

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 14-99
)	(Pollution Control Facility
)	Siting Appeal)
VILLAGE OF ROUND LAKE PARK, ROUND)	
LAKE PARK VILLAGE BOARD and GROOT)	
INDUSTRIES, INC.,)	
)	
Respondents.)	

GROOT INDUSTRIES, INC.'S FIRST INTERROGATORIES TO PETITIONER

NOW COMES the Respondent, Groot Industries, Inc. ("Groot"), and propounds the following Interrogatories to Petitioner Timber Creek Homes, Inc. ("TCH"), to be answered by TCH by March 15, 2014.

DEFINITIONS

A. "TCH" refers to Timber Creek Homes, Inc., and all of its respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on its behalf.

B. "Village of Round Lake Park" or "Village" means the Village of Round Lake Park and all of its respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on its behalf.

C. "Round Lake Park Village Board" or "Village Board" means the Village Board, its members, and any of their respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on their behalf.

D. "Groot" means Groot Industries, Inc., and any of its respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on its behalf.

E. "Communication" means, without limiting the generality of its meaning, any form of communication between two or more persons, whether in writing or oral, including but not limited to correspondence, e-mails, conversations, phone calls, reports, documents, and memoranda.

F. "Siting Application" means Groot's Application seeking approval for a municipal solid waste transfer station to be located at the northeast corner of Illinois Route 120 and Porter Drive in the Village of Round Lake Park, filed on June 21, 2013.

G. "Document" means, without limiting the generality of its meaning, writings, papers, or tangible things of any kind or nature whatsoever in the possession or subject to the control of the Petitioner, its respective agents, employees, representatives, witnesses, or attorneys, including but not limited to 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.

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. "Siting process and procedures" includes any and all proceedings and processes employed by the Village or the Village Board before and after the filing of the Siting Application through the decision rendered by the Village Board on December 12, 2013, concerning the Siting Application.

J. 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.

K. 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.

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

INTERROGATORIES

INTERROGATORY NO. 1. Identity all persons answering these Interrogatories, and all persons who provided information regarding or assisted in answering these Interrogatories.

ANSWER:

INTERROGATORY NO. 2. Is it Petitioner's contention that the siting process and procedures employed by the Village Board were fundamentally unfair?

ANSWER:

INTERROGATORY NO. 3. If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, declaration, assertion, or conversation relating to the fundamental fairness of the siting process and procedures employed in this matter by the Village Board;
- c. Every document or other evidentiary item relating to the fundamental fairness of the siting process and procedures employed in this matter which the Petitioner relies upon in making that assertion.

ANSWER:

INTERROGATORY NO. 4. Is it petitioner's contention that the merits of the Siting Application were pre-adjudicated?

ANSWER:

INTERROGATORY NO. 5. If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact, opinion, statement, declaration, assertion or evidentiary item of any type or kind within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, conversation, declaration, assertion or writing relating to the alleged pre-adjudication of the merits of the Siting Application;
- c. Every document or other evidentiary item relating to the alleged pre-adjudication of the merits of the Siting Application.

ANSWER:

INTERROGATORY NO. 6. Is it Petitioner's contention that *ex parte* or improper communications took place concerning the Siting Application?

ANSWER:

INTERROGATORY NO. 7. If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact, opinion, statement, declaration, assertion or evidentiary item of any type or kind within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, conversation, declaration, assertion or writing relating to any *ex parte* or improper communication;
- c. Every document or other evidentiary item relating to any *ex parte* or improper communication.

ANSWER:

INTERROGATORY NO. 8. Is it Petitioner's contention that the Village Board was in any way biased regarding the Siting Application?

ANSWER:

INTERROGATORY NO. 9. If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact, opinion, statement, declaration, assertion or evidentiary item of any type or kind within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, conversation, declaration, assertion or writing relating to any alleged bias by the Village Board;
- c. Every document or other evidentiary item relating to any alleged bias of the Village Board.

ANSWER:

INTERROGATORY NO. 10. Does the Petitioner allege any grounds for a claim of fundamental unfairness other than already described in Answers to the previous interrogatories?

ANSWER:

INTERROGATORY NO. 11. If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact, opinion, statement, declaration, assertion or evidentiary item of any type or kind within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, conversation, declaration, assertion or writing relating to any alleged fundamental unfairness;
- c. Every document or other evidentiary item relating to any alleged fundamental unfairness.

ANSWER:

INTERROGATORY NO. 12. Is it Petitioner's contention that the decision by the Village Board was against the manifest weight of the evidence regarding statutory criterion i (need)?

ANSWER:

INTERROGATORY NO. 13. If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, declaration, assertion, or conversation relating to your contention;
- c. Every document or other evidentiary item relating to statutory criterion i (need) upon which the Petitioner relies in making that assertion.

ANSWER:

INTERROGATORY NO. 14. Is it Petitioner's contention that the decision by the Village Board was against the manifest weight of the evidence regarding statutory criterion ii (public health, safety, and welfare)?

ANSWER:

INTERROGATORY NO. 15. If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, declaration, assertion, or conversation relating to your contention;
- c. Every document or other evidentiary item relating to statutory criterion ii (public health, safety, and welfare) upon which the Petitioner relies in making that assertion.

ANSWER:

INTERROGATORY NO. 16. Is it Petitioner's contention that the decision by the Village Board was against the manifest weight of the evidence regarding statutory criterion iii (compatibility with the character of the surrounding area)?

ANSWER:

INTERROGATORY NO. 17. If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;

- b. Each statement, declaration, assertion, or conversation relating to your contention;
- c. Every document or other evidentiary item relating to statutory criterion iii (compatibility with the character of the surrounding area) upon which the Petitioner relies in making that assertion.

ANSWER:

INTERROGATORY NO. 18. Is it Petitioner's contention that the decision by the Village Board was against the manifest weight of the evidence regarding statutory criterion vi (minimization of impact on traffic)?

ANSWER:

INTERROGATORY NO. 19. If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, declaration, assertion, or conversation relating to your contention;
- c. Every document or other evidentiary item relating to statutory criterion vi (minimization of impact on traffic) upon which the Petitioner relies in making that assertion.

ANSWER:

INTERROGATORY NO. 20. If your answer to Request to Admit No. 11 is anything other than an unequivocal admission, please identify precisely the manner in which Petitioner made a motion regarding fundamental fairness in the siting process and procedures. Please

include the name of the individual making the motion, the date and time of such motion, and the specific content of such motion.

ANSWER:

INTERROGATORY NO. 21. If your answer to Request to Admit No. 12 is anything other than an unequivocal admission, please identify precisely the manner in which Petitioner objected regarding bias in the siting process and procedures. Please include the name of the individual making the objection, the date and time of such objection, and the specific content of such objection.

ANSWER:

INTERROGATORY NO. 22. If your answer to Request to Admit No. 13 is anything other than an unequivocal admission, please identify precisely the manner in which Petitioner objected regarding pre-adjudication in the siting process and procedures. Please include the name of the individual making the objection, the date and time of such objection, and the specific content of such objection.

ANSWER:

INTERROGATORY NO. 23. If your answer to Request to Admit No. 14 is anything other than an unequivocal admission, please identify precisely the manner in which Petitioner objected regarding the fundamental fairness of the siting process and procedures. Please include the name of the individual making the objection, the date and time of such objection, and the specific content of such objection.

ANSWER:

INTERROGATORY NO. 24. Please identify the name, current address, and current telephone number of all witnesses who will testify at the Hearing for Petitioner, and the subject of each individual's testimony.

ANSWER:

INTERROGATORY NO. 25. Please identify and list any and all documents which will be introduced into evidence at the Hearing, and the purpose and content of each such document.

ANSWER:

INTERROGATORY NO. 26. Please identify any and all communications between TCH or any of its agents and attorneys, including but not limited to Mr. Larry Cohn and Mr. Michael Blazer, and any Trustee or member of the Village of Round Lake Village Board at any time since June 21, 2013.

ANSWER:

INTERROGATORY NO. 27. Please identify any and all communications between TCH or its agents or attorneys, including but not limited to Mr. Larry Cohn and Mr. Michael Blazer, and any waste company, transfer station operator, or other competitor to Groot concerning the Siting Application or the siting process or procedures.

ANSWER:

INTERROGATORY NO. 28. Please identify any and all changes in service agreements between TCH or any of its affiliates, including subsidiaries, parent companies, or business

entities under the same ownership as TCH, and any waste company or transfer station operator since January 2013.

ANSWER:

Dated: February 14, 2014 Respectfully submitted,

On behalf of GROOT INDUSTRIES, INC.

/s/ Richard S. Porter

Richard S. Porter
One of Its Attorneys

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