

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

TIMBER CREEK HOMES, INC.,	)	
	)	
Petitioner	)	
	)	
v.	)	No. PCB 2014-099
	)	
VILLAGE OF ROUND LAKE PARK,	)	(Pollution Control Facility Siting Appeal)
ROUND LAKE PARK VILLAGE BOARD	)	
and GROOT INDUSTRIES, INC.,	)	
	)	
Respondents	)	

**PETITIONER'S RESPONSE  
TO VILLAGE OF ROUND LAKE PARK'S MOTION TO MAKE SPECIFIC**

Now comes Petitioner, Timber Creek Homes, Inc. ("TCH"), by its attorneys, Jeep & Blazer, LLC, and hereby submits its Response to the Motion to Make Specific filed by Respondent Village of Round Lake Park ("VRLP").

**i. VRLP's MOTION IS LEGALLY AND FACTUALLY IMPROPER**

VRLP's Motion is directed at both the Board and the Hearing Officer, and appears to seek plenary rulings regarding the scope of discovery. First, the Board's Rules specifically provide that, "All discovery disputes will be handled by the assigned hearing officer." 35 Ill.Adm.Code 101.616 VRLP's apparent effort to obtain some unspecified "relief" from the Board is improper.

Further, VRLP and the other Respondents have already filed objections and motions directed at TCH's discovery requests. Notably, VRLP tendered non-specific, blanket objections, contrary to the Hearing Officer's February 11, 2014 Order. The Hearing Officer reiterated that point in his March 4, 2014 Order denying VRLP's Motion to Quash the subpoena served on VRLP's testifying real estate witness. The Hearing Officer has not yet ruled on the remaining objections. VRLP's present Motion is therefore redundant and duplicative.

Beyond these defects, VRLP's Motion reflects a continuing effort to artificially limit the scope of discovery in order to avoid disclosing information regarding the collusive scheme that led to the siting approval at issue in this matter. Counsel for VRLP's Board (the "Village Board") has at least committed to provide the information that is not the subject of any objections, pending the Hearing Officer's ruling on those objections. (See exchange of emails attached hereto as Exhibit A.) VRLP's counsel has ignored a similar request. (See exchange of emails attached hereto as Exhibit B.) Counsel for Groot Industries, Inc. ("Groot"), has categorically refused to produce anything. (See exchange of emails attached hereto as Exhibit C.)

It is important to consider VRLP's Motion in context. In denying VRLP's Motion to Quash, the Hearing Officer noted that:

[T]he Board will hear new evidence relevant to the fundamental fairness of the proceedings where such evidence lies outside the record, including pre-filing contacts. See *Land and Lakes Co. v. PCB*, 319 Ill. App. 3d 41, 48, 743 N.E.2d 188, 194 (3d Dist. 2000). Pre-filing contacts may be probative of prejudgment of adjudicative facts, which is an element to be considered in assessing a fundamental fairness allegation. *American Bottom Conservancy (ABC) v. Village of Fairmont City*, PCB 00-200, slip op. at 6 (Oct. 19, 2000).

(March 4, 2014 Order at 2-3) Notably, VRLP and the Village Board have in fact responded to one element of TCH's discovery – Requests to Admit the genuineness of certain Village Board meeting minutes. Those meeting minutes confirm that Respondents' scheme began some time between April and September 2008, and encompassed three Groot facilities to be approved, built and operated in VRLP – a truck terminal/maintenance facility, a construction and demolition debris recycling facility, and the subject waste transfer station.

It is in this context that the factual assertions in VRLP's instant Motion must be considered. VRLP first asserts, without citation to anything in the record of this case,

that, “Prior to the filing of the siting application (“Application”) on June 21, 2013 Counsel for RLP along Counsel for the Village Board represented the entirety of the Village, including the Village Board acting in its legislative capacity.” (VRLP Motion at 1) The record in fact contradicts this assertion. Attached hereto as Exhibit D is a copy of Village Board meeting minutes of October 30, 2012 (the subject of paragraph 25 of TCH’s Request to Admit). Those minutes confirm that VRLP’s counsel was retained “as Village Special Counsel for the negotiation with Groot on the Host Agreement and for the siting hearing.” (Exhibit D at 2)

VRLP then points out that TCH’s discovery requests encompass “a period of many years”. (VRLP Motion at 2) Notably, neither VRLP nor the Village Board objected to the scope of TCH’s Request to Admit, which likewise sought information starting in March 2008. Rather, both Respondents admitted the authenticity of all of the meeting minutes that are the subject of the Request. Again, those meeting minutes reflect a scheme that substantially predates the hearing on the transfer station application.

Turning to “specific” issues, despite the Hearing Officer’s prior admonishments regarding blanket objections, VRLP asserts that, “Privileged material should not be produced or even requested.” (VRLP Motion at 2) VRLP fails to identify any specific material that is the subject of this assertion.

VRLP then asks whether discovery is “limited to fundamental fairness issues”. (VRLP Motion at 3) The answer to that question has repeatedly been made clear – fundamental fairness, including pre-application contacts establishing collusion, is the only area upon which evidence outside the hearing record can be considered, and it is in fact the only issue encompassed by TCH’s discovery requests.

The balance of the “issues” raised by VRLP are equally blanket assertions devoid of any reference to any specific information or document. Notably, VRLP includes in its laundry list of issues the subject of discovery regarding the testifying real

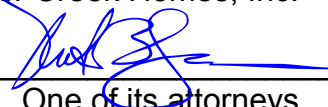
estate expert – the subject of VRLP’s Motion to Quash that the Hearing Officer already denied.

There is one telling statement in VRLP’s Motion – “Untold hours could be spent just determining the number of such communications and other potentially privileged material detailing them alone.” (VRLP Motion at 3) This statement leads to one conclusion – VRLP has done nothing to respond to discovery that was served over six weeks ago, even after those responses were due.

## II. CONCLUSION

For all of the foregoing reasons, VRLP’s Motion should be denied.

Respectfully submitted,  
Timber Creek Homes, Inc.

By:   
One of its attorneys

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Jeffery D. Jeep (ARDC No. 6182830)  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a copy of PETITIONER'S RESPONSE TO VILLAGE OF ROUND LAKE PARK'S MOTION TO MAKE SPECIFIC to be served on the following, via electronic mail transmission, on this 17<sup>th</sup> day of March, 2014:

*Hearing Officer*

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*For Groot Industries, Inc.*

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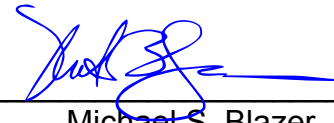
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*For the Round Lake Park Village Board*

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---

Michael S. Blazer  
One of the attorneys for  
Petitioner

**EXHIBIT A**

**Subject:** Re: Halloran and Written Discovery responses  
**Date:** Thursday, March 13, 2014 at 1:33:39 PM Central Daylight Time  
**From:** Mike Blazer  
**To:** Peter Karlovics

Agreed.

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**From:** Peter Karlovics <[PKarlovics@aol.com](mailto:PKarlovics@aol.com)>  
**Date:** Thursday, March 13, 2014 at 1:28 PM  
**To:** "Michael S. Blazer" <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>, Richard Porter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>  
**Cc:** Charles Helsten <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>, Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>  
**Subject:** Re: Halloran and Written Discovery responses

Mike:

I am sensitive to your concerns regarding discovery, and want to act in good faith.

I will try to get you some partial discovery by Monday or Tuesday.

You already have a decent amount of material. You previously received discovery from the Village through your previous Freedom of Information Act request. I ask that you specifically do not require me to "reproduce" the documents I have already produced to you, so that I can focus on getting you additional information from the Trustees and Mayor, and for supplemental information I am putting together.

Let me know if this is acceptable.

The Law Offices of

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

From: Mike Blazer <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>

To: rporter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>; Peter Karlovics <[pkarlovics@aol.com](mailto:pkarlovics@aol.com)>

Cc: chelsten <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>; glenn <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>

Sent: Thu, Mar 13, 2014 1:12 pm

Subject: Re: Halloran and Written Discovery responses

Why not?

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**From:** Richard Porter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>

**Date:** Thursday, March 13, 2014 at 12:53 PM

**To:** Peter Karlovics <[PKarlovics@aol.com](mailto:PKarlovics@aol.com)>

**Cc:** Charles Helsten <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>, Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>, "Michael S. Blazer" <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>

**Subject:** Re: Halloran and Written Discovery responses

Groot also will not be producing any written discovery on 3/15. We have no objection to the supplementation of the record and obviously agree with the 10 day extension.

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From: Peter Karlovics <[pkarlovics@aol.com](mailto:pkarlovics@aol.com)>

To: [rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com), [mblazer@enviroatty.com](mailto:mblazer@enviroatty.com),

Cc: [glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com), [chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)

Date: 03/13/2014 12:41 PM

Subject: Re: Halloran and Written Discovery responses

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To all:

I will not be able to make the deadline for discovery.



I need to work with six Trustees and the Mayor to get their responses, and they are still working on getting those to me. I also have a large number of documents to produce, and I do not have those documents assembled. I am working on a worst case scenario, so I am trying to comply with both TCH's and Groots requests. I believe the scope should be restricted, but am trying to prepare myself, in case it is not.

I am wondering if Timber Creek and Groot would agree to a ten day extension, which would allow me to complete the work necessary to get answers to their discovery requests.

I am also going to be filing a motion to supplement the record. When I initially got the copying of the record done at Office Max, they missed 77 pages of the record. Mr. Blazer found that they missed copying September 1, 2013 12 noon session of the hearing. I reviewed the record, and found that there are more missing pages. I am going to file a motion to supplement the record again. I reviewed the record from top to bottom, and have found all of the missing pages, so there will not be any further request to supplement the record. This has been a nightmare for me. I ask as to whether anyone has any objections to this motion.

Please get back to me as to whether everyone is agreed to a 10 day extension for production of discovery, and to my motion to supplement the record.

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

From: rporter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>

To: Mike Blazer <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>

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Sent: Thu, Mar 13, 2014 11:37 am

Subject: Re: Halloran and Written Discovery responses

Gentlemen, one thing we failed to discuss today is the 3/15/14 due date for written discovery answer exchange. Obviously, because my client's objections have not yet been ruled upon we are in a quandary as to the discovery which needs to be answered and produced, if any. If some discovery is allowed and is limited to a reasonable time-frame and to only direct communications as to the proposed transfer station (as our objection suggests) then Mr. Halloran's suggestion of a short 10 day extension to March 25, 2014 for production is doable. If the extensive discovery which is presently requested by TCH is allowed by Halloran some additional time will be needed. I would suggest that at the present time we agree to a 10 day extension until we have the chance to speak with Brad Halloran. Thoughts?

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To: Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>, Richard Porter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>, Peter Karlovics <[PKarlovics@aol.com](mailto:PKarlovics@aol.com)>,  
Date: 03/13/2014 11:20 AM  
Subject: Halloran

---

Just spoke to John. Brad's mother is having surgery and he is out until the 18th. He'll probably be swamped, but we might as well try to circulate availability among ourselves for next week. I'm pretty wide open any day.

## *Michael S. Blazer*

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**EXHIBIT B**

**Subject:** Re: Halloran and Written Discovery responses  
**Date:** Saturday, March 15, 2014 at 10:53:43 AM Central Daylight Time  
**From:** Mike Blazer  
**To:** glenn@sechenlawgroup.com

Glenn?

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---

**From:** "Michael S. Blazer" <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>  
**Date:** Thursday, March 13, 2014 at 2:07 PM  
**To:** Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>  
**Cc:** Charles Helsten <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>, Peter Karlovics <[PKarlovics@aol.com](mailto:PKarlovics@aol.com)>, Richard Porter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>  
**Subject:** Re: Halloran and Written Discovery responses

Glenn – where are you in all this?

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**From:** Richard Porter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>  
**Date:** Thursday, March 13, 2014 at 2:02 PM  
**To:** "Michael S. Blazer" <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>  
**Cc:** Charles Helsten <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>, Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>, Peter Karlovics <[PKarlovics@aol.com](mailto:PKarlovics@aol.com)>  
**Subject:** Re: Halloran and Written Discovery responses

We will not be producing documents on March 15. We are awaiting a ruling from Halloran.

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Cc: "[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)" <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>, "[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)" <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>, Peter Karlovics <[pkarlovics@aol.com](mailto:pkarlovics@aol.com)>  
Date: 03/13/2014 01:48 PM  
Subject: Re: Halloran and Written Discovery responses

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Well then, pursuant to Supreme Court Rule 201(k), I request that you produce all information requested that is not objected to by the current deadline of March 15. I am available to discuss this further if you wish.

## *Michael S. Blazer*

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**Subject:** Re: Halloran and Written Discovery responses

Mike we already filed the objection. It is pending with Halloran.

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Date: 03/13/2014 01:35 PM  
Subject: Re: Halloran and Written Discovery responses

---

If your position is that you will produce nothing, even what is not objected to, until your objections are ruled on, then I will not agree to an extension of the deadline for your responses. I suggest you file the appropriate motion.

## *Michael S. Blazer*

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**From:** Richard Porter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>  
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**Cc:** Charles Helsten <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>, Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>, Peter Karlovics <[PKarlovics@aol.com](mailto:PKarlovics@aol.com)>  
**Subject:** Re: Halloran and Written Discovery responses

Because there is a pending objection to discovery which has yet to be ruled upon.

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From: Mike Blazer <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>  
To: "[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)" <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>, Peter Karlovics <[pkarlovics@aol.com](mailto:pkarlovics@aol.com)>,  
Cc: "[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)" <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>, "[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)" <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>  
Date: 03/13/2014 01:12 PM  
Subject: Re: Halloran and Written Discovery responses

---

Why not?

## *Michael S. Blazer*

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**Cc:** Charles Helsten <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>, Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>, "Michael S. Blazer" <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>  
**Subject:** Re: Halloran and Written Discovery responses

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Attorney at Law

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Cc: [glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com), [chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)  
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Subject: Re: Halloran and Written Discovery responses

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To all:

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Please get back to me as to whether everyone is agreed to a 10 day extension for production of discovery, and to my motion to supplement the record.

The Law Offices of

**Rudolph F. Magna**

**Peter S. Karlovics**

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Gurnee, Illinois 60031

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Cc: Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>; Peter Karlovics <[PKarlovics@aol.com](mailto:PKarlovics@aol.com)>; chelsten <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>  
Sent: Thu, Mar 13, 2014 11:37 am  
Subject: Re: Halloran and Written Discovery responses

Gentlemen, one thing we failed to discuss today is the 3/15/14 due date for written discovery answer exchange. Obviously, because my client's objections have not yet been ruled upon we are in a quandary as to the discovery which needs to be answered and produced, if any. If some discovery is allowed and is limited to a reasonable time-frame and to only direct communications as to the proposed transfer station (as our objection suggests) then Mr. Halloran's suggestion of a short 10 day extension to March 25, 2014 for production is doable. If the extensive discovery which is presently requested by TCH is allowed by Halloran some additional time will be needed. I would suggest that at the present time we agree to a 10 day extension until we have the chance to speak with Brad Halloran. Thoughts?

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To: Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>, Richard Porter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>, Peter Karlovics <[PKarlovics@aol.com](mailto:PKarlovics@aol.com)>,  
Date: 03/13/2014 11:20 AM  
Subject: Halloran

---

Just spoke to John. Brad's mother is having surgery and he is out until the 18th. He'll probably be swamped, but we might as well try to circulate availability among ourselves for next week. I'm pretty wide open any day.

## *Michael S. Blazer*

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**EXHIBIT C**

**Subject:** Re: Halloran and Written Discovery responses  
**Date:** Thursday, March 13, 2014 at 2:02:08 PM Central Daylight Time  
**From:** rporter@hinshawlaw.com  
**To:** Mike Blazer  
**CC:** chelsten@hinshawlaw.com, glenn@sechenlawgroup.com, Peter Karlovics  
**Category:** 00575.5, 00575.6, 00575.3

We will not be producing documents on March 15. We are awaiting a ruling from Halloran.

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From: Mike Blazer <mblazer@enviroatty.com>  
To: "rporter@hinshawlaw.com" <rporter@hinshawlaw.com>,  
Cc: "chelsten@hinshawlaw.com" <chelsten@hinshawlaw.com>, "glenn@sechenlawgroup.com" <glenn@sechenlawgroup.com>, Peter Karlovics <pkarlovics@aol.com>  
Date: 03/13/2014 01:48 PM  
Subject: Re: Halloran and Written Discovery responses

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Well then, pursuant to Supreme Court Rule 201(k), I request that you produce all information requested that is not objected to by the current deadline of March 15. I am available to discuss this further if you wish.

## *Michael S. Blazer*

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**From:** Richard Porter <[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)>  
**Date:** Thursday, March 13, 2014 at 1:36 PM  
**To:** "Michael S. Blazer" <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>  
**Cc:** Charles Helsten <[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)>, Glenn Sechen <[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)>, Peter Karlovics <[PKarlovics@aol.com](mailto:PKarlovics@aol.com)>  
**Subject:** Re: Halloran and Written Discovery responses

Mike we already filed the objection. It is pending with Halloran.

Richard S. Porter,  
Attorney at Law

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Date: 03/13/2014 01:35 PM  
Subject: Re: Halloran and Written Discovery responses

---

If your position is that you will produce nothing, even what is not objected to, until your objections are ruled on, then I will not agree to an extension of the deadline for your responses. I suggest you file the appropriate motion.

## *Michael S. Blazer*

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**To:** "Michael S. Blazer" <[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)>  
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**Subject:** Re: Halloran and Written Discovery responses

Because there is a pending objection to discovery which has yet to be ruled upon.

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Subject: Re: Halloran and Written Discovery responses

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Why not?

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[The Law Offices of](#)

## Rudolph F. Magna

### Peter S. Karlovics

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Date: 03/13/2014 11:20 AM  
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**EXHIBIT D**

Village of Round Lake Park  
Committee Meeting Minutes  
October 30, 2012

Mayor McCue called the committee meeting to order at 6:00pm. On roll call by the Clerk the following members were:

Present: Seminary, Williams, Graham, Cerretti and Lucassen

Absent: Kenyon

Quorum

Also present: Peter Karlovics, Glen Sechen and Al Maiden

**Special Presentation-None**

**Mayor Report**

1. Informed the board that a letter was sent to Veolia, fulfilling the 90 day notice, informing them that we will not be renewing their contract.

**Clerk-No Report**

**Committee Reports**

Planning, Zoning, Licensing & Ordinance Review-Trustee Kenyon

Absent, No Report

Code Enforcement & Public Safety-Trustee Graham

No Report

Human Resources/Community Outreach-Trustee Lucassen

No Report

Finance-Trustee Williams

No Report

Public Works-Trustee Seminary

No Report

Environmental Planning, Protection & Management-Trustee Cerretti

No Report

**Department Report**

Police-No Report

Public Works-No Report



Building Inspector-No Report  
Treasurer-No Report

### Old Business

- A. Village Attorney Karlovics proceeded to explain that the purpose of this meeting was to consider two matters: the Siting Ordinance, and the local solid waste management plan. Glen Sechen was introduced as Village Special Counsel for the negotiation with Groot on the Host Agreement and for the siting hearing. Mr. Sechen's purpose in attending was to explain the Siting Ordinance. Al Maiden, the Village Planner was in attendance to explain the local Solid Waste Management Plan.

Included in the board packets was the Siting Ordinance that would be used for the hearing on the waste transfer station. It sets all the ground rules. It is a very important ordinance. The local Solid Waste Management Plan is a plan that the village is going to be adopting that will provide a plan for the disposal of waste generated in the community. Further explanations were then turned over to Glen Sechen and Al Maiden.

Mr. Sechen stated that the best thing to do is adopt a Siting Ordinance that would limit the amount of "nits that could be picked". The most important thing is the filing fee which is \$100,000.00 in this case. The applicant has to maintain an escrow. They pay the fees of everyone involved. Additionally the content of the application is important. Essentially the hearing procedures from the Village Board standpoint, probably the most important thing to remember is the findings of fact and conclusions of law which are required to be done by a Hearing Officer. The ordinance also encourages, but does not make mandatory, that the Hearing Officer allow all the parties to adopt findings of fact and conclusions of law and file them. He said essentially the Village Board would be making decisions and adopting their own findings of fact and conclusions of law.

He also stated that the board is sitting as a judge in a proceeding like this and contrary to the way the legislative process typically works, they are strongly encouraged not to answer questions from the public. This is contrary to everything they do as an elected official. He advised the board to not take a position publicly on the process and essentially not discuss the hearings until they are discussed in an open meeting to make a decision.

Attorney Karlovics reminded the board that a Hearing Officer will be running the hearings and their job is to listen. The Hearing Officer will give the board his findings of fact and conclusions of law as well as Glen Sechen and Groot's Attorney. The Village Board will grant or deny siting approval based upon the record from the Public Hearing and review of all of the filed findings of fact and conclusions of law.

Attorney Karlovics stressed to the board that it is absolutely essential that they not have any contact with anyone and not discuss this. They are not to take a position. Basically just state "no comment".

B. Al Maiden described the local solid waste management plan. He stated that the plan was the result of obtaining input from staff and from consultants. The Solid Waste Management Plan for the Village of Round Lake Park was prepared under the authority of the Local Waste Disposal Act, which provides that Units of local government may prepare solid waste management plans for disposal of solid waste generated within their jurisdictions. Al Maiden presented the draft plan to the Board of Trustees, to get their input.

Glen Sechen pointed out that there is no Host Agreement mandated by the Village Plan. He stated that they will seek to have the applicant show that the application is consistent with the Village Plan, which in turn is consistent with at least the valid parts of the Lake County Plan.

The Local Solid Waste Disposal Act states that solid waste management plans shall include provisions for, but need not be limited to, the following:

1. A description of the origin, content and weight or volume of municipal waste currently generated within the unit of local government's boundaries, and an estimate of the origin, content, and weight or volume of municipal waste that will be generated within the unit of local government's boundaries during the next 20 years, including an assessment of the primary variables affecting this estimate and the extent to which they can reasonably be expected to occur.
2. A description of the time schedule for the development and operation of each proposed facility or program;
3. The identity of potential sites within the unit of local government where each proposed waste processing, disposal and recycling program will be located , or an explanation of how the sites will be chosen. For any facility outside the unit of local government that the unit of local government proposes to utilize, the plan shall explain the reasons for selecting that facility.

The Mayor asked a question regarding the source for the numbers on waste generation in the plan. In regard to the Waste Generation, a lot of the numbers come right from the county plan. Estimates of waste generation are very consistent now compared to the past.

Commercial waste and construction and demolition debris in the Village is collected by private waste haulers that contract directly with individual businesses. As a result, the Village does not have data on commercial waste and construction and demolition debris quantities. However, general rates for the commercial and construction and demolition debris sectors were reported in the Lake County 2009 Plan Update. Municipal waste was estimated to be generated by the commercial sector at a rate of 4.24 pounds per capita per day and by the construction and demolition debris sector at a rate of 1.81 pounds per capita per day in 2008, the most recent year for which data is available.

The Current Waste Management Infrastructure states that the Village of Round Lake Park currently contracts with Veolia Environmental Services.

The capacity at landfills in Lake County is decreasing. The Countryside Landfill has less than 10 years of capacity remaining and is projected to close in 2022. The Veolia ES Zion Landfill received local siting approval for an expansion in 2010. Based on annual tonnage estimates presented by Veolia ES in its siting application and the most recent capacity data reported to the Illinois Environmental Protection Agency, the landfill has approximately 14 years of capacity remaining.

The Plan talks about landfill proximity to the Village of Round Lake Park. There is a proposed Solid Waste Management System for the Village pursuant to the plan. The Village has implemented a comprehensive curbside recycling and landscape waste collection program for its residents that is currently diverting approximately 25 percent of the residential waste stream from disposal. Significant quantities of waste generated within the Village are not diverted through recycling and landscape waste programs and must be disposed in a landfill. There are no transfer stations located in Lake County or in close proximity to the Village to enable cost-effective transport of waste to out-of-County disposal sites which may offer favorable/competitive disposal alternatives.

There is a section on Environmental, Energy and Economic Evaluation of the Village's Solid Waste System. The Village has proposed a solid waste system that includes two components: 1) diversion of waste through recycling and landscape waste collection programs; and, 2) disposal of waste which is not diverted in a regional landfill, with access to such landfills facilitated by development of a transfer station.

There is a Time Schedule for implementation of the Plan. Groot Industries, Inc. has filed a development application with the Illinois Environmental Protection Agency requesting permit approval to develop a construction and demolition debris processing facility at 200 South Porter Drive within the corporate limits of the Village. This facility, if permitted and constructed, will provide recycling of a minimum of 75 percent of the construction and demolition waste it receives on a daily basis. Permit approval for the facility is due from the IEPA in December, 2012, and construction of the facility is expected to occur in 2013.

An application for local siting approval has not been filed for the proposed transfer station as of the date of this Plan. The Village anticipates that an application may be filed in the near future. Should the facility receive local siting approval, IEPA permits for development and operation must be secured before the facility can begin receiving waste. It may take 2-3 years or more to site, permit, construct, and begin to operate the facility.

There is a Sites for Facilities section in the Plan. The collection and processing of recyclables from homes in the Village of Round Lake Park is managed under the Village's hauling contract. Recyclables from the Village's curbside recycling program are currently processed at the Recycle America Material Recovery Facility in Grayslake. The curbside recycling program currently diverts about 25 percent of the residential waste stream.

For the disposal component of the Village's Plan, the Village will rely on the private sector to identify a potential site for the transfer station.

There is a section on Waste Stream Control Measures. The Village's Solid Waste Management Plan relies on private sector investment in collection equipment and disposal facilities. The Village does not anticipate that any waste stream control measures are required to implement the Plan.

The Village of Round Lake Park will be responsible for implementing its Solid Waste Management Plan.

The Village is committed to recycling, as evidenced by its successful curbside recycling program. The Village encourages its businesses to recycle and will continue to do so in the future. The Village further encourages the development of recycling operations within its corporate limits. Should a transfer station be developed with the Village, it may provide additional support to recycling efforts by: 1) including recycling and landscape waste transfer as part of its design and operation, and 2) providing additional funding for recycling programs through a host fee.

Some matters discussed in preparation for the upcoming hearings were a suitable location. Not sure if the Village Hall would be large enough. Also discussed when the best time would be to hold them. Possible locations that were mentioned were Murphy School and the Civic Center. Trustee Seminary offered to check on availability of the Civic Center. Would like to start the hearings before the end of the year, possibly mid November.

Attorney Karlovics passed out a more formal copy of the Pollution Control Facilities Siting Ordinance.

Would like to place the ordinance and Local Solid Waste Management Plan on the next board agenda for approval.

#### **New Business**

1. Motion by Trustee Seminary, seconded by Trustee Graham to place on the Consent Agenda, approval of \$15.00 Holiday Gift Cards for Village Employees.  
Voice Vote Called  
All those in favor-Ayes  
All those opposed-None  
Absent: Kenyon  
Motion Declared Carried
2. Motion by Trustee Graham, seconded by Trustee Seminary to place on the Consent Agenda, approval to close the Village Hall on Saturday, November 24<sup>th</sup>.  
Voice Vote Called

All those in favor-Ayes  
All those opposed-None  
Absent: Kenyon  
Motion Declared Carried

3. Mayor McCue reported that the building inspector had a meeting with one of our residents. At the last adjudication hearing there was a problem with his dogs. During the process of attempting to secure them, Officer Vela was attacked. He issued three citations to the resident. In preparation for constructing a fence on his property, he had a survey done. It appears approximately 6 ft. of our retaining wall at the rear of the Village Hall is on his property. Mayor stated that the wall will need to be taken down. She also will talk to the building inspector about this and advise him to not charge the resident for his building permit.
4. Trustee Lucassen asked if the board would be interested in having their pictures taken for placement in the board room. Rae Ann McCarty has volunteered to take the pictures. Thought it would be a nice idea.

**Adjourn**

Motion by Trustee Williams, seconded by Trustee Graham to adjourn the committee meeting at 7:05pm.

Voice Vote Called

All those in favor-Ayes  
All those opposed-None  
Absent-Kenyon  
Motion Declared

Respectfully Submitted,  
Cynthia Fazekas, Clerk