STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE ENVIRONMENTAL MANAGEMENT BOARD OF THE STATE OF INDIANA

IN THE MATTER OF
GARY DEVELOPMENT, INC.,
Petitioner,

v.

THE ENVIRONMENTAL MANAGEMENT BOARD OF THE STATE OF INDIANA,
Respondent.

CAUSE NO. N-53

RECEIVED
AUG 25 1982
INDIANA STATE BOARD OF HEALTH
ASSISTANT COMMISSIONER FOR
ENVIRONMENTAL HEALTH

PETITIONER'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS, AND REQUESTS FOR THE PRODUCTION OF DOCUMENTS

Pursuant to Rule 28(F) of the Indiana Rules of Trial Procedure, Petitioner, GARY DEVELOPMENT, INC., hereby propounds the following interrogatories, requests for admissions, and request for production of documents on Respondent. The obligations imposed upon Respondent by Rules 26, 33, 34, 36 and 37 of the Indiana Rules of Trial Procedure are incorporated by reference herein. Petitioner further requests that Respondent respond to these interrogatories and requests for admissions, and produce the documents requested herein, on or before September 7, 1982 for the reasons set forth in Petitioner's Motion to Shorten Time for Respondent to Reply to Petitioner's Interrogatories, Requests for Admissions, and Requests for Production of Documents, or in the Alternative, Motion for Continuance filed this same day. In answering the interrogatories and requests for admissions, please reproduce the interrogatory and request in full prior to responding. If you are unable to answer each interrogatory or request in full, answer to the extent possible and specify the reason for your inability to answer in full.

A. THE TYPE OF WASTE INVOLVED:

1. Admit or deny that the staff of the Indiana Environmental Management Board (hereafter referred to as "Respondent"

or "the State") has refused to grant Petitioner permission to continue accepting "hazardous wastes" as defined in 320 IAC 5-2-1 (1982 Cum. Supp.) (these wastes as so defined are hereafter referred to as "industrial wastes") at the Gary Development landfill ("GDL").

(a) Admit or deny that the term industrial wastes covers a much broader range of wastes than is covered by the definition and listing of "hazardous wastes" contained in 320 IAC 4-3 (1982 Cum. Supp.: all citations to 320 IAC used hereafter refer to the current, 1982 Cumulative Supplement, unless specifically noted otherwise).

(b) Admit or deny that the wastes covered by 320 IAC 4-3 (hereafter: "RCRA hazardous wastes") are the wastes covered by the federally-inspired hazardous waste management program pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.

(c) Admit or deny that many industrial wastes do not possess the same pernicious (as used herein, the term "pernicious" means "injurious or destructive to human health or the environment") characteristics as RCRA hazardous wastes.

(d) Admit or deny that many industrial wastes do not possess the same degree of pernicious characteristics as RCRA hazardous wastes.

(e) Admit or deny that RCRA hazardous wastes are a subset of industrial wastes.

(f) Admit or deny that the category of industrial wastes which are not also classified as RCRA hazardous wastes are, generally speaking, less pernicious than RCRA hazardous wastes.

(g) Admit or deny that the category of industrial wastes which are not also classified as RCRA hazardous wastes do not, generally speaking, possess the same hazardous or pernicious characteristics as recrewaste, but rather, includes all industrial wastes which possess "inherent dangers."

(h) If your response to any of the above requests for admissions is one of denial, explain in detail the reason for your denial including examples of the wastes which do not meet the above categorizations, and discuss the characteristics of each such waste.

(i) Produce all documents relating to your responses to the questions and requests for admissions contained in Interrogatory 1 and all subparts hereto.

B. THE STATE'S REASONS FOR DENYING GDL CONTINUED AUTHORITY TO ACCEPT INDUSTRIAL WASTES:

2. In Mathew Scherschel's, attorney for Respondent, letter to John M. Kyle III dated August 3, 1982, Mr. Scherschel said that one of the reasons GDL had been denied permission to continue accepting industrial wastes was:

> The geologic setting of Petitioner's site is marginal. Therefore, the site construction techniques are very important, and were to "make up for" that marginal geologic setting. The site construction by Petitioner has been poor, as shown by noncompliance with the approved construction plans. Because of the techniques used, there is no "back up" for existing geology.

(a) Discuss all reasons for classifying the GDL site as geologically "marginal."

(b) Admit or deny that numerous landfills exist in this same general geologic setting and that such landfills legally and illegally accept industrial wastes.

(c) List all such landfills and their addresses referred to in your response to subparagraph (b) above; list all industrial wastes which the State has allowed, pursuant to 320 IAC 5-5-14, to be disposed of at such landfills; categorize each waste listed as either industrial or RCRA hazardous waste (as defined above) or both; describe each waste's hazardous characteristics; and discuss the current State action to limit or eliminate disposal of such waste in said landfills.

(d) Isn't true that certain construction techniques or other measures can be undertaken to compensate for marginal geology? Give examples of such construction techniques and measures and discuss in detail how these reasons would protect the environment and be incorporated at GDL.

(e) Discuss in detail all specific examples supporting the State's allegation that Petitioner had not complied with approved construction plans.

(f) Discuss at length the specific actions, techniques, or construction measures which you contend would render GDL a suitable site to dispose of industrial wastes, or at least some types of industrial wastes.

(g) Do you contend that GDL is unsuitable to accept any waste classified as "industrial." Discuss your response in detail.

(h) Produce all documents relating to your responses to Interrogatory 2 and all subparts thereto.

3. Mr. Scherschel's August 16th letter referred to in Interrogatory 2 above, gave the following additional reason for denying GDL the ability to receive industrial wastes:

> There have [sic: has] been an unacceptable daily operation on-site, thereby not providing a good site for secure disposal of the subject hazardous wastes. The unacceptable daily operations include the non-provision of sufficient daily cover, as well as the manner in which Petitioner has handled and compacted solid waste. The use of fly ashes cover is not acceptable due to the permiability [sic: permeability] of that material.

(a) Discuss in detail all specific examples, giving dates and times, of such alleged "unacceptable daily operation on-site."

(b) Discuss in detail the allegation that insufficient daily cover has been used, referring to the date and time that such insufficient cover allegedly occurred, refer to the specific inspection reports supporting such allegation, and

discuss expected adverse environmental impacts arising from such alleged practices.

(c) Discuss in detail the allegation that Petitioner has improperly handled and compacted solid waste, refer to the date and time of such alleged improper handling and compaction, refer to specific inspection reports supporting this allegation, and discuss the adverse environmental impacts arising from such alleged practices.

(d) Discuss in detail the allegation that Petitioner has utilized fly ash in lieu of other acceptable cover, refer to the date and time of such alleged practice, refer to the specific inspection reports supporting such allegation, and discuss the expected adverse environmental impacts arising from such alleged practices.

(e) Has fly ash or shredder material ever been used in lieu of other cover, or has it rather been used in addition thereto? Discuss your response in detail.

(f) Has the State ever granted GDL, verbally or in writing, permission to use fly ash or shredder material as top surfacing for cover and not in lieu of cover? Discuss your answer in detail.

(g) Defining "marker pile" as a compacted pile of refuse left overnight to serve as a guidepost for initiating the next day's dumping, does the State in fact permit this practice? If so, how large may such a marker pile be? Do any of the examples given of allegedly insufficient daily cover include, in whole or in part, uncovered marker piles? Discuss your response to this subpart in detail.

4. Discuss in detail any and all reasons not covered by the discussion in Interrogatories 2 and 3 above, leading to the State's refusal to grant GDL the continued ability to accept industrial wastes.

5. Produce all documents discussing or relating to your responses to Interrogatories 2 through 5 above.

C. INSPECTIONS:

6. We have in our possession copies of inspection reports performed by Indiana State Board of Health inspectors of GDL for the following dates: 1/8/82; 10/20/81; 8/20/81; 7/10/81; 4/21/81; 1/8/81; 11/14/80; 9/19/80; 7/25/80; 6/19/80; 10/30/79; 4/18/79; 11/30/78; 8/17/78; 6/20/78; 5/9/78; 4/7/78; 3/15/78; 10/20/77; 8/8/77; 5/26/77; 3/29/77; 1/20/77; 10/5/76; 8/10/76; 7/14/76; 5/26/76; 5/11/76; 4/5/76; 2/26/76; 2/11/76; 1/22/76; 12/2/75; 10/9/75; 6/4/75; 4/1/75; 1/30/75; 12/17/74; 1/4/74; and 10/5/73.

(a) Are these the only inspections conducted by the State?

(b) If other inspections have been conducted by the State, provide the dates of such inspections, the name of the Inspector(s), and produce copies of any inspection reports made pursuant to those inspections.

(c) To your knowledge, has anyone other than the State conducted inspections at GDL? If so, specify the date of such inspections, the name of the Inspector(s), and produce copies of any inspection reports made pursuant to those inspections.

7. Referring to the State's January 8, 1982 inspection report:

(a) Admit or deny that on January 8, 1982, George Oliver and Stu Miller inspected GDL and found the site acceptable;

(b) Admit or deny that daily cover operations, including spreading and compacting of such material, were not found unacceptable;

(c) State the adverse environmental impact(s), if any, which would result from the use of foundry sand as a cover material; and

(d) Admit or deny that no improper handling or disposal of hazardous waste was detected.

8. Referring to the State's October 20, 1981 inspection report:

(a) Admit or deny that on October 20, 1981, George Oliver and Bill Morgan inspected GDL and found the site acceptable;

(b) Admit or deny that George Oliver and Bill Morgan found:

(i) that the daily operation at GDL showed "much improvement;"

(ii) that the refuse was compacted;

(iii) that the working face was in a small area; and

(iv) that there were no violations of applicable state regulations noted. [Answer each subpart separately.]

9. Referring to the State's inspection report of August 20, 1981:

(a) Explain the significance of the notation that "The J & L Steel Manifest # 7302-12750 - Tar Decanter Sludge and #7302-12685 - Central Waste Treatment Plant Sludge were received at the site on 8/19/81," in the absence of any further notation that either substance was improperly disposed of by GDL.

(b) What methodology was used to determine that the "sludge observed" originated from the Central Waste Treatment Plant Sludge Manifest # 7302-12685 and was in fact received by GDL on August 19, 1981?

(c) At the time of this inspection, was GDL closed for business, or was it continuing to accept waste for that day?

(d) What methodology was used to correlate the size of the working face with the amount of refuse received by Gary

Development to lead the inspectors to conclude that daily cover was not being applied?

(e) How large was the large working face?

(f) What is the anticipated adverse environmental impact of employing fly ash for a cover material? Was fly ash used in lieu of, or in addition to, other acceptable cover material?

(g) Were the engineering drawings consulted at the time of the inspection and employed contemporaneously with the determination that the leachate collection system was not being constructed as per the drawings?

10. Regarding the statement in the State's August 20, 1981 report that "hazardous waste is not properly disposed of:"

(a) List the specific types of hazardous waste, and their hazardous properties, which were not properly disposed of.

(b) What was the improper manner in which any such waste was being disposed of?

(c) What quantity of such waste was being disposed of?

(d) What was the source of any such waste which was improperly disposed of?

(e) Were any such wastes subject to a letter issued by the State pursuant to 320 IAC 5-5-14 (hereafter: "Special Permission Letter")?

(f) Were any such wastes similar in nature to other wastes being taken to GDL pursuant to a Special Permission Letter?

(g) Explain in reasonable detail the adverse environmental impacts associated with the alleged improper disposal of such wastes.

11. Admit or deny that on July 10, 1981, George Oliver and Mary Roe inspected GDL and found the site's operation acceptable.

12. Referring to the July 10, 1981 inspection report:

(a) What environmental concerns were raised by GDL's acceptance of shredder material?

(b) What adverse environmental impacts were anticipated by GDL's acceptance of such shredder material?

13. Admit or deny that on April 21, 1981, George Oliver inspected GDL and found (a) site to be acceptable; (b) that the refuse was worked well; and (c) cover was applied? [Answer each subpart separately.]

14. Regarding the State's April 21, 1981 inspection report, what is the significance of the notation that Union Carbide coal ash/slag was coming to the landfill?

15. Referring to the State's January 8, 1981 inspection report:

(a) What is the anticipated adverse environmental impact of the end of the working face being a cliff?

(b) Are there any weather-related factors which could have resulted in the operator being unable to maintain a 3:1 slope?

16. Referring to the State's November 14, 1980 inspection report:

(a) What specific areas were observed which did not have daily cover?

(b) Which two edges approximately four feet high needed to be worked onto a 3:1 slope?

(c) What is the anticipated adverse environmental impact of the Gary Landfill accepting aluminum dross?

(d) Is aluminum dross an "industrial waste" or a "RCRA hazardous waste," or both? Please give citations of authority as to the categorization of aluminum dross, and the regulation supporting this classification.

(e) What was the source and quantity of the water and leachate which were observed seeping into the pit along the west boundary?

17. Referring to the State's September 19, 1980 inspection, admit or deny that George Oliver inspected GDL and found that the refuse was "compacted well."

18. Referring to the State's September 19, 1980 inspection, what criteria was employed by the Inspector to determine that daily cover had not been applied for two or three days?

19. Admit or deny that on July 25, 1980, George Oliver inspected GDL and found the site was: (a) acceptable and the operation satisfactory; and (b) that the refuse was compacted well and a cover applied. [Answer each subpart separately.]

20. Admit or deny that on June 19, 1980, George Oliver inspected GDL and found:

(a) the site acceptable;

(b) the refuse compacted well; and

(c) daily cover applied. [Answer each subpart separately.]

21. Referring to the State's June 19, 1980 inspection:

(a) What quantity of blowing paper was observed and did that quantity constitute a threat to the environment and/or the health of the citizens of Indiana? If so, discuss your response in detail.

(b) What were the wind conditions on that particular day?

22. Referring to the State's inspection report of October 30, 1979:

(a) What was the quantity of "hazardous waste" which was improperly disposed of, and for each waste, was the waste an industrial waste, a RCRA hazardous waste, or both?

(b) Was this waste subject to, or similar in nature to waste subject to, a Special Permission Letter issued by Indiana?

(c) What was the nature and amount of exposed refuse observed in the northeastern portion of the property?

(d) What is the quantity and type of oil which was being placed in the trench? Describe the anticipated adverse environmental impact of this practice?

23. Referring to the State's April 18, 1979 inspection report:

(a) Which sections of the clay wall were not completed?

(b) How close were these missing sections to the working areas of the landfill?

(c) Upon what date was the wall to be completed as per the State-approved plan?

24. Admit or deny that on Nowember 30, 1978, Bruce Palin and Jim Hunt inspected GDL and found the site acceptable.

25. Admit or deny that on August 17, 1978, Bruce Palin inspected GDL and found the site acceptable.

26. Admit or deny that on June 20, 1978, Bruce Palin inspected GDL and found the site acceptable.

27. Referring to the State's June 20, 1978 inspection report:

(a) Doesn't the notation that the "U.S. Reduction dust was causing a tremendous dust problem" and that there was a "need to contact the industry about this" indicate that the

dust problem was caused by U.S. Reduction and not Gary Development? If not, discuss your response in detail.

(b) What were the results of the water quality tests which were requested to be sent to the Board?

28. Referring to the State's May 9, 1978 inspection report:

(a) What are the anticipated adverse environmental impacts of disposing of these particular oily wastes at GDL?

(b) What specific inadequacy was found with the daily cover?

29. Referring to the State's April 7, 1978 inspection report:

(a) Were any tests conducted upon the samples taken of the discharge?

(b) If so, produce the results of those tests.

30. Referring to the State's April 7, 1978 report, what methodology was employed by the Inspectors to ascertain that the alleged insufficiently covered materials were materials dumped at the site on a date previous to the date of inspection?

31. Referring to the State's March 15, 1978 inspection, could any of the ponded water on the site have been due to environmental factors, such as a spring melt or heavy rains, which are beyond the control of the operator? Discuss your answer in detail.

32. Other than the State's March 15, 1978 report, have any incidents of scavenging been detected by Inspectors at the site?

33. Admit or deny that prior to March 15, 1978, the operation of GDL was never deemed unacceptable by the State.

34. Admit or deny that on October 15, 1976; August 10, 1976; July 14, 1976; April 5, 1976; December 2, 1975; June 4, 1975; April 1, 1975; and January 30, 1975, the overall operation of the site was rated "good" by the State.

35. Admit or deny that on December 17, 1974, the overall operation of GDL was rated "excellent" by the State.

36. Does the State provide its Inspectors of solid/hazardous waste facilities with a training manual or any other similar document, containing guidelines, requirements, procedures, or recommendations to be used by Inspectors in the course of their inspections? If so, produce said manual or documents, and all documents relating to said manual or documents.

37. Does the State provide, or if not, send its potential Inspectors to, a training program of any kind, formal or informal, which individuals must attend and/or pass prior to becoming official Inspectors of the State of Indiana?

(a) If so, discuss in detail the nature of such programs; produce all documents relating thereto; and provide proof that the Inspectors whose names appear in the inspection reports referred to in Interrogatory 6 above successfully completed such a program.

(b) What are the educational and/or experience requirements demanded by the Board for landfill Inspectors.

(c) For those Inspectors which have participated in inspections of GDL, list

(i) the educational background of each Inspector including the degree conferred, the school from which the degree was conferred, the date of conferral;

(ii) the landfill-related work experience of each Inspector including, the length and type of experience each has had

(1) inspecting landfills for the State of Indiana;

(2) inspecting landfills for private organizations;

(3) managing or operating landfills;

(4) working at landfills.

38. Is it a generally accepted practice by the State and/or its Inspectors not to place "cover" on a landfill until the end of the day when the landfill stops accepting wastes for that day?

(a) If the answer to the above question is yes, how can an Inspector determine at a period of time when a landfill is continuing to accept wastes, whether cover for that day is or will be adequately applied to the landfill? Discuss this answer in detail.

(b) If the answer to the main question contained in number 38 above is no:

(i) at what point in time does the State require that cover be applied?

(ii) cite any and all regulations, and refer to any and all documents establishing, relating to, and discussing such a requirement.

(c) Produce any and all documents relating to and/or discussing the time when cover is to be applied under Indiana law.

D. SPECIAL PERMISSION LETTERS:

39. We have in our possession the following "Special Permission Letters" (as used herein, the term "Special Permission Letters" refers to those letters issued by the State granting authority to dispose of hazardous or special wastes pursuant to 320 IAC 5-5-14) issued by the State to GDL:

Date	Waste Type	Waste Quantity
1/14/81	Fly Ash	80,000 cubic yards for calendar year 1981

Date	Waste Type	Waste Quantity
1/9/81	Asbestos	50 cubic yards (one-time-only basis)
12/17/80	Pipe Insulating Asbestos Waste	300 cubic yards (one-time-only basis)
12/9/80	Metal Shavings	25 cubic yards per year
10/30/80	Asbestos Contaminated Material	700 cubic yards (one-time-only basis)
8/25/80	Asbestos	100 cubic yards (one-time-only basis)
5/14/80	Asbestos	40 cubic yards per week for four weeks; 20 cubic yards every other week thereafter
5/13/80	Fly Ash	15,000 cubic yards
11/27/79	Aluminum Dross (Milling Dust and Slag)	300 tons per day until June 15, 1980
3/20/79	Furnace Brick, Pallets	Unspecified
4/28/78	Water and Vegetable Oil	4,000 gallons (one-time-only basis)
11/18/77	Herbicide	120 cubic yards (one-time-only basis)
9/6/77	Oily Waste From 6-Stand Oil Recovery Unit	1,200 gallons per day
7/22/77	Filter Cake Kiln Scrubber Mud	1,500 pounds per week 3,000 pounds per week
6/3/77	API Separator Bottoms	200 cubic yards per year
6/1/77	Lime Sludge	80,000 gallons per month (not more than 4,000 gallons per day)
5/17/77	Asbestos Paper	105 cubic yards per week
5/12/77	Filter Cake Scrubber Mud	1,500 pounds per week 3,000 pounds per week (Temporary Approval)
4/25/77	Activated Biological Sludge	Unspecified
3/14/77	Calcium Sulfate	1.5 tons per day.
3/14/77	Lime Waste	80,000 gallons per month
3/4/77	Youngstown Oil Sludge	Unspecified
10/7/76	Gypsum Wastes (ph 7.9)	Quantity Unspecified
10/4/76	Calcium Carbonate	30 cubic yards per day
4/12/76	Paint Sludges	25 cubic yards per day
2/20/76	Corn Starch and Carbon Filters	Unspecified

Date	Waste Type	Waste Quantity
1/30/76	Lime Slurry	1,500 to 5,000 gallons per week
6/18/75	Neutralized Sludges	Temporary Approval
2/24/75	Dripolene	4 to 5 truckloads per week for 6 months

(a) Are the Special Permission Letters outlined above the only such letters issued by the State granting permission to any person or company to dispose of hazardous or special wastes at GDL? If not, list all other such letters and their date; specify the type of waste involved; identify whether such waste is an industrial waste, a RCRA hazardous waste, or both; and produce copies of such letters and all documents relating thereto.

(b) Has the State ever orally granted special permission to dispose of special or hazardous waste at GDL and not followed up on such oral approval with a letter? If so, state the date of such approval; the generator and type of waste involved; and the amount and duration of the waste permitted to be disposed of.

(c) Admit or deny that the above chart accurately sets forth the Special Permission Letters granted to GDL, and the type, amount, and duration of the disposal of such wastes. If you deny this statement, specify the inaccuracies, and set forth, in detail, a correct replacement chart.

(d) Admit or deny that the State could not and would not issue the above Special Permission Letters unless it determined that disposal of such wastes at GDL would not pose an unreasonable risk of harm to the environment or health of the citizens of Indiana.

(e) If Respondent denies subpart (d) above, then state in detail under what conditions the Board would issue a Special Permission Letter knowing that disposal pursuant to said letter would pose an unreasonable risk of harm to the environment or health of the citizens of Indiana.

(f) Discuss in detail the considerations the Board addresses in reviewing a Special Permission Letter request and the factors which lead the Board to grant or deny such requests.

(g) Produce any and all documents relating to your responses to Interrogatory 39.

40. Regarding each entry contained in the chart in Interrogatory 39 above, for each waste and entry listed, state whether each waste is an industrial waste, a RCRA hazardous waste, or both. Discuss in detail the categorization of each waste, the properties that render each waste "hazardous," and produce all documents relating to this Interrogatory.

41. Admit or deny that a Special Permission Letter which grants the right to dispose of a particular waste at a given rate per unit of time (e.g. 40 cubic yards per week) remains in effect until the permission expires of its own terms or until the State takes further action regarding said permission. If Respondent denies this statement, then discuss in detail the ways such a Special Permission Letter becomes ineffective and invalid. Produce documents relating to this Interrogatory.

42. For each waste set forth in the chart in Interrogatory 39 above, discuss in detail the reasons why GDL cannot <u>and</u> should not continue accepting such wastes; the potential risk to the environment and health of the citizens of Indiana associated with continued acceptance of each such waste in like quantities at GDL; why disposal of such waste now is denied while it was previously permitted; and produce all documents relating to this Interrogatory.

43. Have any state inspections of GDL revealed improper disposal practices relating to the disposal of each waste listed in the chart in Interrogatory 35 above? If so, discuss in detail the alleged improper practices, the dates on which

these improper practices were observed, the potential environmental problems associated with said practices, and produce all documents relating to this Interrogatory.

44. GDL received permission to accept the following listed wastes:

Waste Type	Permission Letter Date	Amount Allowed
API Separator Bottoms	6/3/77	200 cubic yards
Paint Sludges	4/12/76	25 cubic yards
Solid Corn Starch	2/20/76	Unspecified
Carbon Filters from Corn Syrup Filtering Processes	2/20/76	Unspecified
Lime Sludges	6/1/77	80,000 gallons per month or 4,000 gallons per day
Lime Waste	3/14/77	80,000 gallons per month
Calcium Carbonate	10/4/76	30 cubic yards per day
Lime Sludge	1/30/76	1,500 to 5,000 gallons per week
Activated Biological Sludge	4/25/77	Unspecified
Calcium Sulfate	3/14/77	1.5 tons per day
Gypsum Wastes (no Cd or Pb)	10/7/76	Unspecified

For each of the above-mentioned wastes, answer the following questions:

(a) Admit or deny that permission was received by GDL to receive this waste.

(b) Is each waste listed an industrial waste, a RCRA hazardous waste, or both? Cite the authority for, and the regulations supporting, this categorization.

(c) Admit or deny that the above approvals to accept each waste listed were given on a continuing basis? If you deny this statement, discuss your response in detail.

(d) For each waste identified above, discuss in detail the anticipated adverse environmental impacts of continued disposal of these material at GDL.

(e) In the past, have inspections revealed any improper dumping practices relating to the disposal of these wastes identified above? If so, discuss in detail the specific instances and problems, give the dates of the inspections, and produce all documents relating thereto.

(f) Discuss in detail the State's reasons for denying approval to Gary Landfill to accept each waste listed above in the future?

E. MISCELLANEOUS:

45. What specific corrective actions do you contend are necessary to place the landfill in compliance with the applicable state laws and regulations and to enable GDL to accept hazardous and/or industrial wastes?

46. Identify each person the State plans to call as a witness at the hearing of this matter, each person's address and telephone number (business or personal), and state in reasonable detail the anticipated testimony of each.

47. Produce all inspection reports of, and Special Permission Letters granted relating to, the following landfills:

(a) the Wheeler Landfill;

(b) the City of Gary Landfill;

(c) the City of Munster Landfill; and

(d) the J & D Landfill.

48. If any of the landfills listed in Interrogatory 47 above may lawfully accept industrial wastes, discuss in detail the reasons therefor, and the specific reasons for treating any of these landfills differently from GDL.

John M. Kyle III

John M. Kyle III

Vic Indiano

Vic Indiano

Attorneys for Gary Development
Company, Inc.

Of Counsel:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing "Petitioner's First Set Of Interrogatories, Requests For Admissions, And Requests For The Production Of Documents" has been served on the Respondent by depositing a copy thereof in the United States First Class Mail, addressed to:

Mathew S. Scherschel, Deputy Attorney General
Counsel for Environmental Management Board of
the State of Indiana
Room 219, State House
Indianapolis, Indiana 46204;

and hand delivered to Ms. Brenda Rodeheffer, counsel for Respondent, and Mr. George Oliver of the Division of Land Pollution Control, as a courtesy.

This 25th day of August, 1982.

John M. Kyle III

John M. Kyle III