

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
STATE OF ILLINOIS

ORIGINAL

RECEIVED
CLERK'S OFFICE

OCT 14 2003

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
v.)
NATIONAL MATERIAL L. P., an)
Illinois limited partnership,)
d/b/a NATIONAL LAMINATION)
COMPANY, and. NM HOLDING, INC.,)
a Nevada corporation,)
Respondents.)

PCB 01-02
(Enforcement)

NOTICE OF FILING

TO: Cyrus Tang, President
NM Holding, Inc.
3773 Howard Hughes Parkway, Suite 350N
Las Vegas, NV 89109

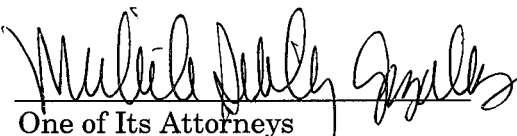
Paula Becker Wheeler
Assistant Attorney General
Office of the Attorney General
Environmental Bureau
188 W. Randolph Street, Suite 2001
Chicago, IL 60601

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

PLEASE TAKE NOTICE that on October 14, 2003, the undersigned filed the attached Respondent's First Set of Interrogatories and First Requests to Produce on Complainant with the Clerk of the Pollution Control Board. A copy of this document is attached and served upon you herewith.

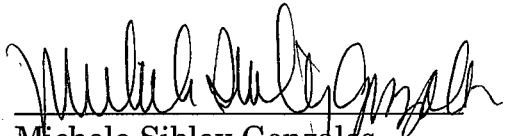
HOLLAND & KNIGHT LLC

By: 
One of Its Attorneys

Mark J. Steger
Michele Sibley Gonzales
Holland & Knight LLC
131 S. Dearborn Street, 30th Floor
Chicago, IL 60603
(312) 236-3600

CERTIFICATE OF SERVICE

The undersigned, an attorney, states that he caused a copy of the Notice of Filing and Respondent's First Set of Interrogatories and First Requests to Produce on Complainant to be served on all parties of record via facsimile and U.S. mail in properly addressed envelopes with postage prepaid on October 14, 2003.


Michele Sibley Gonzales

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PEOPLE OF THE STATE OF ILLINOIS,)

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No. PCB 01-02

NATIONAL MATERIALS L.P., an)

(Enforcement)

Illinois limited partnership,)

d/b/a NATIONAL LAMINATION)

COMPANY, and NM HOLDING, INC.,)

a Nevada corporation,)

Respondents.)

RESPONDENTS' FIRST SET OF INTERROGATORIES ON COMPLAINANT

Respondents, NATIONAL MATERIALS L.P. d/b/a NATIONAL LAMINATION COMPANY ("NLC"), and NM HOLDING, (collectively referred to as "Respondents"), by their attorneys, Holland & Knight LLC, pursuant to Illinois Supreme Court Rule 213 propounds the following Interrogatories to Complainant, People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois ("Complainant") to be answered in writing and under oath within twenty-eight days.

DEFINITIONS AND INSTRUCTIONS

A. The "Respondents" means or refers to National Materials L.P., d/b/a National Lamination Company, and NM Holding, Inc., their representatives, agents, officers, directors, employees, assigns, attorneys, and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

B. "NLC" means or refers to National Materials L.P., d/b/a National Lamination Company, its representatives, agents, officers, directors, employees, assigns, attorneys, and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

C. "NM Holding" means or refers to NM Holding, Inc., its representatives, agents, officers, directors, employees, assigns, attorneys, and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

D. "Complainant" or "you" or "your" means or refers to People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, its employees, agents, or contractors, and attorneys and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

E. "IEPA" means or refers to the Illinois Environmental Protection Agency, its representatives, agents, officers, employees, directors, assigns, attorneys and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

F. "Person" means and includes a natural person, partnership, joint venture, corporation, association, estate, trust or any other entity recognized in law, and shall include the owners, beneficiaries, officers, directors, employees, agents, trustees, parents, subsidiaries, affiliates, assigns, predecessors and successors of such "person."

G. "Document" means and includes "document" as defined in Supreme Court Rule 214, and any copy or summary of any document that is not identical to the original and, without limiting the generality of its meaning, all retrievable information in computer storage in printed form, telegrams, reports, invoices, bills, contracts, market studies and reports, books, records, minutes, letters, papers, charts, transcripts, statements, interviews, files, graphs, indices, data-sheets, data processing cards or readable computer produced interpretations thereof, data processing tapes or readable computer produced interpretations thereof, memoranda, survey, studies, speeches, policy statements, photostats, microfilms, tape recordings, periodicals and working papers in your possession or control or in the possession or control of your agents, employees or attorneys wherever located.

H. "Communication" means and includes any method for transmitting words, information or thought whether orally or in writing regardless of how delivered.

I. "Facility" refers to the property located at 555 Santa Rosa Drive, Des Plaines, Cook County, Illinois and includes the improvements thereon.

J. "FESOP" means and refers to Federally Enforceable State Operating Permit.

K. "VOM" means and refers to volatile organic material or volatile organic compound as defined by Illinois Environmental statutes.

L. "Board" means and refers to the Illinois Pollution Control Board, its representatives, agents, officers, employees, directors, assigns, attorneys and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

M. The singular form of any noun or pronoun includes, when appropriate, the plural thereof; the use of the masculine gender includes, where appropriate, the feminine gender; and the use of any neutral gender noun or pronoun includes, when appropriate, the masculine and feminine genders.

N. In answering these Interrogatories, furnish all information that is available to you by whatever means, and not merely such information known to your own personal knowledge.

O. If you cannot answer any Interrogatory in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer, and stating what information or knowledge you may have concerning the unanswered portions.

P. If you are asked to identify a person, state with respect to each:

1. The person's full name;
2. All other names by which the person may be known;
3. The person's last known:
 - a. Business address;
 - b. Business telephone number;
 - c. Residence Address;
 - d. Residence telephone number; and
 - e. Occupation and professional or business titles.
4. All present or past relationships such person has/had with any and all Defendants and/or persons identified as witnesses or as persons who have knowledge of matters involved in this case.

Q. If you are asked to identify a document, state with respect to each such document:

1. The identity of the person or persons who signed it or in whose name it was issued;
2. The identity of the person or persons to whom it was addressed;

3. The nature and substance of the document with sufficient particularity to enable it to be identified;
4. The identify of the person who has custody or control of the document;
5. The date of the document and the date the document was executed, if different from the date it bears;
6. the relationship the document bears to any and all of the Defendants and persons identified as witnesses or having knowledge of the matters involved in this case;
7. If the document or a copy is not in your control or possession, state the identify and most recent known address of the person who has custody or control of the document;
8. Whether you will make the document available for inspection and copying;
9. Any other identifying information sufficient to enable the document to be made the subject of a request or motion to produce for inspection.
10. If the document exists in an electronic format, state its location, including identifying information of the computer or system, such as the computer serial number, where the electronic information is located sufficient to enable the electronic information and computer or system to be made the subject of a request or motion to produce for inspection.

R. Identify any statements, information and/or documents known to you and requested by any of these interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

S. In accordance with Illinois Supreme Court Rule 213(i), you are directed to timely supplement or amend the answers to these interrogatories.

INTERROGATORIES

1. Identify the person(s) who answered these interrogatories, and who responded to Respondents' production requests, who furnished information and from whom information and/or documents were sought and, for each such person, identify each answer for which that person provided information.

2. Pursuant to Illinois Supreme Court Rule 213(f) (1) – (3), provide the name and address of each witness who will testify at hearing or trial and all other information required for each witness.

3. Identify all other persons (other than yourself and persons identified in answers to Interrogatories 2 and 3) who have knowledge of facts relating to the subject matter of the Complainant's Complaint and Complainant's First Amended Complaint.

4. Identify any person interviewed or otherwise communicated with by Complainant relating to the allegations in the Complaint and/or First Amended Complaint, not previously disclosed in answer to Interrogatory Numbers 1-3, and state whether a transcript, memorandum, or other notes of such interview exists and if yes, identify the person(s) who have possession of such documents, and provide a summary of the facts and opinions relevant to this proceeding which were discussed.

5. Define with specificity the phrase "NLC's metal fabricating operations" as that phrase is used in Complainant's First Amended Complaint, including specifying the machines, equipment, number, and location within the Facility of "NLC's metal fabricating operations".

6. State all "emission sources" you claim are located at the Facility that are at issue in this proceeding, including specifying the name and type of

equipment, machine, numbers of the same, and location within the Facility of the same.

7. State all "Existing emission sources" you claim are located at the Facility that are at issue in this proceeding, including specifying the name and type of equipment, machine, numbers of the same, and location within the Facility of the same.

8. State all "New emission sources" you claim are located at the Facility that are at issue in this proceeding, including specifying the name and type of equipment, machine, numbers of the same, and location within the Facility of the same.

9. State all "Specified Air Contaminants" you claim are located at, exist, are emitting at, the Facility that are at issue in this proceeding, including specifying the name, type, amount, and the manner, date and person(s) involved with measuring the same.

10. State with specificity the machines, equipment or other items located at the Facility that you claim:

(a) has/have caused or contributed to air pollution;

(b) is/are capable of causing or contributing to air pollution

and identify the person(s) with knowledge of or who possesses documents relating to the same.

11. List with specificity the machines, equipment or other items located at the Facility that you claim were constructed, installed or operated at the Facility without required IEPA or other agency permits and the date(s) of such construction, installation or operations.

12. State the date and manner in which you first became aware of the violations alleged in Complainant's First Amended Complaint.

13. State the VOM you claim is emitted from the Facility and that is at issue in this proceeding, specifying the name, type, amount, and the manner, date and person(s) involved with measuring, recording or estimating the same.

14. State the date Respondents submitted its FESOP application and its CAAPP permit application; and the date the FESOP was issued and the date the IEPA issued the CAAPP permit.

15. State the date(s) on which you claim the Facility emitted volatile organic material in an amount equal to or greater than 100 tons per year and identify the name, type, and amount of such alleged emissions, and state the manner, date and person(s) involved with measuring or otherwise recording or estimating the same and/or who has documents relating to the same.

16. State with specificity all alleged actions of Respondents that you claim constitute a physical change or change in the method of operation that resulted in a significant net emissions increase of VOM that is at issue in this proceeding, state

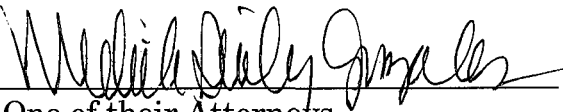
the amount of "significant net emissions increase of VOM", the manner and date(s) of testing, recording or estimating the same, and identify the person(s) with knowledge and/or documents relating to the same.

17. Identify all person(s) with knowledge of or information or documents relating to the allegations set forth at paragraph 33 of Count V of the First Amended Complaint.

18. Set forth the manner in which any penalties for the violations in the First Amended Complaint are computed, including the total amount of the penalty you claim should be imposed upon (a) NLC, (b) NM Holding, and (c) Respondents and identify the person(s) with knowledge, information and/or documents relating to the same.

NATIONAL MATERIAL L.P.,
d/b/a NATIONAL LAMINATION COMPANY
and NM HOLDING, INC.

By:


One of their Attorneys

Mark Steger
Michele E. Sibley Gonzales
Holland & Knight LLC
131 S. Dearborn Street, 30th Floor
Chicago, IL 60603
Atty. No. 37472

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a Nevada corporation,)
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Respondents.)

No. PCB 01-02
(Enforcement)

RESPONDENTS' FIRST REQUESTS TO PRODUCE ON COMPLAINANT

Respondents, NATIONAL MATERIALS L.P. d/b/a NATIONAL LAMINATION COMPANY ("NLC"), and NM HOLDING, (collectively referred to as "Respondents"), by their attorneys, Holland & Knight LLC, pursuant to Illinois Supreme Court Rule 214, submit the following requests for production of documents to the Complainant, People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, to be answered by written response and by producing the requested documents for inspection and/or copying at the offices of Holland & Knight, LLC, 131 South Dearborn, 30th Floor, Chicago, Illinois 60603 together with an affidavit stating that production is complete, within twenty-eight days.

DEFINITIONS AND INSTRUCTIONS

A. The "Respondents" means or refers to National Materials L.P., d/b/a National Lamination Company, and NM Holding, Inc., their representatives, agents, officers, directors, employees, assigns, attorneys, and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

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D. "Complainant" or "you" or "your" means or refers to People of the State of Illinois by Lisa Madigan, Attorney General of the sTate of Illinois, its employees, agents, or contractors, and attorneys and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

E. "IEPA" means or refers to the Illinois Environmental Protection Agency, its representatives, agents, officers, employees, directors, assigns, attorneys and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

F. "Person" means and includes a natural person, partnership, joint venture, corporation, association, estate, trust or any other entity recognized in law, and shall include the owners, beneficiaries, officers, directors, employees, agents, trustees, parents, subsidiaries, affiliates, assigns, predecessors and successors of such "person."

G. "Document" means and includes "document" as defined in Supreme Court Rule 214, and any copy or summary of any document that is not identical to the original and, without limiting the generality of its meaning, all retrievable information in computer storage in printed form, telegrams, reports, invoices, bills, contracts, market studies and reports, books, records, minutes, letters, papers, charts, transcripts, statements, interviews, files, graphs, indices, data-sheets, data processing cards or readable computer produced interpretations thereof, data processing tapes or readable computer produced interpretations thereof, memoranda, survey, studies, speeches, policy statements, photostats, microfilms, tape recordings, periodicals and working papers in your possession or control or in

the possession or control of your agents, employees or attorneys wherever located.

H. "Communication" means and includes any method for transmitting words, information or thought whether orally or in writing regardless of how delivered.

I. "Facility" refers to the property located at 555 Santa Rosa Drive, Des Plaines, Cook County, Illinois and includes the improvements thereon.

J. "FESOP" means and refers to Federally Enforceable State Operating Permit.

K. "VOM" means and refers to volatile organic material or volatile organic compound as defined by Illinois Environmental statutes.

L. "Board" means and refers to the Illinois Pollution Control Board, its representatives, agents, officers, employees, directors, assigns, attorneys and all other persons acting or purporting to act on its behalf, unless the context otherwise requires.

M. The singular form of any noun or pronoun includes, when appropriate, the plural thereof; the use of the masculine gender includes, where appropriate, the feminine gender; and the use of any neutral gender noun or pronoun includes, when appropriate, the masculine and feminine genders.

N. In responding to these Requests to Produce, furnish all information that is available to you by whatever means, and not merely such information known to your own personal knowledge.

O. If you cannot answer any Request to Produce in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer, and stating what information or knowledge you may have concerning the unanswered portions.

P. Identify any statements, information and/or documents known to you and requested by any of these requests to produce which you claim to be work product or subject to any common law or statutory privilege, and with respect to each request to produce, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

S. In accordance with Illinois Supreme Court Rules, you are directed to timely supplement or amend the answers to these requests to produce.

DOCUMENT REQUESTS

1. Produce all documents that relate to the answers filed by you in response to Respondents First Set of Interrogatories To Complainant.
2. Produce all documents that you intend to offer for introduction into evidence at the hearing and/or trial of this case.
3. Produce all documents that you intend to use at any depositions in this case.
4. Produce all documents that you intend to use in any fashion at the hearing and/or trial of this case.
5. Produce all documents that relate to the allegations in Complainant's Complaint.
6. Produce all documents that relate to the allegations in Complainant's First Amended Complaint, not previously produced in response to Request to Produce No. 5.
7. Produce all photographs, models, slides, films, motion pictures, videotapes or other depictions of the Facility or any portion thereof.
8. Produce all documents relating to any work done by any persons, including but not limited to, environmental consultants, who were consulted or retained at any time during one year prior to the filing of this action and the present, for the purpose of providing information, advice or opinions relating to the allegations set forth in the Complaint or First Amended Complaint.
9. Produce all documents relating to any work done by any persons at any

time during one year prior to the filing of this action and the present, with respect to computing a penalty for the violations alleged in the Complaint and or the First Amended Complaint.

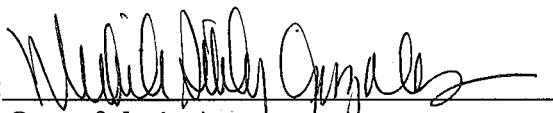
10. Produce any and all documents relating to any environmental inspection and/or environmental audit of the Facility.

11. Produce all environmental permit applications submitted by NLC, NM Holding or Respondents from January 1997 to the present and all documents relating thereto, including any and all agency file materials concerning the same.

12. Produce any and all communications between your office, IEPA, USEPA and NLC, NM Holding or Respondents concerning the Facility dated January 1997 to the present.

13. Produce all documents relating to the environmental conditions at the facility from 1997 to the present.

NATIONAL MATERIAL L.P.,
d/b/a NATIONAL LAMINATION COMPANY
and NM HOLDING, INC.

By: 
One of their Attorneys

Mark Steger
Michele E. Sibley Gonzales
Holland & Knight LLC
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Chicago, IL 60603
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