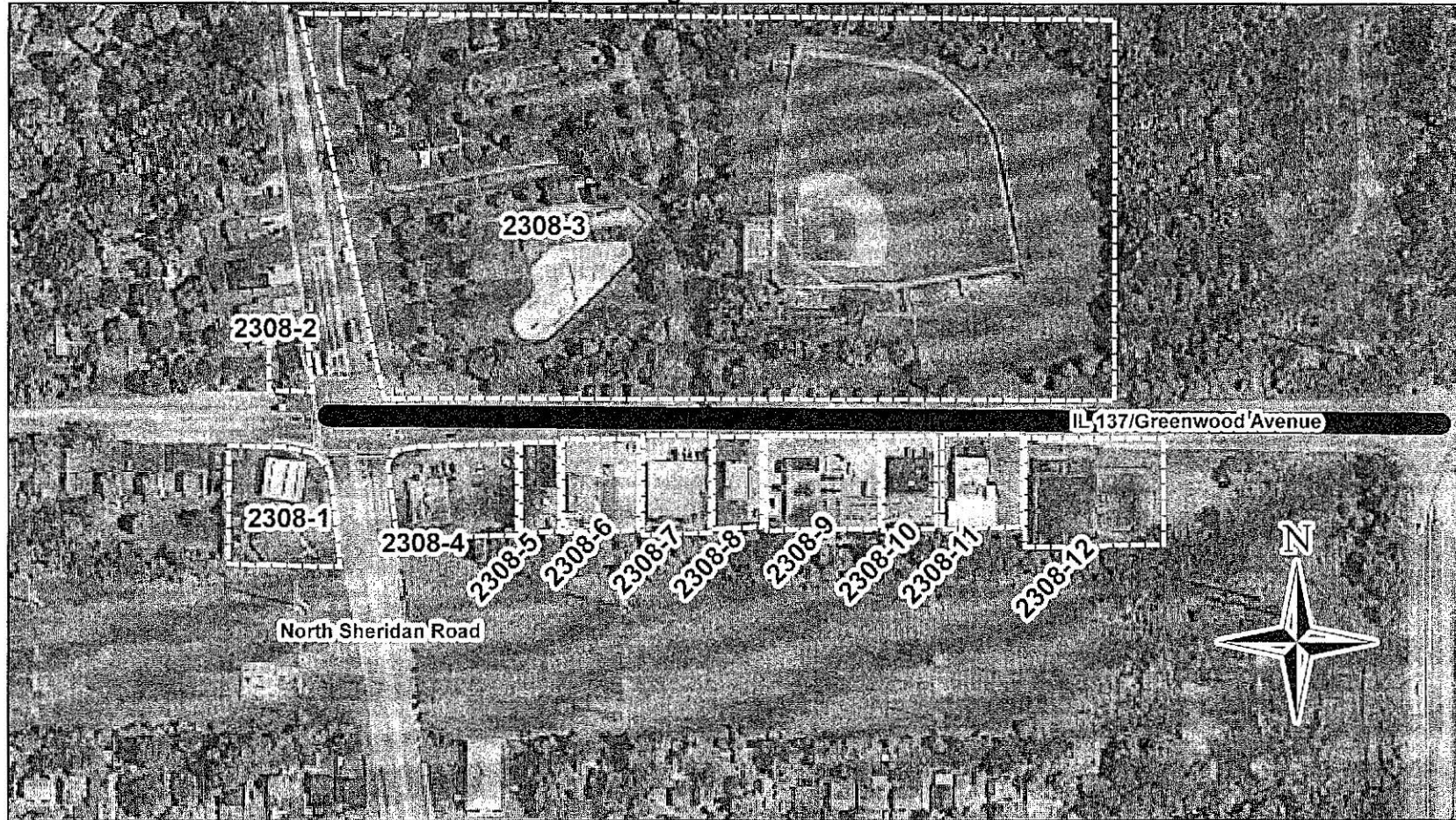


0 0.3 0.6 1.2 Kilometers

0 0.25 0.5 1 Miles

Project limits indicated by solid black line.

Map Showing Locations of All Sites



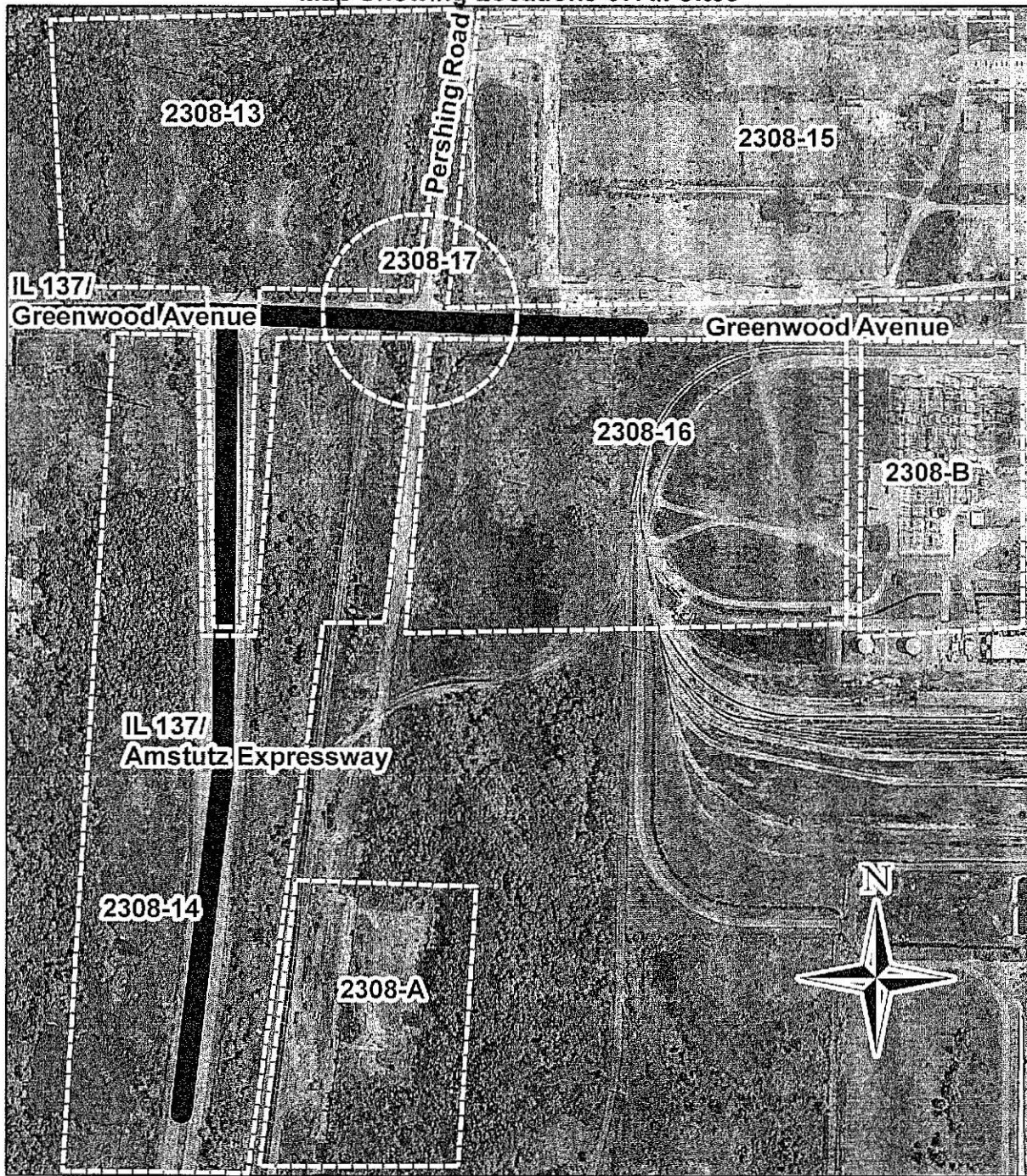
0 0.05 0.1 0.2 Kilometers

0 0.04 0.08 0.16 Miles

Project limits indicated by solid black line.

All site boundaries are approximate and should not be used as actual parcel boundaries.

Map Showing Locations of All Sites



0 0.05 0.1 0.2 Kilometers

0 0.05 0.1 0.2 Miles

Project limits indicated by solid black line.

All site boundaries are approximate and should not be used as actual parcel boundaries.

EXHIBIT H

Caisman, Lauren

From: O'Laughlin, Ellen <EOLaughlin@atg.state.il.us>
Sent: Wednesday, April 06, 2016 4:05 PM
To: Caisman, Lauren; McGinley, Evan; 'Dougherty, Matthew D.'
Cc: Brice, Susan
Subject: RE: JM v. IDOT - 201(k) correspondence regarding Keith Stoddard documents

Lauren:

We will look into your follow up requests stemming from your review of our additional production of documents on April 6, 2016. You should also know that IDOT is responding to your numerous discovery requests in good faith and consistent with the Hearing Officer's order. Given the number of issues outlined below, we do not have an exact date of when we can respond but will do so as soon as we are able to. As you know, Evan is out of the office through Monday. I am also out of the office on Friday.

Regards,
Ellen O'Laughlin

-----Original Message-----

From: Caisman, Lauren [mailto:lauren.caisman@bryancave.com]
Sent: Wednesday, April 06, 2016 2:26 PM
To: McGinley, Evan; O'Laughlin, Ellen; 'Dougherty, Matthew D.'
Cc: Brice, Susan
Subject: RE: JM v. IDOT - 201(k) correspondence regarding Keith Stoddard documents

Dear Ellen and Evan,

Please consider this an additional 201(k) letter. We have some follow-up questions relating to the Stoddard emails produced yesterday, April 5.

- 1) IDOT did not produce the attachments referenced in the 2/25/16 email from Keith Stoddard to Matthew Dougherty (referenced in IDOT 008137) or in the 5/20/15 email from Steven Warren to Keith Stoddard (IDOT 008137).
- 2) The 3/24/16 email from Pamela Broviak to Karen Perrin and Keith Stoddard (IDOT 008145) discusses three manuals from 1973, 2001 and 2011. We only received a Bureau of Design and Environmental Manual from July 2015 and a Land Acquisition Policies and Procedures Manual from November 2015 (though it is designated as a "continually updated resources," and thus, earlier versions necessarily exist). Indeed, Mrs. Perrin states that IDOT keeps all versions. Thus, they should be produced.
- 3) IDOT has not produced the correspondence with the Title Company regarding the Title Commitment. Further, the Title Commitment notes that it is a "Revision" (IDOT 008160). Please explain and provide any original title commitment (presumably effective around 2/19/16) and any documents relating to that or other previous title commitments obtained. We note that the fact you obtained a title commitment is not included in IDOT's Interrogatory Response No. 2, but should have been and obviously the documents are responsive to numerous Document Requests.
- 4) The 3/31/16 email between Evan and Keith Stoddard asks Keith Stoddard to revise the disclosure statement per "instructions in the email forwarding the title commitment." (IDOT 008172). We, however, have not received any email transmitting the Title Commitment.

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5) IDOT 008181 discusses various jurisdictional transfers and appears to be a document created by Keith Stoddard for his use (IDOT 008177). However, you have not identified the creation or review of this document as a step in the process to determine IDOT's interest in the ROW, which would be responsive to Interrogatory No. 2. We also believe there must be some communication relating to this document, which would be responsive to Document Requests Nos. 4, 5 and 7. Also, IDOT's response to Interrogatory No. 2 does not "describe" all steps as that term is defined. It is inappropriate to talk generally about "staff" reviewing "documents" without identifying all persons involved, the place and date of the activity, and the specific documents referred or relating thereto. We find it hard to believe that there were no email communications with Stoddard in January and earlier in February 2016 when the Title Report from Property Insight and this Right of Way issue was being addressed in the Second Amended Complaint. Evan made it clear that he had discussed the "interest" in the ROW with IDOT personnel when the Hearing Officer asked if IDOT would concede that it had an interest in the ROW and Keith Stoddard was identified as an IDOT fact witness on February 18, 2016. Please provide all communications Mr. Stoddard has had with anyone related to Parcel 0393 or the ROW, and any document sufficient to identify all persons with whom Mr. Stoddard had conversations related to Parcel 0393 or the ROW.

6) The 5/28/15 email from Steven Warren to Keith Stoddard (IDOT 008135) references that files were sent to Keith Stoddard. These files and any correspondence transmitting them have not been produced.

7) The 3/30/2016 email from Evan to Keith Stoddard references an attached disclosure statement (IDOT 008149 and IDOT 008151). This was not produced.

Frankly, we find it unsettling that the State of Illinois has verified discovery responses that appear to be inaccurate or incomplete. Unless you agree to produce what is requested above in full, we will include these issues in our Motion to Compel that is due Friday.

Thank you,
Lauren

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-----Original Message-----

From: McGinley, Evan [mailto:emcginley@atg.state.il.us]
Sent: Tuesday, April 05, 2016 3:10 PM
To: Caisman, Lauren; Brice, Susan
Cc: O'Laughlin, Ellen; 'Dougherty, Matthew D.'
Subject: JM v. IDOT - Keith Stoddard Document

Susan and Lauren:

As discussed during this morning's status hearing, attached to this email please find IDOT's production of documents related to Keith Stoddard.

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