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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 BLICK'S CONSTRUCTION CO., INC., an )  
 Illinois Corp., and RON BRICKER, )  
 )  
 Respondents. )

PCB No. 13-43 (Enforcement Air)



ORIGINAL

**RESPONDENT, BLICK'S CONSTRUCTION CO., INC.'S, FIRST SET OF INTERROGATORIES TO COMPLAINANT**

Respondent, BLICK'S CONSTRUCTION CO., INC., requests that Complainant, PEOPLE OF THE STATE OF ILLINOIS ("COMPLAINANT" or "STATE OF ILLINOIS"), answer, in writing, under oath, these interrogatories in accordance with Illinois Pollution Control Board Rule 101.620 and Illinois Supreme Court Rule 213:

**INSTRUCTIONS**

1. Complainant, STATE OF ILLINOIS, is required in answering these interrogatories to furnish all information available to the Complainant and any of its agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf, and which is ascertainable by reasonable inquiry whether or not the requested information might be available from another entity.

2. If an interrogatory has subparts, the Complainant is required to answer each part separately and in full.

3. If the Complainant cannot answer interrogatory in full, it is required to answer all parts of the interrogatory to the extent possible and specify the reason for its inability to provide additional information.

4. As to each interrogatory, or portion thereof, identify each document, person, communication, transaction or event which relates to, corroborates, or in any way forms the basis for the answer given, whether or not such identification is specifically requested by the interrogatory.

5. As to each interrogatory, or portion thereof, identify in the answer every oral communication, document or writing.

6. Pursuant to Illinois Pollution Control Board Rule 101.616(h), 35 Illinois Administrative Code Section 101.616(h), and Supreme Court Rule 213(i), said Complainant is requested to serve upon Respondent corrected, supplemented or augmented answers hereto, documents or other forms of information from whatever source, which arguably tends to show that the Complainant's prior or current answers are, might be, were or might have been in a sense incorrect, incomplete, potentially misleading or less than fully responsive or truthful; and as new information and documents become available.

7. If dates are requested, the exact date should be given if possible. However, if the exact date cannot be determined due to absence or inadequacy of records, the best estimate should be given to the interrogatory and labeled as such.

8. In construing these interrogatories:

- a. the singular shall include the plural and the plural shall include the singular; and
- b. a masculine, feminine or neuter pronoun shall not exclude the other genders.

9. If the Complainant encounters any ambiguity in construing any interrogatory or any definition or instruction pertaining to any interrogatory, Complainant shall set forth the matter deemed "ambiguous" and the construction chosen or used in responding to the interrogatory and answer the reasonable meaning of the interrogatory.

10. Unless otherwise stated, all Interrogatories refer to the time period from January 1, 2010 until the filing of these Interrogatories.

11. If Complainant answers an interrogatory by producing documents (see Illinois Supreme Court Rule 213(e)), Complainant shall provide or make the requested documents available at the Offices of Hinshaw & Culbertson LLP, 222 N. LaSalle Street, Chicago, Illinois 60601.

12. This discovery is deemed continuing, necessitating supplemental answers by the Complainant, or anyone acting on their behalf, when or if they obtain additional information which supplements or alters the answers now provided.

### **CLAIMS OF PRIVILEGE**

1. With respect to any interrogatory that Complainant refuses to answer on a claim of privilege, please provide pursuant to Supreme Court Rule 201(n), a statement signed by an attorney representing the Complainant setting forth for each such assertion of privilege:

- a. The date of the information or document;
- b. The type or nature of the information or document (e.g., letter, conversation, etc.);
- c. The person or persons who prepared the information or document and his, her, or their job title(s);
- d. The name and job title of each person to whom the document was shown;
- e. The present location and custodian of the document;
- f. The basis on which the Complainant's claim the privilege;
- g. A description of the information or the contents of the document sufficient to support the claim of privilege; and
- h. The paragraph of these interrogatories to which the privilege relates.

2. If the objection relates to only part of an interrogatory, the balance of the interrogatory shall be answered in full.

### DEFINITIONS

1. "Act" shall mean the Illinois Environmental Protection Act, 415 ILCS 5/1 et. seq.

2. "ACM" means asbestos containing material

3. "Blick's" shall mean BLICK'S CONSTRUCTION CO., INC. and any of its agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf.

4. "Bricker" shall mean Ron Bricker and any of his agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on his behalf.

5. "Case" shall mean PCB No. 13-43, *Blick's Construction Co., Inc., an Illinois Corporation, and Ron Bricker*, filed on February 8, 2013 before the Illinois Pollution Control Board.

6. "Communication" shall mean, without limitation, any and all forms of transferring information, including discussions, conversations, meetings, conferences, interviews, negotiations, agreements, understandings, inquiries, correspondence, documents, or other transfers of information whether written or oral or by any other means including electronic and includes any document which abstracts, digests, transcribes or records any communication.

7. "Complaint" shall mean the PCB No. 13-43 Complaint filed on February 8, 2013 before the Illinois Pollution Control Board.

8. "Current" or "Present" shall mean the date on which Complainant serves its Response to these Requests on Complainant's attorneys.

9. "Describe" shall mean to depict in written words or give an account of.

10. "Document" shall be construed in their customary broad sense and shall include, but is not limited to, the original and any non-identical copy, whether different from the original because of notes made on said copy or otherwise, or any agreement bank record or statement; (book of account, including any ledgers, sub-ledger, journal, or sub-journal; brochure; calendar; chart; check; circular; communication (intra- or inter-company or governmental entity or agency or agencies); contract; copy; correspondence; diagram; diary; draft of any document; drawing; electronic mail (e-mail); facsimile (fax); graph; index; instruction; instruction manual or sheet; invoice job requisition; letter; license; map; manifest; manual; memorandum; minutes; newspaper or other clipping; note; note book; opinion; pamphlet, paper; periodical or other publication; photograph; plan; print; receipt; record; recording report; sketch; statement; study; summary including any memorandum, minutes, note record, or summary of any (a) telephone, videophone or intercom conversation or message, (b) personal conversation or interview, or (c) meeting or conference; telegram; telephone log; travel or expense record; voucher; worksheet or working paper; writing; any other handwritten, printed, reproduced, recorded, typewritten, or otherwise produced graphic material from which the information inquired of may be obtained, or any other documentary material of any nature, in the possession, custody or control of Complainant.

11. "First Bankers" shall mean First Bankers Trust Company, N.A. and any of its corporate affiliates, successors, predecessors, parents or subsidiaries, agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf.

12. "Identification" or "Identity" shall mean:

- a. As to an individual, stating his or her:
  - (i) full and customarily used names;

- (ii) present business, residence addresses, and applicable phone numbers;
  - (iii) business or profession during the relevant time period;
  - (iv) every office, title or position held during the relevant time period;
  - (v) and every employer during the relevant time period.
- b. As to any person other than an individual, stating:
- (i) its legal name and any other name used by it;
  - (ii) the form or manner of its organization (e.g. partnership, corporation, etc.);
  - (iii) the state of its incorporation (if they is incorporated); and
  - (iv) the address of its principal place of business.
- c. As to a document, stating:
- (i) the date of its creation, execution, and receipt;
  - (ii) its author or signatory;
  - (iii) its addresses and any other recipient;
  - (iv) its type or nature (e.g., letter, memorandum, etc.);
  - (v) identification of the custodian;
  - (vi) identification of the document; and
  - (vii) its present location.
- d. As to any event, incident, conversation, transaction or occurrence, stating:
- (i) the date;
  - (ii) the place where it took place and the manner of its occurrence;
  - (iii) Identification of all the participants;
  - (iv) the purpose and subject matter; and

(v) a description of what transpired.

13. "Illinois EPA" or "IEPA" or "Agency" shall mean the Illinois Environmental Protection Agency.

14. "Knowledge" shall mean firsthand information and/or information derived from any other source, including hearsay.

15. "NESHAP" shall mean National Emission Standards for Hazardous Air Pollutants Subpart M- National Emission Standard for Asbestos, 40 C.F.R. Part 61, Subpart M.

16. "Or" and "And" in these Requests shall be construed either disjunctively or conjunctively so as to elicit any facts or information which might otherwise be construed as outside their scope.

17. "Person" shall include, but is not limited to, any natural person; business or corporation, whether for profit or not; firm, partnership, or other non-corporate business organization; charitable, religious, education, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.

18. "RACM" means regulated asbestos containing material.

19. "Related to" or "relating to" shall mean anything which, directly or indirectly, concerns, consists of, pertains to, reflects, evidences, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally, logically, or factually connected with, proves, disproves, or tends to prove or disprove.

20. "Relied upon" shall mean being or having been depended upon or referred to or being or having been arguably appropriate for such reliance.

21. "Representative" or "representatives" shall mean any person, including attorneys, agents or brokers, who acts, or has at any time by any person been requested or solicited to act, at the named entity's or person's request, for the entity's or person's benefit or on its/his/her behalf.

22. "Complainant" shall mean the Blick's and any of its agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf.

23. "Site" shall mean the former commercial banking building and real property that is the subject of the Complaint located at 1201 Broadway, Quincy, Illinois.

24. "Triple A" shall mean Triple A Asbestos Services, Inc. and any of its agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf.

25. All terms not specifically defined herein shall have their logical ordinary meaning, unless such terms are defined in the Act or the regulations promulgated thereunder, in which case the appropriate or regulatory definitions shall apply.

## **INTERROGATORIES**

**INTERROGATORY NO. 1.** Identify each person who supplied information for answers to these interrogatories and further state for which interrogatories each person so identified supplied information.

### **ANSWER:**

**INTERROGATORY NO. 2.** In relation to Counts I, III, and IV of the Complaint and each and every allegation of Paragraph 24 of Count I of the Complaint, please set forth the basis for these allegations and identify each and every fact, allegation and/or any other evidence relied upon in support of allegation the State of Illinois' contention that, "Complainants caused or allowed dry, friable regulated asbestos-containing material at the facility to be removed which caused, threatened or allowed the discharge of or emission of asbestos into the environment so as to cause or tend to cause air pollution in Illinois." (Complaint, Count I, 24).



**ANSWER:**

**INTERROGATORY NO. 3.** In relation to Counts I, III and IV of the Complaint and each and every allegation of Paragraph 26 of Count III of the Complaint, please set forth the basis for these allegations and identify each and every fact, allegation and/or any other evidence relied upon in support of allegation the State of Illinois' contention that, "Complainants did not remove all RACM, including Category I non-friable ACM that would breakup, dislodge, or be similarly disturbed prior to commencing salvaging activities." (Complaint, Count III, 26).

**ANSWER:**

**INTERROGATORY NO. 4.** In relation to Counts I, III, and IV of the Complaint and each and every allegation of Paragraph 28 of Count III of the Complaint, please set forth the basis for these allegations and identify each and every fact, allegation and/or any other evidence relied upon in support of allegation the State of Illinois' contention that, "Complainants did not adequately wet, and maintain wet, all RACM and regulated asbestos- containing waste material until collected and contained in accordance with asbestos NESHAP requirements in preparation for disposal at a site permitted to accept such waste." (Complaint, Count III, 28).

**ANSWER:**

**INTERROGATORY NO. 5.** In relation to Counts I, III, and IV of the Complaint and each and every allegation of Paragraph 25 of Count IV of the Complaint, please set forth the basis for these allegations and identify each and every fact, allegation and/or any other evidence relied upon in support of allegation the State of Illinois contention that, "Complainants did not wet asbestos-containing waste material or keep asbestos-containing waste material wet during handling and loading for transport to a disposal site; or process asbestos- containing waste material into non-friable forms, and Complainant's (sic - Respondent) did not use an alternative emission control and waste treatment method that received prior approval by the U.S. EPA's Administrator during renovation activities." (Complaint, Count IV, 25).

**ANSWER:**

**INTERROGATORY NO. 6.** In relation to Counts I, III, and IV of the Complaint and each and every allegation of Paragraph 28 of Count III of the Complaint, please explain the basis for these allegations and identify each and every fact, allegation and/or any other evidence

relied upon in support of allegation the State of Illinois' contention that, "Complainants did not adequately wet, and maintain wet, all RACM and regulated asbestos" containing waste material until collected and contained in accordance with asbestos NESHAP requirements in preparation for disposal at a site permitted to accept such waste." (Complaint, Count III, 28).

**ANSWER:**

**INTERROGATORY NO. 7.** Identify any and all communications, both oral and written, and meetings between Blick's, its employees, agents, contractors, consultants, representatives, and employers, and Complainant Ron Bricker, known, possessed and/or alleged by the STATE OF ILLINOIS that pertain to the former commercial banking building located at 1201 Broadway, Quincy, Illinois from the year 2000 through present.

**ANSWER:**

**INTERROGATORY NO. 8.** Identify any and all communications, both oral and written, and meetings between the agents, employees, representatives, consultants, contractors, or subcontractors (including but not limited to Triple A) of Blick's and/or First Bankers Trust Company, N.A. related to authorization to access to the Facility, removal of building components (including, but not limited to, furnishings, flooring, and/or ceiling material, electrical components, metal, and was material) prior to the demolition of the Facility, the presence and/or location of RACM and/or ACM at the Facility, the handling or removal of such material, and the measures to prevent or restrict public access at the Facility as known, possessed and/or alleged by the STATE OF ILLINOIS. Describe the purpose for and subject matter discussed at each such meeting, teleconference, or other communication, and any documents generated at or in connection with each such meeting, teleconference, or other communication.

**ANSWER:**

**INTERROGATORY NO. 9.** Identify each person known to or alleged by THE STATE OF ILLINOIS, its agencies, agents, employees, contractors representatives, and consultants, who had reason to or may know who performed work within the Facility, entered the Facility, or requested entry to the Facility. Describe the scope of the actual or alleged knowledge, the work performed or allegedly performed, by whom, and when.

**ANSWER:**

**INTERROGATORY NO. 10.** Identify each date as specifically as possible that Blick's, its agents, employees, contractors, representatives, and consultants visited, entered, or authorized entry to the Facility by a person other than its agents, employees, contractors, representatives, and consultants.

**ANSWER:**

**INTERROGATORY NO. 11.** Identify each entity or person which the STATE OF ILLINOIS alleges controlled or had authority to control the removal of ACM, demolition of the Facility, and access to the Facility. Describe that authority, dates such authority was exercised, and all communications relative to the exercise of that authority.

**ANSWER:**

**INTERROGATORY NO. 12.** Identify each person possessing or having access to a key or any other device required to enter the Facility. Describe the location of each lock that each key operates. For each person possessing a key or other device, identify each person from whom a key was obtained, date received, and date possession was relinquished and to whom.

**ANSWER:**

**INTERROGATORY NO. 13.**

1. Identify the following:
  - a. Identify each person and general topics of discussion who the STATE OF ILLINOIS possesses information or alleges that Blick's had contact with regarding work to be done at the Site and compliance with Federal, State and/or local environmental and/or public health laws and regulations;
  - b. Identify all persons having knowledge of the operations at the Site and/or any of the facts alleged in the Complaint. Include any and all persons that Complainant intends to call as witnesses at a hearing, and describe their relationship, if any, to Site and to the STATE OF ILLINOIS.

**ANSWER:**

**INTERROGATORY NO. 14.**

Identify each and every occurrence as specifically as possible for which the STATE OF ILLINOIS possesses information or otherwise alleges that Blick's was present at the Site when items were removed and the items and quantity of each item removed from the Site on each date from January 1, 2011 to the present.

**ANSWER:**

**INTERROGATORY NO. 15.**

Identify all persons as specifically as possible of whom the STATE OF ILLINOIS possesses information or otherwise alleges were present at the Site when Blick's was at the Site, including the date or dates of each occurrence for each person from January 1, 2011 to the present.

**ANSWER:**

**INTERROGATORY NO. 16.** Identify all construction and demolition activity as specifically as possible of which the STATE OF ILLINOIS possesses information or otherwise alleges occurred at the Site for each date Blick's was present at the Site from January 1, 2011 to the present.

**ANSWER:**

**INTERROGATORY NO. 17.**

Describe as specifically as possible for which the STATE OF ILLINOIS possesses information or otherwise alleges the location of each entry and door to access the Site and each door at the Site and the type of lock for each entry and the type of key that opened each lock at the Site, and who possessed the related keys to each respective door and lock during the period January 1, 2011 to present.

**ANSWER:**

**INTERROGATORY NO. 18.**

Identify any of Blick's communications to, from, between or with any governmental agency, including, but not limited to, Federal, State, County, or City, from January 1, 2010 to the present date pursuant to the definition herein, including, but not limited to, any communications

requesting Blick's cease removing material at the Site and the date the STATE OF ILLINOIS alleges the communication occurred, by whom and Blick's response.

**ANSWER:**

**INTERROGATORY NO. 19.**

Identify all individuals, owners, operators, supervisors, managers, employees, subcontractors and/or consultants of or for Blick's who had dealings with, conferred with, corresponded or met with government regulators including, but not limited to, the Federal, State, County and City in all matters related to the Complaint, and any applications for permits or submission of plans related to the Site.

**ANSWER:**

**INTERROGATORY NO. 20.**

Pursuant to Supreme Court Rule 213(f)(1), identify all lay witnesses whom Complainant will call at hearing of this matter and for each witness so identified, state the subjects on which each such witness is expected to testify, and identify all documents on which each such witness will rely.

**ANSWER:**

**INTERROGATORY NO. 21.** Pursuant to Supreme Court Rule 213(f)(2), identify all independent expert witnesses whom Complainant will call at hearing of this matter, and for each such witness so identified, state:

- a. the subjects on which the witness will testify;
- b. the opinions Complainant expect to elicit; and
- c. the identity of any and all documents on which each such witness will rely.

**ANSWER:**

**INTERROGATORY NO. 22.**

Pursuant to Supreme Court Rule 213(f)(3), identify all controlled expert witnesses whom Complainant will call at hearing of this matter, and for each such witness so identified, state:

- a. the subject matter on which the witness will testify;

- b. the conclusions and opinions of the witness and the bases therefore;
- c. the qualifications of the witness; and
- d. any reports or other documents prepared or relied upon by the witness about the case.

**ANSWER:**

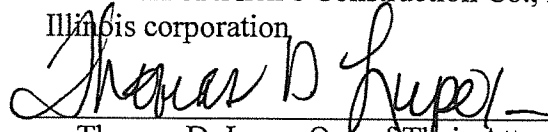
**INTERROGATORY NO. 23.**

With respect to any witness interviewed by Complainant whom Complainant does not intend to call to testify, state the name, phone number and address of any such witness, state whether a transcript of any interview with said witness was prepared, or a memorandum was prepared in connection with any such interview, and provide a summary of the facts relevant to this proceeding.

**ANSWER:**

Dated: November 20, 2015 Respectfully submitted,

On behalf of Blick's Construction Co., Inc., an  
Illinois corporation

  
\_\_\_\_\_  
Thomas D. Lupo, One of Their Attorneys

Thomas D. Lupo  
HINSHAW & CULBERTSON LLP  
222 North LaSalle Street  
Suite 300  
Chicago, IL 60601-1081  
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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

BLICK'S CONSTRUCTION CO., INC., an  
Illinois corporation, and RON BRICKER,

Respondents.

PCB No. PCB NO. 13-42

43  
ORIGINAL

**RESPONDENT, BLICK'S CONSTRUCTION CO., INC.'S FIRST SET OF REQUESTS  
TO PRODUCE TO COMPLAINANT, PEOPLE OF THE STATE OF ILLINOIS**

Respondent, BLICK'S CONSTRUCTION CO., INC., propounds these Requests for the Production of Documents to the Complainant, STATE OF ILLINOIS, pursuant to Illinois Pollution Control Board Rule 101.616, 35 Ill. Adm. Code 101.616, and Illinois Supreme Court Rule 214, as follows:

**INSTRUCTIONS**

1. Complainant is required, in answering this production request to furnish all information available to Complainant and any of its agencies, agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf and which is ascertainable by reasonable inquiry whether or not the requested information might be available from another entity.

2. If a production request has subparts, Complainant is required to answer each part separately and in full.

3. If Complainant cannot answer a production request in full, it is required to answer all parts of the production request to the extent possible and specify the reason for its inability to provide additional information.



4. Pursuant to Illinois Pollution Control Board Rule 101.616(h), 35 Illinois Administrative Code Section 101.616(h), and Illinois Supreme Court Rule 214, Complainant is requested to serve upon Complainant corrected, supplemented or augmented this production request hereto, documents or other forms of information from whatever source, which arguably tends to show that Complainant's prior production requests are, might be, were or might have been in a sense incorrect, incomplete, potentially misleading or less than fully responsive or truthful; and as new information and documents become available.

5. If dates are requested, the exact date should be given if possible. However, if the exact date cannot be determined due to absence or inadequacy of records, the best estimate should be given as to the production request and labeled as such.

6. In construing this production request:

- a. the singular shall include the plural and the plural shall include the singular; and
- b. a masculine, feminine or neuter pronoun shall not exclude the other genders.

7. If you encounter any ambiguity in construing any production request or any definition or instruction pertaining to any production request, set forth the matter deemed "ambiguous" and the construction chosen or used in responding to the production request.

8. In producing documents, Complainant is requested to furnish all documents or things in its actual or constructive possession, custody or control, or known or available to Complainant, regardless of whether such documents or things are possessed directly by Complainant or by Complainant' attorneys, investigators, agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf.

9. If any production request is not or cannot be produced in full, produce it to the extent possible, indicating with particularity what documents or portion of any such documents is not or cannot be produced and the reason therefore.

10. In producing documents, Complainant is requested to produce the original of each production requested together with all non-identical copies and drafts of that document.

11. All documents should be produced in the same order as they are kept or maintained by Complainant.

12. All documents should be produced in a file, folder, envelope, or other container in which the documents are kept or maintained by you. If for any reason the container cannot be produced, please produce copies of all labels or other identifying markings.

13. Documents attached to each other should not be separated.

14. Documents not otherwise responsive to this request shall be produced if such documents refer to, relate to, or explain the documents called for by this request and constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar documents.

15. Each production request should be construed and responded to independently from each other request. The scope of any requests should not be construed to limit or narrow the scope of any other request.

16. This discovery is deemed continuing, necessitating supplemental answers by Complainant, or anyone acting on its behalf, when or if it obtains additional information which supplements or alters the answers now provided.

17. Complainant shall furnish an affidavit stating whether the production request is complete in accordance with the request and in accordance with Supreme Court Rule 214.

18. Unless otherwise indicated, these production requests refer to the time period from January 1, 2010 through the date of this filing.

### **I. CLAIMS OF PRIVILEGE**

1. With respect to any production request, which Complainant refuses to answer on a claim of privilege, provide a statement signed by an attorney representing Complainant setting forth for each such assertion of privilege:

a. the name and job title of every person involved in the conversation or communication;

b. the nature of the information disclosed

c. all facts relied upon in support of the claim of privilege;

d. all documents related to the claim of privilege;

e. all events, transactions or occurrences related to the claim of privilege;

f. the statute, rule or decision which is claimed to give rise to the privilege or the reason for its unavailability.

2. If the objection relates to only part of a production request, the balance of the production request should be answered in full.

### **DEFINITIONS**

1. "ACM" shall mean asbestos-containing material.

2. "Act" shall mean the Illinois Environmental Protection Act, 415 ILCS 5/1 et. seq. (2014).

3. "Assets" shall mean anything owned that has an exchange value including, but not limited to cash, stocks, bonds, mutual funds, real and personal property, fixtures, equipment,

inventory, accounts receivable, notes receivable and claims against other person(s) as person is defined in this definition section.

4. "Blick's" shall mean Blick's Construction Co., Inc. and any of its agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf.

5. "Bricker" shall mean Ron Bricker and any of his agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on his behalf.

6. "Communication" shall mean, without limitation, any and all forms of transferring information, including discussions, conversations, meetings, conferences, interviews, negotiations, agreements, understandings, inquiries, correspondence, documents, or other transfers of information whether written or oral or by any other means, and includes any document which abstracts, digests, transcribes or records any communication.

7. "Complainant" shall mean the Complainant listed in the complaint, the State of Illinois, and any of its agents, representatives, or persons who acted as Complainant's representative.

8. "Complaint" shall mean PCB No. 13-43 Complaint, Blick's Construction Co., Inc., an Illinois Corporation, and Ron Bricker filed on February 8, 2013 before the Illinois Pollution Control Board.

9. "Current" or "Present" means as of the filing date of these production requests.

10. "Document" shall be construed in its customary broad sense in accordance with Supreme Court Rules 213(e) and 214 and shall include, but is not limited to, the original and any non-identical copy, whether different from the original because of notes made on said copy or

otherwise, or any agreement bank record or statement; book of account, including any ledges, sub-ledger, journal, or sub-journal; brochure; calendar; chart; check; circular; communication (intra- or inter-company or governmental entity or agency or agencies); contract; copy; correspondence; diary; draft of any document; graph; index; instruction; instruction manual or sheet; invoice job requisition; letter; license; manifest; manual; memorandum; minutes; newspaper or other clipping; note; note book; opinion; pamphlet, paper; periodical or other publication; photograph; print; receipt; record; recording report; statement; study; summary including any memorandum, minutes, note record, or summary of any (a) telephone, videophone or intercom conversation or message, (b) personal conversation or interview, or (c) meeting or conference; telegram; telephone log; travel or expense record; voucher; worksheet or working paper; writing; any other handwritten, printed, reproduced, recorded, typewritten, or otherwise produced graphic material from which the information inquired of may be obtained, or any other documentary material of any nature, in the possession, custody or control of Complainant.

11. "First Bankers" shall mean First Bankers Trust Company, N.A. and any of its corporate affiliates, parents, subsidiaries, predecessors and successors, agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf.

12. "Identification" or "identify" shall mean:

a. As to an individual, stating his or her:

i. full and customarily used names;

ii. present business and residence addresses;

iii. business or profession during the relevant time period;

iv. every office, title, or position held during the relevant time period; and

- v. every employer during the relevant time period.
- b. As to any person, other than an individual, stating:
  - i. its legal name and any other name used by it;
  - ii. the form or manner of its organization (e.g. partnership, corporation, etc.);
  - iii. the state of its incorporation (if it is incorporated); and
  - iv. the address of its principal place of business.
- c. As to any event, incident, conversation, transaction or occurrence, stating:
  - i. the date;
  - ii. the place where it took place and the manner of its occurrence;
  - iii. identification of all the participants;
  - iv. its purpose and subject matter; and
  - v. a description of what transpired.

13. "Illinois EPA" and "IEPA" and "Agency" means the Illinois Environmental Protection Agency.

14. "Knowledge" means firsthand information and/or information derived from any other source, including hearsay.

15. "NESHAP" shall mean National Emission Standards for Hazardous Air Pollutants Subpart M- National Emission Standard for Asbestos, 40 C.P.R. Part 61, Subpart M.

16. "Material" shall mean any and all objects and tangible things at the Site before and during demolition activities.

17. "Or" and "And" in these production requests shall be construed either disjunctively or conjunctively so as to elicit any facts or information which might otherwise be construed as outside their scope.

18. "Person" shall include, but is not limited to, any natural person; business or corporation, whether for profit or not, whether currently dissolved, or not; firm, partnership, or other non-corporate business organization; charitable, religious, education, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.

19. "Related to" or "relating to" or "in relation to" shall mean anything which, directly or indirectly, concerns, consists of, pertains to, reflects, evidences, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally, logically or factually connected with, proves, disproves, or tends to prove or disprove.

20. "Relied upon" shall mean being or having been depended upon or referred to or being or having been arguably appropriate for such reliance.

21. "Representative" or "representatives" shall mean any person, including attorneys, agents or brokers, who acts, or has at any time by any person been requested or solicited to act, at the named entity's or person's request, for the entity's or person's benefit or on its/his/her behalf.

22. "Site" shall mean the former commercial banking building and real property that is the subject of the Complaint located at 1201 Broadway, Quincy, Illinois.

23. "Triple A" shall mean Triple A Asbestos Services, Inc. and any of its agents, representatives, successors or assigns, employees, representatives, consultants, contractors, or subcontractors or any other person acting or believed to have acted on its behalf.

24. Unless otherwise specified, all production requests refer to the time period from January 1, 2010 until the present.

25. All terms not specifically defined herein shall have its logical ordinary meaning, unless such terms are defined in the Act or the regulations promulgated under the Act, in which case the appropriate or regulatory definitions shall apply.

#### PRODUCTION REQUESTS

1. Provide all documents, objects and tangible things Complainant will introduce into evidence at an administrative hearing for this case.

RESPONSE:

2. Provide all documents, objects and tangible things Complainant relied on and/or referenced in preparing the Complaint.

RESPONSE:

3. Produce all documents referenced in, relied on, or referred to in the Complainant's Answers to all Interrogatories.

RESPONSE:

4. Provide all documents, objects and tangible things which tend to support, allegedly support, contradict or disprove any of the factual allegations contained in the Complaint and specifying the factual allegation that each document, object and tangible thing contradicts or disproves.

RESPONSE:

5. Provide all documents allegedly describing Blick's or John Blickhan's duties and responsibilities on behalf of or relating to Blick's, including, but not limited to, operations at the Site.

RESPONSE:



6. Produce all documents related to the demolition at the Site from January 1, 2010 to the present.

RESPONSE:

7. Produce all documents, including, but not limited to, notes, logs, work orders, reports, contracts and correspondence related to Blick's or John Blickhan's activities on behalf of Blick's operations or activities related to the Site from January 1, 2010 to the present.

RESPONSE:

8. Produce all documents related to a contract or agreement between the Blick's and First Bankers, Site owner's and Site lessor's related to Blick's work and access to the Site, including, but not limited to, authorization to access to the Site, removal of material (including, but not limited to, building components, furnishings, flooring, and/or ceiling material, electrical components, metal, and wall material), the presence and/or location of RACM and/or ACM at the Site, the handling or removal of such material, and the measures to prevent or restrict public access at the Site.

RESPONSE:

9. Produce all documents related to a contract or agreements between Bricker and Blick's related to Bricker's work and access to the Site including, but not limited to, authorization to access to the Site, removal of building components (including, but not limited to, furnishings, flooring, and/or ceiling material, electrical components, metal, and wall material), the presence and/or location of RACM and/or ACM at the Site, the handling or removal of such material, and the measures to prevent or restrict public access at the Site.

RESPONSE:

10. Produce all documents related to a contract or agreements between Triple A and Blick's related to Triple A's work and access to the Site including, but not limited to, authorization to access to the Site, removal of building components (including, but not limited to, furnishings, flooring, and/or ceiling material, electrical components, metal, and wall material), the presence and/or location of RACM and/or ACM at the Site, the handling or removal of such material, and the measures to prevent or restrict public.

RESPONSE:

11. Produce all documents or records establishing dates when and the type of work that was performed at the Site from January 1, 2011 to the present date.

RESPONSE:

12. Produce all documents of results for any and all inspections of the Site, including all photographs, diagrams, drawings, written notes or description of conditions at the Site, including, but not limited to, inspections by the Federal, State, County and City from January 1; 2010 to present.

RESPONSE:

13. Produce all documents relating to communications between Respondent and any government entities, including, but not limited to, Federal, State, City and County, related to the Site from January 1, 2010 to the present date, including but not limited to, correspondence or other communications relating to citizen complaints about the Site, and any and all communications between the Illinois EPA and Blick's regarding ACM at the Site or removal of ACM at the Site, including, but not limited to, any Notification and Fees sent to the Illinois EPA by Blick's.

RESPONSE:

14. Produce all documents or records relating to any plans or permits, approved and/or issued by any government agency, including, but not limited to, the Federal, State, County, and City, for the removal of material from the Site, including, but not limited to, the application for each such plan and/or permit or waiver, and all exhibits and attachments to each application.

RESPONSE:

15. Produce all documents relating to or evidencing the removal, transportation, disposal, transfer or sale of material from the Site.

RESPONSE:

16. Produce all documents recording the type and amount of material removed from the Site from January 1, 2011 to the present date, including any and all calculations of the volume of material removed from the Site and the type of material to which each calculation relates, including, but not limited to, all load tickets, trip tickets, bills of lading or disposal receipts generated or signed by Respondent from January 1, 2011 to the present evidencing the transportation of material from the Site.

RESPONSE:

17. Produce all documents relating to any sampling done by Respondent or consultants/contractors hired by Respondent materials removed from the Site.

RESPONSE:

18. Produce all documents relating to the use of a containment area with negative air, a decontamination unit, bagout area, containers, or water spray at the Site during asbestos removal activities, including but not limited to, any receipts/contracts for purchase or rental, or pictures.

RESPONSE:

19. Produce all materials from or relating to First Bankers and its relationship with the Site, its control of keys, personnel responsible for the Site, access and control from January 1, 2010 to date.

RESPONSE:

20. Produce all documents regarding the type of containers and/or labels used for ACM removed at or from the Site, including but not limited to, any receipts/contracts for purchase or rental, or pictures.

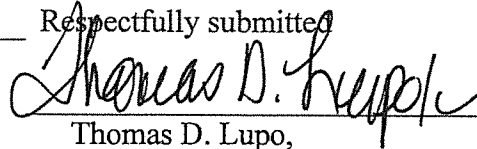
RESPONSE:

21. Produce all documents relating to the disposal of ACM from the Site, including but not limited to contracts and receipts for payment and/or transportation.

RESPONSE:

Dated: November 20, 2015

Respectfully submitted

A handwritten signature in black ink, appearing to read "Thomas D. Lupo", written over a horizontal line.

Thomas D. Lupo,  
One of Its Attorneys

Thomas D. Lupo  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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NOV. 23 2015

STATE OF ILLINOIS  
Pollution Control Board

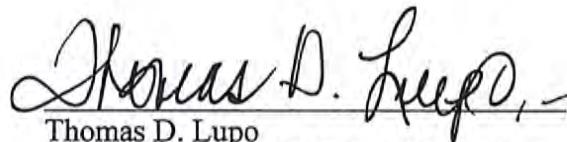
PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. )  
 )  
BLICK'S CONSTRUCTION. CO., INC., )  
an Illinois corporation, and RON BRICKER, )  
 )  
Respondents. )

PCB No. 13-43

(Enforcement – Air)

**CERTIFICATE OF SERVICE**

I, Thomas D. Lupo, an Attorney, certify that on the 20<sup>th</sup> day of November, 2015, I caused to be served the foregoing Respondent, Blick's Construction Co., Inc.'s First Set of Interrogatories to Complainant and Blick's Construction Co., Inc.'s First Request for Production of Documents, Objects, and Tangible Things to Complainant, upon the People of the State of Illinois, and this Certificate of Service to the service list hereto attached by depositing same in postage prepaid envelopes with the United States Postal Service located at 222 North LaSalle Street, Chicago, Illinois 60601.



Thomas D. Lupo  
HINSHAW & CULBERTSON LLP  
222 North LaSalle Street  
Chicago, Illinois 60601  
312.704.3138

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. ) PCB No. 13-43  
 )  
BLICK'S CONSTRUCTION. CO., INC., ) (Enforcement – Air)  
an Illinois corporation, and RON BRICKER, )  
 )  
Respondents. )

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