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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ABITEC CORPORATION,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 03-95
(Permit Appeal - Air)

NOTICE OF FILING

TO: Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, Illinois 62704

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the **ABITEC CORPORATION'S RESPONSE TO IEPA'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENT**, copies of which are herewith served upon you.



Neal H. Weinfield

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1 = URBANA
1 = Jville

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **ABITEC CORPORATION'S RESPONSE TO IEPA'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENT** by depositing said document in the United States Mail via Certified Mail in Chicago, Illinois on June 6, 2003, upon: the following persons:

Robb Layman, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Ms. Carol Sudman
Hearing Officer
Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, Illinois 62704



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Petitioner, ABITEC CORPORATION (“ABITEC”), by and through its attorneys, Bell, Boyd & Lloyd LLC, submits its Answers to Respondent’s First Set of Interrogatories and Request For Documents pursuant to 35 Illinois Administrative Code (“IAC”) §§ 101.616 and 101.620. ABITEC states as follows:

1. ABITEC objects to each of defendant's Interrogatories and to the accompanying Definitions and Instructions to the extent those Interrogatories, Definitions and Instructions purport to impose any burden on ABITEC not imposed by the applicable discovery provisions of the Illinois Pollution Control Board ("IPCB"), the Illinois Code of Civil Procedure and Illinois Supreme Court Rules.

2. ABITEC objects to the Definitions and Instructions accompanying defendant's Interrogatories on the grounds that they are overbroad, unduly burdensome and call for information which is neither relevant to the subject matter of this Petition nor reasonably calculated to lead to the discovery of admissible evidence. With respect to specific Definitions and Instructions, ABITEC objects as follows:

- (a) ABITEC objects to the definition of “identify” with respect to a natural person as overbroad and unduly burdensome to the extent that it requires information in excess of that reasonably necessary for defendant to ascertain the identity of a person and/or enable defendant to contact that person, if appropriate;
- (b) ABITEC objects to the definition of “identify” when referring to an entity other than a natural person as overbroad and unduly burdensome to the extent that it requires information in excess of that which is reasonably necessary for defendant to ascertain the identity of a firm, corporation, proprietorship, joint venture, association or other organization or entity and/or to enable defendant to contact that firm, corporation, proprietorship, joint venture, association or other organization or entity, if appropriate;
- (c) ABITEC objects to the definition of “identify” when referring to a document or other tangible item as overbroad and unduly burdensome to the extent that it requires information in excess of that which is reasonably necessary to identify the document; and
- (d) ABITEC objects to the definition of “identify” when referring to an activity or oral communication as overbroad and unduly burdensome to the extent that it requires information in excess of that which is reasonably necessary for defendant to ascertain the nature of the activity or the content of the oral communication

3. ABITEC objects to Respondent’s Interrogatories to the extent that they seek the disclosure of information:

- (a) constituting, reflecting or disclosing any information protected by an immunity or privilege, including, but not limited to attorney work product and confidential attorney-client communications;
- (b) constituting, reflecting or disclosing trade secrets or other confidential commercial, financial or business information until such time or the Court has entered an appropriate protective order; and
- (c) which defendants, their attorneys or their agents already have in their possession (including but not limited to all pleadings, correspondence, filings and other matters of public record) and to which defendants, their attorneys or their agents have equal or superior access.

4. Additionally, ABITEC makes these responses without intending to waive, and intending to preserve all of:

- (a) its objections to the competency, relevancy, materiality, authenticity, and admissibility of any documents produced, or to the subject matter thereof;
- (b) its rights to object on any ground to the use of any information disclosed, or the subject matter thereof in any subsequent proceedings, including the trial of this or any other action;
- (c) its rights to object on any ground to any request for further responses to these or any other discovery requests, involving or related to the subject matter of these discovery requests; and
- (d) its rights to amend any responses and objections herein.

5. ABITEC objects to the production of documents produced by third-parties pursuant to subpoena or to the production of any other documents already in the possession of defendant.

ANSWERS TO INTERROGATORIES

1. For each Interrogatory below, identify the person(s) responding to the Interrogatory and all persons who were consulted or otherwise assisted with the preparation of the Interrogatory.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 1 on the grounds that it is vague and overbroad. Subject to all the foregoing objections, the following list of individuals assisted in responding to these interrogatories.

Bernie Hinkle, Plant Manager
Mike Beesley, Production Manager
Dale Sarrazin, Area Manager
Ken Crain, Plant Engineer/Maintenance Manager
Paul Meisner, Plant Comptroller
Larry Werner, Director of Sales and Marketing
Jerald Kroehn, Consultants
Harold Karnes, Consultants
Jeff DeToro, Trinity Consultants
Brad Sims, Trinity Consultants

2. Identify each person having knowledge of facts relevant to the subject matter of this appeal.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 2 on the grounds that it is vague, overbroad and unduly burdensome. Subject to all the foregoing objections, see response to Interrogatory No. 1.

3. Identify each person whom you intend to call as a fact witness at the hearing on this matter.

ANSWER:

Subject to all the foregoing objections, ABITEC may call any witness listed in Interrogatory No. 1. ABITEC reserves its right to supplement these interrogatories to designate witnesses at a later date.

4. Identify each person you intend to call as an opinion witness at the hearing on this matter and for each person identify:

- a. The subject matter which each such witness is expected to testify;
- b. The conclusions and opinions of each such witness and the bases therefor;
- c. The qualifications of each such witness;
- e. The identity of any reports or analyses that have been prepared by each such witness relating to this matter; and
- f. The curriculum vitae and resume for each such witness.

ANSWER:

Subject to all the foregoing objections, ABITEC has not designated expert witnesses at this time. ABITEC reserves its right to supplement these interrogatories to designate expert witnesses at a later date.

5. State whether Abitec is affiliated with, or possesses a corporate or business-related interest in, a parent and/or subsidiary company and, if so, identify the name, address and the nature of the business of each parent and/or subsidiary company.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 5 on the grounds that it is vague, overbroad and unduly burdensome. Subject to all the foregoing objections, ABITEC's parent corporation is ABF North America ("ABF"), 7171 Goodlett Farms Pike, Cordova, Tennessee. Additional information regarding ABF and other business entities related to ABF can be found at www.abfoods.com.

6. Identify whether Abitec's sterol refining processes produce a commercial product other than prills that are sold or distributed by Abitec and, if so, describe in detail the facts and any documents that relate to the product's nature, composition and uses.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 6 on the grounds that it is vague, overbroad, unduly burdensome, calls for information that is irrelevant to the subject matter of ABITEC's Petition and is not likely to lead to the discovery of admissible evidence. Subject to all the foregoing objections, all of the products produced in the sterol refining process at ABITEC's Paris Facility are prilled.

7. Identify and describe in detail the purpose and/or the role of prills in margarine products and salad dressings.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 7 on the grounds that it is vague, overbroad, unduly burdensome and irrelevant and calls for expert opinion testimony. Subject to all the foregoing objections, scientific literature provides that sterols are added into food products to lower cholesterol in the human body. For a complete list of scientific literature that ABITEC is relying upon, see Attachment A. The documents listed in Attachment A are also being produced pursuant to the Illinois Environmental Protection Agency's ("IEPA") document production request.

8. Identify and describe in detail any facts and supporting documents relating to Take Control®, as referenced in Abitec's Petition For Hearing and Appeal filed in this cause.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 8 on the grounds that it is vague, overbroad, unduly burdensome and calls for expert opinion testimony. Subject to all the foregoing objections, Take Control has been the subject of scientific studies that indicate that the sterol ingredients contained within the spread help reduce cholesterol in the human body. Also, see the scientific literature identified in Interrogatory No. 7.

9. Identify and describe in detail any facts and supporting documents relating to the meaning of the term "phytosterols."

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 9 on the grounds that it is vague, overbroad, unduly burdensome and calls for expert opinion testimony. Subject to all the foregoing objections, Phytosterols is a term that encompasses both plant sterols and stanols. Plant sterols and stanols are similar in chemical structure to cholesterol. Because of the chemical similarity to cholesterol, plant sterols and stanols block the absorption of cholesterol in the human body by mimicking cholesterol. Accordingly, phytosterols have been designated as a substance Generally Recognized as Safe ("GRAS") by the United States Food and Drug Administration ("FDA") as of August 19, 2002. Also, see the scientific literature identified in Interrogatory No. 7.

10. Identify and describe in detail the uses, as well as the purpose and/or role, of prills other than for margarine products and salad dressings, including applications outside of food manufacturing, and identify any documents relied upon in answering the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 10 on the grounds that it is vague, overbroad, unduly burdensome, irrelevant to the subject matter of the Petition,

calls for speculation and calls for expert opinion testimony. Subject to all the foregoing objections, the purpose and role of sterols are as described in the scientific literature referenced in Interrogatory No. 7. In addition to margarine products and salad dressings, the scientific literature notes that sterols are used in food products such as yogurt, yogurt-like products, milk based beverages, non-standardized ice cream products, cream cheese, cream cheese-like products, snack bars, mayonnaise, white breads and white bread products.

11. Identify the name and address of any and all customers of prills produced by the facility, including customers of both Abitec and, to the extent the information is known or is supported by documents that are in the possession, custody or control of Abitec, its predecessors, either ACH Food Companies, Inc., or Morgan Specialties, Inc., and, in conjunction therewith, identify any documents relied upon in answering the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 11 on the grounds that it is vague, overbroad, unduly burdensome, irrelevant and is not likely to lead to the discovery of admissible evidence. Subject to all the foregoing objections, the following list identifies customers of ABITEC that purchase sterols.

- ADM Company
Natural Heath & Nutrition Division
Decatur, IL
- Cognis Corporation
Heath and Nutrition Group
LaGrange, IL
- Cargill, Inc.
Health and Food Technologies
Minneapolis, MN
- Monsanto
St. Louis, MO
- Pharmacia
Kalamazoo, MI

- Traco Labs (now Degussa)
Champaign, IL
- Organic Specialties
Coshocton, OH
- Murietta Trading Co. Inc.
San Diego, CA
- Rabinovitz & Co.
Israel
- Resitec
Brazil

12. Identify and describe in detail all facts relating to the uses, as well as the purpose and/or role, of the prills purchased by each of Abitec's customers and, in conjunction therewith, identify any documents relied upon in answering the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 12 on the grounds that it is vague, overbroad, unduly burdensome, irrelevant to the subject matter of the petition and for ABITEC may not possess. Subject to all the foregoing objections, ABITEC cannot speculate as to all the uses of its refined sterols by its customers. Based on information and belief, ABITEC states that all its refined sterols are used as food additives. As described in Interrogatories No. 9 and 10, sterols are used in numerous food products.

13. To the extent that the following information is known or is supported by documents that are in the possession, custody or control of Abitec, identify and describe in detail all facts relating to the uses, as well as the purpose and/or role, of the prills that were purchased by customers of Abitec's predecessors, either ACH Food Companies, Inc., or Morgan Specialties, Inc., and, in conjunction therewith, identify any documents relating to the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 13 on the grounds that it is vague, overbroad, unduly burdensome, irrelevant to the subject matter of the petition, is not likely to lead to the discovery of admissible evidence and calls for information ABITEC may not possess. Subject to all the foregoing objections, ABITEC does not possess the information requested in this interrogatory with respect to Morgan Specialties, Inc. because that information was destroyed in a fire at the Paris Facility in 1997. Furthermore, ABITEC is unable to speculate as to how its processed sterols were used by its predecessor's customers.

14. Identify and describe in detail whether the prills, as produced and sold by Abitec in their final form, are suitable for direct and/or immediate food consumption or, alternatively, whether said prills must be further refined and/or processed by Abitec's customers and, in conjunction therewith, identify any documents relied upon in answering the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 14 on the grounds that it is vague, overbroad, unduly burdensome, irrelevant to the subject matter of the petition, calls for information ABITEC may not possess, calls for speculation and seeks information more appropriately obtained in a discovery deposition. Subject to all the foregoing objections, upon information and belief, ABITEC states that most sterols purchased from the Paris Facility are further processed into sterol esters that are incorporated into margarines and salad dressings.

15. Identify and describe in detail the annual sales figures for prills produced by the facility's sterol refining operations, as well as the percentage of sales of prills for each year in comparison to sales from other products produced at the facility, and, in conjunction therewith, identify any documents relied upon in answering the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 15 on the grounds that it is vague, overbroad, unduly burdensome and irrelevant to the subject matter of the Petition and not likely to lead to the discovery of admissible evidence. Subject to all the

foregoing objections, ABITEC is providing IEPA with a spreadsheet that summarizes the quantity of sterols sold since 1998 and the percentage of total facility sales each variety of sterols represent. ABITEC considers the dollar figure of its sales as proprietary information which will be provided to IEPA upon the negotiation of an appropriate protective order. According to invoice information provided by ABITEC's corporate headquarters, sterol sales represent approximately 34.8 percent of sales compared to other products produced at the Paris Facility. If necessary, these records will also be provided upon the negotiation of an appropriate protective order.

16. Identify, by name and address, any and all business competitors known to Abitec that are engaged in the production of prills and include an identification and description of facts and supporting documents relating to the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 16 on the grounds that it is vague, overbroad, unduly burdensome, irrelevant to the subject matter of the Petition, calls for information ABITEC may not possess and seeks information more appropriately obtained in a discovery deposition. Subject to all the foregoing objections, ABITEC believes the following companies produce sterols.

- ADM Company
Natural Heath & Nutrition Division
Decatur, IL
- Cognis Corporation
Heath and Nutrition Group
LaGrange, IL (Plant in Kankakee, IL and Boussens, France)
- Cargill, Inc.
Health and Food Technologies
Minneapolis, MN (Plant in Eddyville, IA)

- Forbes Medi-Tech
Vancouver, BC
Canada
- Phyto-Source, LP
(Joint Venture of Forbes Medi-Tech and Chusie Inc.)
Pasadena, TX
- Arboris LLC
(Joint Venture of International Paper (Arizona Chemical) and Harting Group, Chile)
Jacksonville, FL (Plant in Savannah, GA)
- Raisio Group
Finland
- Teriaka
Finland
- DRT
Saint-Girons, France
- UPM-Kymmene
Finland

17. Identify any and all documents that have been submitted on behalf of the facility, including by Abitec or on behalf of Abitec's predecessors, either ACH Food Companies, Inc., or Morgan Specialties, Inc., to the Illinois Department of Employment Security in which a Standard Industrial Classification ("SIC") code was identified for the facility.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 17 on the grounds that it is vague, overbroad, unduly burdensome and irrelevant to the subject matter of the petition. Subject to all the foregoing objections, ABITEC has not and is not required to submit information identifying its SIC code to the Illinois Department of Employment Security.

18. Identify and describe in detail the manufacturing processes that occur in the K-3 reactor train, including any chemical and physical reactions that take place therein, and the type and/or nature of the emissions that are emitted therein.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 18 on the grounds that it is vague and calls for expert opinion testimony. Subject to the foregoing objections, ABITEC responds that after the heptane washing process occurs in reactor train K-2, a sterol slurry is transferred to reactor train K-3. In reactor train K-3, a vacuum system with steam jets converts the heptane and methanol within the sterol product from liquid to gas, draws the gas out of the vessel and directs the gas to the primary condensers, secondary condenser and methanol recovery system.

19. Identify and describe in detail the maximum potential VOM emissions from the K-3 reactor train and include an identification of any documents and supporting calculations and/or methodologies employed in quantifying the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 19 on the grounds that it is vague, duplicative of information IEPA already possesses, premature for disclosure and calls for expert opinion testimony. Subject to the foregoing objections, ABITEC states that it submitted information regarding its maximum potential VOM emissions to IEPA in its January 2002 CAAPP permit application supplement on pages 000813-000823 of the Administrative Record. As described in these documents, ABITEC used a material balance methodology to calculate VOM emissions. The data utilized to determine the loss factor for K3 was provided to IEPA at page 000817 of the Administrative Record, Tables A-1 (Table A-1 is located at page 001140 of the Administrative Record) and A-3 of the April 1999 Application to Modify the Paris Facility's sterol refining process (#93070111) (See Attachment C) and page 3 of Appendix A of the Application For Permit to Construct and Operate Solvent Recovery System (August 2000) (See Attachment D). In addition, supporting calculations to determine VOM emissions emanating from ABITEC's sterol refining process were provided to IEPA in the original CAAPP

permit application as evidenced by pages 000244-000278 of the Administrative Record. Finally, ABITEC's examination of the information previously provided to IEPA has revealed new information concerning fugitive emissions and the percentage of emissions originating from each reactor train that has changed the loss factor for K3 and, thus, has slightly adjusted the emissions emanating from K3 from 51.04 tons/year ("tons/yr") to 57.84 tons/yr. (See Attachment E).

20. Identify and describe in detail the reasons why Abitec produces prills from both concentrated sterol distillate (i.e., crude free sterols) and sterol ester residues, as described in Abitec's Petition for Hearing and Appeal.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 20 on the grounds that it is vague, irrelevant to the subject matter of ABITEC's petition, and is not likely to lead to the discovery of admissible evidence. Subject to all the foregoing objections, ABITEC's Paris Facility is the only toll processor in Illinois capable of processing sterol ester residues.

21. Identify and describe in detail the impact, financial and otherwise, from the elimination of the sterol ester residues from Abitec's production of prills and, in conjunction therewith, identify any documents relied upon in answering the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 21 on the grounds that it is vague, irrelevant to the subject matter of ABITEC's petition, and is not likely to lead to the discovery of admissible evidence. Subject to all the foregoing objections, ABITEC stated in its Petition that sterol ester residues comprise approximately 36 percent of all sterols processed at the Paris Facility. Also, see answer to Interrogatory No. 15.

22. Identify and describe in detail all facts and documents relied upon by Abitec to support its belief that maximum potential volatile organic material ("VOM") emissions from the K-1 reactor train, as identified by Abitec in its CAAPP permit application, are 45.76 tons per year and include any and all supporting calculations and/or methodologies employed in quantifying the same.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 22 on the grounds that it is vague, duplicative of information IEPA already possesses, premature for disclosure and calls for expert opinion testimony. Subject to the foregoing objections, see Interrogatory No. 19. In addition, for the same reason provided in Interrogatory No. 19, ABITEC is providing IEPA with revised calculations in Attachment E that lower the maximum potential VOM emissions at reactor train K1 from 45.76 tons/yr to 28.40 tons/yr.

23. Identify the various control equipment or devices that are employed or operated by Abitec for each of the K-1, K-2 and K-3 reactor trains, as identified by Abitec in its CAAPP permit application, and describe in detail how said equipment or devices work in design and operation and how, to any extent, any of the equipment or devices operate in combination or in series with each other to control VOM or Hazardous Air Pollutant emissions.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 23 on the grounds that it is vague and calls for expert opinion testimony. Subject to the foregoing objections, a list of the various control equipment was provided in the January 2002 CAAPP Application Supplement at pages 000350 and 000355 of the Administrative Record. In addition, a process flow diagram was provided to IEPA at page 000363 of the Administrative Record. As described at page 000355 of the Administrative Record, primary condensers (C-1-C-7) are connected to each of the vessels in the Reactor Trains. The exhaust from the primary condensers are ducted to the secondary condenser SC-1 for additional heptane and methanol recovery. Finally, the exhaust from secondary condenser SC-1 is ducted to the solvent recovery system, SC-2, for additional methanol recovery. Furthermore, the 43.5 percent control efficiency of heptane described in the Petition was inaccurate. As provided in Table A-3 of the April 1999 Application to Modify the Paris Facility's sterol refining process (#93070111), heptane is controlled by a combination of the primary condensers and SC-1, the secondary condenser. The

control efficiency of the primary condensers for heptane are 69.2 percent and the control efficiency of SC-1 is 43.5 percent. Together, the primary condensers and SC-1 have a heptane control efficiency of approximately 82.6 percent.

24. Identify the estimated capture system efficiency, control system efficiency and overall reduction efficiency of the control equipment or devices associated with each of the K-1, K-2 and K-3 reactor trains, as referenced by Abitec in its CAAPP permit application, and describe all facts and documents that support the estimations, including any and all supporting calculations and/or methodologies employed in said estimations.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 22 on the grounds that it is vague and calls for expert opinion testimony. Subject to the foregoing objections, the control equipment efficiencies are provided in Table A-3 of the April 1999 Application to Modify ABITEC's sterol refining process (#93070111) and page 3 of Appendix A of the Application For Permit to Construct and Operate Solvent Recovery System (August 2000) in the technical performance specifications generated by the Industrial Technology Group (See Attachments C and D). Also, see answer to Interrogatory No. 23.

25. Identify the name and address of the manufacturer for each of the control equipment or devices employed by Abitec in the K-1, K-2 and K-3 reactor trains.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 25 on the grounds that it is irrelevant and is not likely to lead to the discovery of admissible evidence. Subject to the foregoing objections, ABITEC is providing IEPA with the following list of companies that manufactured the control equipment at the Paris Facility.

- Chart recorders and temperature probes

Partlow Corporation
2 Campion Road
New Hartford, NY 13413

- Reactors and Jackets

Pfautler Inc
Po Box 23600
Rochester, NY 14692

- Primary condensers

Alaskan Copper Works - Stainless Products Division, Fabrication Division
3200 6th Avenue South
Seattle, WA 98134

- Computer interface

Rockwell Automation
1201 South 2nd Street
Milwaukee, WI 53204

- York compressor

York International Corporation
631 South Richland Avenue
York, PA 17403

- Secondary condenser

E L Nickell CO Inc
385 Centreville Rd
Constantine, MI 49042

- Pressure indicators and alarms

United Electrical Control
85 School
Watertown, MA 02472

- Cooling towers

Marley Cooling Tower CO the World Headquarters
7401 West 129th Street
Shawnee Mission, KS 66213

26. Identify any and all person(s) that has inspected, serviced, maintained and/or repaired any of the control equipment or devices used by Abitec in the K-1, K-2 and K-3 reactor trains since installation, together with a description of all facts and an identification of all documents relating to any such occurrences.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 26 on the grounds that it is irrelevant, is not likely to lead to the discovery of admissible evidence and seeks information more appropriately obtained in a discovery deposition. Subject to the foregoing objections, ABITEC is providing IEPA with the following list of companies that have performed maintenance activities on its sterol refining operations. For documents related to this interrogatory, see Attachment H.

- Sterol Refining Operators have worked on Chart Recorders.
- Paul and Larry Hornbrook of Hornbrook Welding have performed maintenance on the primary condensers. Further, the primary condensers were installed by Elite Construction.
- Glycol Tank and ABITEC Maintenance have performed maintenance activities on the Secondary Condensers
- ACH/ABITEC Maintenance, Elite Construction, Kennedy Tanks, Hornbrook Welding and Alert Construction all performed maintenance on the jackets.

27. Identify any and all records that are maintained and/or compiled by Abitec in monitoring the operation of each control equipment or devices used by Abitec in the K-1, K-2 and K-3 reactor trains, including any and all charts or data generated by chart data recorders and/or continuous monitoring devices.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 27 on the grounds that it is vague, unduly burdensome, duplicative, irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, ABITEC states that a complete set of production records are kept on file for each and every batch of sterols processed at the Paris Facility. ABITEC is providing IEPA with a representative sample of the documents that comprise production records for a batch of refined sterols that undergo transesterification (See Attachment F). The production records produced contain the following

documents: (1) temperature recorder charts; (2) batch composite sheet; (3) batch sheets from operators; (4) sterol summary sheet; (5) batch information sheet; (6) finished refined production weight sheet; (7) prilled product run information and individual bag weight sheet; (8) pig melting and prilling worksheet; (9) sterol prilling weight sheet; (10) incoming material bill of lading; (11) incoming weight sheets; (12) routing information; and (13) incoming certificate of analysis.

28. Identify by dates and describe all facts and documents relating to whether any of the control equipment or devices used by Abitec in the K-1, K-2 and K-3 reactor trains have underwent emissions testing (i.e., performance or "stack" test) and identify and describe all facts and documents relating to said emissions testing.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 28 on the grounds that it is vague and requests information that ABITEC does not possess. Subject to the foregoing objections, ABITEC responds that the emissions control equipment associated with the sterol refining process have not undergone stack testing or other types of performance tests.

29. Identify the amount of VOM emissions actually emitted to the atmosphere (i.e., after the use of pollution controls) from each of the K-1, K-2 and K-3 reactor trains, on both a monthly and annual basis, for the period of September 1998 to the present and include any and all supporting calculations and/or methodologies employed in quantifying said actual emissions.

ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 29 on the grounds that it is vague and duplicative of materials IEPA already possesses. Subject to the foregoing objections, the annual actual emissions from the sterol refining operations that were reported to IEPA are contained in Attachment G. On May 29, 2003, Trinity Consultants recalculated the actual emissions based on the new batch factors discussed in Interrogatories No. 19 and 22. (See Attachment G). Further information regarding the methodology employed to calculate emissions from Reactor Trains K1, K2 and K3 can be found in the documents responsive to Interrogatories No. 19 and 22.

30. To the extent the following information is known or is supported by documents that are in the possession, custody or control of Abitec, identify and describe all facts and documents relating to the amount of VOM emissions actually emitted to the atmosphere (i.e., after the use of pollution controls) from each of the K-1, K-2 and K-3 reactor trains, on a monthly and annual basis, by Abitec's predecessors, either ACH Food Companies, Inc., or Morgan Specialties, Inc.

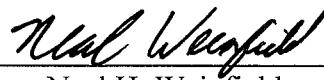
ANSWER:

In addition to the foregoing objections, ABITEC objects to Interrogatory No. 30 on the grounds that it is vague and duplicative of materials IEPA already possesses. Subject to the foregoing objections, see answers to Interrogatories No. 19, No. 22 and No. 29.

Dated: June 6, 2003

Respectfully submitted,

ABITEC CORPORATION



Neal H. Weinfield

Attachments

Available

On

Request