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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2222 ELSTON LLC, an Illinois)
limited liability company,)
)
Complainant,)
)
v.)
)
PUREX INDUSTRIES, INC., a Delaware)
corporation, FEDERAL DIE CASTING)
CO., an Illinois corporation, FEDERAL)
CHICAGO CORP., an Illinois corporation,)
RAYMOND E. CROSS, an Illinois resident,)
BEVERLY BANK TRUST NO. 8-7611,)
and LAKESIDE BANK TRUSTS NOS.)
10-1087 AND 10-1343,)
)
Respondents.)

PCB No. 03-55

**FEDERAL DIE CASTING CO.'S FIRST SET OF INTERROGATORIES
TO COMPLAINANT 2222 ELSTON LLC**

Pursuant to 35 ILL. ADM. CODE §101.616 and §101.620, Respondent Federal Die Casting, Co., an Illinois corporation, by its counsel, hereby request that Complainant 2222 Elston LLC ("Elston" or "Complainant") answer each of the following Interrogatories separately, fully, in writing, and under oath within twenty-eight (28) days after service.

The Instructions and Definitions that appear below form an integral part of these interrogatories and must be read in conjunction therewith. The Instructions set forth below are to be followed in responding to these interrogatories. Where any defined word or phrase is used in an interrogatory, it is to be interpreted as defined.

INSTRUCTIONS AND DEFINITIONS

A. Responses to these Interrogatories shall be supplemented and/or amended as required by 35 ILL. ADM. CODE §101.616(h).

B. “You,” “Your,” “Complainant,” or “Elston” shall refer to 2222 Elston LLC, and, individually and collectively, include all parent corporations, subsidiaries, affiliates, predecessors-in-interest, successors-in-interest, and any present or former divisions, directors, officers, employees (present and former), attorneys, agents, consultants, contractors, or representatives thereof.

C. The singular shall be construed to include the plural, and vice versa, to make the request inclusive rather than exclusive.

D. The terms “any,” “all,” and “each” shall be interchangeable as necessary to call for the broadest possible response.

E. “Relating to” means constituting, comprising, containing, consisting of, evidencing, setting forth, proposing, showing, disclosing, describing, discussing, explaining, summarizing, concerning, reflecting, authorizing, or referring to, directly or indirectly.

F. The term “identify,” when used with reference to a natural person, means to state his or her full name, business address, and telephone number—or if his or her business address and telephone number are not known, his or her home address and telephone number and job title(s). Once a person has been so identified in an answer or response, that person may thereafter be identified simply by name.

G. The term “identify,” when used with reference to a business entity or institution, means to state the business name(s) of that entity and the address of its principal place of business.

H. The term “identify,” when used with reference to documents, means either to produce such documents for inspection, or to give, to the extent known, the:

- (a) type of document;
- (b) general subject matter;
- (c) date of the document; and
- (d) author(s), addressee(s), and recipients.

I. To the extent the response by Complainant to any Interrogatory references documents that are alleged to be subject to a privilege, please identify the date, the author, the recipient(s), the general subject matter of the document, and the nature of the privilege asserted.

J. The term “identify,” when used with reference to an oral communication, means to identify the means of such communication (e.g., meeting, telephone conversation), each person who participated in such communication (whether as speaker or hearer), the date, time, and place of such communication, and a complete statement of the content of the communication.

K. The term “identify,” when used with reference to any other matter, means to give a full and complete narrative description of the matter, omitting nothing necessary to make your answer fully responsive to the Interrogatory, including but not limited to, information relating to the date and place the matter occurred, the identity of all persons present, the nature and substance of all communications occurring during or in connection therewith, and any documents relating or referring thereto.

L. The term “person” means any natural individual, firm, corporation, limited liability company, partnership, joint venture, governmental agency, association, trust, estate, or

any other form of entity, together with any officers, directors, partners, trustees, employees, legal representatives, or agents thereof.

SPECIFIC DEFINITIONS

M. The term "Site" shall refer to that parcel of property located at 2228 N.

Elston Avenue in Chicago, Illinois, legally described as:

Lots 1 to 4, inclusive, in block 4 in Fullerton's addition to Chicago being a subdivision of that part of the Southeast ¼ of Section 30, Township 40 North, Range 14 East, of the third principal meridian lying west of the north bend of the Chicago River and that part of the north ½ of the northeast ¼ of Section 31, Township 40 North, Range 14 East of the third principal meridian, in Cook County, Illinois.

N. The term "contaminants" shall refer to the oils, solvents, varnish-related products and by-products, PCB-containing materials, and petroleum-related products and by-products, and any other materials that are alleged in the Complaint to have been released or disposed of at or near the Site.

O. The term "affiliate" shall mean, when used with respect to a specified Person, another Person that, directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with the Person specified. For the purposes of this definition, the term "control" (including, with its correlative meanings, "controlled by" and "under common control with") shall mean possession, directly or indirectly, of the power to direct or cause the direction of management or policies (whether through ownership of securities or partnership or other ownership interests, by contract or otherwise).

P. The term "response actions" shall refer to any and all actions taken to address, investigate, remove, remediate, or otherwise cleanup any waste materials, pollutants, or contaminants at or near the Site.

Q. The term "Act" shall refer to the Illinois Environmental Protection Act, 415 ILL. COMP. STAT. 5/1 et. seq.

R. The term "Sales Contract" shall refer to the August 3, 1999 Real Estate Sales Contract for the sale of 2222 N. Elston Avenue entered into by Baker Development Corporation and Lakeside Bank, as Trust No. 10-343 and Trust No. 10-1087, along with any and all Riders and Exhibits attached thereto.

S. The term "Escrow Agreement" shall refer to the Escrow Agreement by and among Elston, Raymond Cross as beneficiary of Lakeside Bank Land Trusts No. 10-1343 and 10-1087, and The First Commercial Bank as Escrow Agent, dated January 24, 2000.

INTERROGATORIES

Interrogatory No. 1. Identify all present and former officers, directors, and shareholders of Elston.

Interrogatory No. 2 Identify each present and former affiliate of Elston.

Interrogatory No. 3 Identify each person who is or was a tenant of Elston at the Site.

Interrogatory No. 4 Identify each person who has knowledge about the negotiation, drafting, assessment, analysis, and/or execution of the Sales Contract and Escrow Agreement.

Interrogatory No. 5 Identify each person who possesses knowledge about any investigations, response actions, or any other environmental business related to the alleged contaminants at or near the Site.

Interrogatory No. 6 Identify all facts related to your allegation that die casting operations at or near the Site caused or contributed to the disposal or release of contaminants at

the Site, including but not limited to the alleged dates of such disposal or release, the specific person or persons responsible, and how such die casting operations resulted in the disposal or release of contaminants.

Interrogatory No. 7 Identify all facts related to your allegation that any persons stored, disposed of, or abandoned any contaminants in the underground storage tanks at the Site between 1978 and 2000, including but not limited to the person(s) knowledgeable about such storage, disposal, or abandonment, the dates of such storage, disposal, or abandonment, and the type and quantity of each contaminant allegedly stored, disposed of, or abandoned.

Interrogatory No. 8 Identify all facts related to any response actions conducted at or near the Site, including but not limited to the dates of such actions, the person(s) participating in or otherwise causing or directing the actions, the type of action taken, the cost of each action taken, and the documents produced by such action.

Interrogatory No. 9 Identify all facts showing that the alleged releases of contaminants between 1978 and 2000 actually caused water pollution, groundwater contamination, or otherwise created a water pollution hazard in Illinois, including but not limited to the location of the water body or bodies allegedly polluted or threatened by contaminants released between 1978 and 2000.

Interrogatory No. 10 Identify all facts relating to the alleged disposal of used or waste tires at or near the Site between 1978 and 2000, including but not limited to the dates of such alleged disposal, the person(s) knowledgeable about such disposal, the location of such disposal, and the persons responsible for such disposal.

Interrogatory No. 11 Identify each person who prepared, or participated in preparing, any response to these Interrogatories and Document Requests, or who was consulted in preparing any such response.

Interrogatory No. 12 Identify each communication between Elston and the State of Illinois (including any agencies, Boards, or subdivisions thereof), City of Chicago (including any departments, divisions, and subdivisions thereof), and the United States Environmental Protection Agency (including any subdivisions thereof), relating to the alleged contaminants at or near the Site.

Interrogatory No. 13 Identify the source (by account number, if applicable) of all funds used to pay for any response actions by any party at or near the Site, including but not limited to any loans by affiliates or shareholders/owners of Elston.

Dated: September 26, 2003

Respectfully submitted,

FEDERAL DIE CASTING, CO.

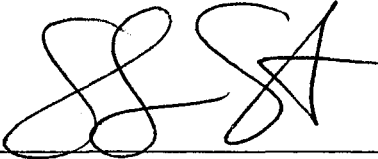
By: 

One of the attorneys for Federal Die Casting, Co.

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CERTIFICATE OF SERVICE

I, Shorge K. Sato, an attorney, certify that I have served Federal Die Casting, Co.'s First Set of Interrogatories to Complainant 2222 Elston LLC upon the parties on the attached service list, in the manner indicated, this 26th day of September, 2003:



Shorge K. Sato

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