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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUN 16 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, }
 }
 Complainant, }
 }
 -v- }
 }
 4832 S. VINCENNES, L.P., an Illinois }
 limited partnership, and BATTEAST }
 CONSTRUCTION COMPANY, INC., }
 An Indiana corporation, }
 }
 Respondents. }

No. 04-7
(Enforcement - Air)

NOTICE OF FILING

To: Paula Becker Wheeler
Assistant Attorney General
Environmental Bureau
188 W. Randolph Street, 20th Floor
Chicago, Illinois 60601

PLEASE TAKE NOTICE that we have today, June 16, 2005, filed with the office of the Clerk of the Illinois Pollution Control Board an original and four copies of our Response to Complainant's First Request for Admission of Facts to Respondent, 4832 S. Vincennes, L.P., a copy of which is attached herewith and served upon you.

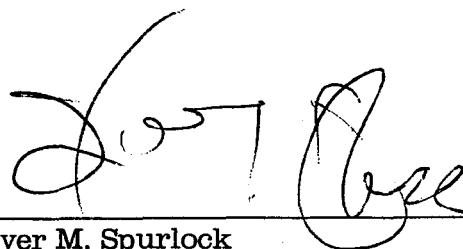
Respectfully submitted,

OLIVER M. SPURLOCK &
GREGORY V. MILLER,
Attorneys for 4832 S. Vincennes, L.P.

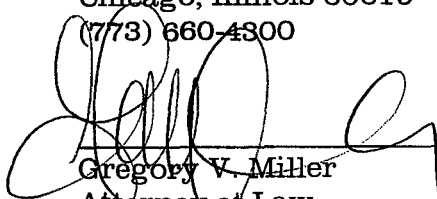
CERTIFICATE OF SERVICE

We, Oliver M. Spurlock and Gregory V. Miller, attorneys, do certify that we caused to be served this 16th day of June, 2005, the Response to Complainant's First Request for Admission of Facts to Respondent, 4832 S. Vincennes, L.P., to the persons named below by placing the same in overnight mail with U.P.S. postage prepaid, at 9415 South State Street, Chicago, Illinois 60619.

Paula Becker Wheeler
Assistant Attorney General
188 W. Randolph, 20th Floor
Chicago, IL 60601



Oliver M. Spurlock
Attorney at Law
9415 South State Street
Chicago, Illinois 60619
(773) 660-4300



Gregory V. Miller
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RESPONSE TO COMPLAINANT'S FIRST REQUEST FOR ADMISSION OF
FACTS TO RESPONDENT, 4832 S. VINCENNES, L.P.

NOW COMES, Respondent, 4832 S. Vincennes, L.P., by and through their attorneys, Oliver M. Spurlock and Gregory V. Miller, and responds to Complainant's First Request for Admission of Facts as follows:

Request No. 1

1. Please admit that at all times relevant to the Complaint, Respondent was and is an Illinois limited partnership organized and existing under the laws of the State of Illinois and is in good standing.

Response: Respondent admits the allegations of Request No. 1.

Request No. 2

2. Please admit that at all times relevant to the Complaint, Respondent owned the property and building(s) located at 4832 S. Vincennes, Chicago, Illinois and retained Batteast Construction Company, Inc., as its general contractor to renovate the site.

Response: Respondent admits the allegations of Request No. 2.

Request No. 3

3. Please admit that Respondent knew before January 1, 2002, that suspect asbestos containing material ("ACM") was present in the basement area of the site.

Response: Respondent denies the allegations of Request No. 3.

Request No. 4

4. Please admit that Respondent did not discontinue the work on the renovation at the site after January 1, 2002 until February 5, 2002.

Response: Respondent admits the allegations of Request No. 4.

Request No. 5

5. Please admit that on January 31, 2002, dry, friable suspect ACM was found on the pipes and floor of the basement at the site.

Response: Respondent denies the allegations of Request No. 5.

Request No. 6

6. Please admit that Respondent refused to instruct the contractor or its agents or employees to stop work on January 31, 2003 when requested to do so by the Illinois EPA.

Response: Respondent denies the allegations of Request No. 6.

Request No. 7

7. Please admit that on January 31, 2002, several workers were present at the site doing work on or around the first floor, and that some doors and windows were open.

Response: Respondent lacks sufficient knowledge to answer this question.

Request No. 8

8. Please admit that from January 1, 2002 until January 31, 2002, workers were present at the site without wearing personal protective equipment and were working without utilizing any emission control procedures.

Response: Respondent admits the allegations of Request No. 8.

Request No. 9

9. Please admit that Respondent failed to conduct a thorough inspection of the site for the presence and location of asbestos before starting renovation activities at the site.

Response: Respondent denies the allegations of Request No. 9.

Request No. 10

10. Please admit that Respondent failed to remove all regulated ACM from the site before beginning renovation activities that would break up, dislodge or similarly disturb the material.

Response: Respondent lacks sufficient knowledge to answer this question.

Request No. 11

11. Please admit that Respondent failed to adequately wet all the regulated ACM and keep it wet until collected and contained in preparation for disposal.

Response: Respondent lacks sufficient knowledge to answer this question.

Request No. 12

12. Please admit that Respondent failed to adequately wet all the regulated ACM and keep it wet until treated in preparation for disposal.

Response: Respondent lacks sufficient knowledge to answer this question.

Respectfully submitted,

OLIVER M. SPURLOCK &
GREGORY V. MILLER,
Attorneys for 4832 S. Vincennes, L.P.

