

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**RESPONDENT'S ANSWERS TO COMPLAINANT'S
SECOND SET OF INTERROGATORIES**

Respondent, BLICK'S CONSTRUCTION CO., INC. ("Respondent Blick's"), by its attorneys HINSHAW & CULBERTSON LLP, and in Answering Complainant, PEOPLE OF THE STATE OF ILLINOIS' Second Set of Interrogatories in accordance with Illinois Pollution Control Board Rule 101.620 and Illinois Supreme Court Rule 213, states as follows:

PRELIMINARY STATEMENT

Information provided in these Responses to Interrogatories is made without waiving, or intending to waive, but on the contrary preserving, and intending to preserve: (a) the right to object on the grounds of competency, privilege, relevance, materiality or any other proper grounds, to the use of any information identified or produced in response to these discovery requests for any purpose, in whole or in part, in any subsequent step or proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery procedures involving or relating to the subject matter of the requests to which Blick's has responded herein; and (c) the right at any time to revise, correct, add to or clarify any of the responses provided herein.

In addition, an inadvertent identification or production of any protected or privileged information shall not be deemed a waiver of any applicable protection or privilege with respect

to such information. All information provided by Blick's in response to these interrogatories is for use in this litigation only and for no other purpose.

Blick's has made diligent and thorough efforts to search for as complete a response as possible given the breadth of Complainant's interrogatories. Blick's reserves the right to supplement its responses to these interrogatories to the extent that Blick's subsequently identifies additional non-privileged information responsive to these interrogatories. Indeed the instructions to Complainant's Second Set of Interrogatories expressly acknowledge that Blick's may supplement their answers if Blick's obtain further or supplemental information, despite the reference to a different forum.

Finally, the fact that Blick's objects to any individual interrogatory should not necessarily be taken to signify or imply that further information responsive to such interrogatory actually exists, has ever has existed or that the response is incomplete.

GENERAL OBJECTIONS

In response to Complainant's interrogatories, Blick's raises the following general objections which are intended to apply to each and every interrogatory:

1. Blick's objects that Defendant Complainant's interrogatories are overly broad, unduly burdensome and in some instances not reasonably calculated to lead to the discovery of admissible evidence in this action.

2. Blick's objects that certain terms or structure in Complainant's interrogatories are vague and undefined, and in response to Complainant's interrogatories Blick's has attempted to specify their interpretation of vague or undefined terms where possible in order to provide as clear a response as possible or has answered to the best of its reasonable interpretation.

3. Blick's objects to the instructions for these interrogatories to the extent that they seek to impose upon Blick's discovery obligations that are different from, or greater than, those imposed by the rules of the Pollution Control Board / Illinois Administrative Code.

4. Blick's objects to each interrogatory to the extent that it calls for the disclosure of information protected by the attorney-client privilege.

5. Blick's objects to each interrogatory to the extent that it calls for the disclosure of information which constitutes protected attorney work product and to the extent that the information requested was obtained and prepared in anticipation of litigation or for hearing or trial.

6. Blick's objects to each interrogatory to the extent that it seeks legal conclusions.

Without waiver of these objections, Blick's answers Complainant's interrogatories as follows:

INTERROGATORIES

INTERROGATORY NO. 14.

Identify each person who supplied information for the answers to these interrogatories and further state for which interrogatories each person so identified, supplied information.

ANSWER: John Blickhan supplied the information in Respondent Blick's interrogatory responses.

INTERROGATORY NO. 15.

1. Identify the following:
 - a. Identify each person and general topics of discussion who 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 Respondent intends to call

as witnesses at a hearing, and describe their relationship, if any, to Site.

ANSWER:

a. Jerry Maas, General Contractor. First Bankers Building demolition sub-contracting, planning and status.

Lee Austif, Triple A Asbestos. Asbestos removal sub-contracting, planning and removal.

City Permit Office. Demolition permit application.

Ron Bricker. Salvage of door frames, other materials, and related coordination.

C.J. Blickhan, T.J. Houghton, Lee Cook, and Dennis Blickhan - Blick's employees involved in setting and removal of safety barriers and fencing at site on May 17-18 and November 8. At Lee Austif's direction, Lee Cook of Blick's removed soils from an area adjacent to the former bank building and transported them to landfill.

Bank officials and contractors at meetings at the Bank's new offices as referred to in Response to Interrogatory No. 8.

b. See Response to Interrogatory 15(a).

Blick's is also aware of a further individual present at the site reportedly undertaking unauthorized removal activities in the company of Respondent Bricker. Mr. Bricker has identified this individual as Rex Dirkson.

INTERROGATORY NO. 16.

Identify each every occurrence Blick's was present at the site and the items and quantity of each item removed from the Site on each date from January 1, 2011 to the present.

ANSWER: See responses to Interrogatory Nos. 7 and 8. Blick's was not present at the site when any items or materials were removed with the exception of 2 loads of soil transported by Blick's as directed by Lee Austif of Triple A as referred in Response to Interrogatory 15.

INTERROGATORY NO. 17.

Identify all persons who 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: See response to Interrogatory Nos. 7, 8, 10, 11, 13 and 16.

INTERROGATORY NO. 18. Identify all construction and demolition activity which occurred at the Site for each date Blick's was present at the Site from January 1, 2011 to the present.

ANSWER: No construction or demolition activity occurred at the Site when Blick's was present other than (1) on or about May 10 and May 11, 2011, when the bank, as holder of the Site's keys, had provided access to its employees and Bricker; (2) May 17 and May 18, 2011 when Blick's Employees installed safety barriers and fencing; and (3) November 8, 2011 when Blick's employees removed safety barriers and fencing.

INTERROGATORY NO. 19.

Describe 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.

ANSWER: When John Blickhan received a single key to the north door he was aware of the main front door but did not believe it was in use. He subsequently learned of a small side door when Bricker told him he had been given access and/or a key to that door by the bank. Blick's has no knowledge of the type of lock or type of key used for any of the other doors. Other than

the key in Mr. Blickhan's possession, Blick's believes that the First Banker's buildings keys were always controlled by the bank.

INTERROGATORY NO. 20.

Identify any of the Respondent's communications with any government 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 Respondents to cease removing material at the Site and Blick's response to the government agency's request, and the date the response action occurred and by whom.

ANSWER: Respondent Blick's filed an application for a demolition permit on or about April 26, 2011. Respondent Blick's is aware that the unauthorized removal of materials facilitated by the Bank and those individuals to whom provided the Bank access, relative to which the removal of ACM materials was stopped upon discovery. Blick's is not aware of a governmental entity's involvement until after Maas Construction had hired a second demolition contractor.

INTERROGATORY NO. 21.

Identify any and all permit applications or other plans Respondents submitted to any government agency for approval including, but not limited to, Federal, State, County and City, related to the Site, Blick's response to any government agency's request for additional information and the date on which the government agency issued or denied any permits or approved any plans.

ANSWER: Respondent Blick's filed an application for a demolition permit.

INTERROGATORY NO. 22.

Identify all individuals, owners, operators, supervisors, managers, employees, subcontractors and/or consultants of or for Respondent 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: Respondent Blick's filed an application for a demolition permit.

INTERROGATORY NO. 23.

Pursuant to Supreme Court Rule 213(f)(1), identify all lay witnesses whom Respondent 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: John Blickhan. Further witnesses will be identified.

INTERROGATORY NO. 24. Pursuant to Supreme Court Rule 213(f)(2), identify all independent expert witnesses whom Respondent 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 Respondent expect to elicit; and
- c. the identity of any and all documents on which each such witness will rely.

ANSWER: Expert witnesses will be identified by the end of discovery.

INTERROGATORY NO. 25.

Pursuant to Supreme Court Rule 213(f)(3), identify all controlled expert witnesses whom Respondent 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: Expert witnesses will be identified by the end of discovery.

INTERROGATORY NO. 26.

With respect to any witness interviewed by Respondent whom Respondent do not intend to call to testify, state the name 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: Investigation continues and will be provided.

Dated: April 27, 2016

Respectfully submitted,

On behalf of Blick's Construction Co., Inc.

/s/ Thomas D. Lupo

Thomas D. Lupo

One of Their Attorneys

Thomas D. Lupo
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312-704-3000

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PEOPLE OF THE STATE OF ILLINOIS,)	
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BLICK'S CONSTRUCTION CO., INC., an)	
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**RESPONDENT'S RESPONSES TO COMPLAINANT'S
FIRST REQUEST FOR PRODUCTION**

Respondent, BLICK'S CONSTRUCTION CO., INC. ("Respondent Blick's"), by its attorneys, HINSHAW & CULBERTSON LLP, and in Response to Complainant's, PEOPLE OF THE STATE OF ILLINOIS, First Request for the Production of Documents pursuant to Illinois Pollution Control Board Rule 101.616,35 Ill. Adm. Code 101.616, and Illinois Supreme Court Rule 214, states as follows:

PRELIMINARY STATEMENT

Information provided in these Responses to First Request for Production is made without waiving, or intending to waive, but on the contrary preserving, and intending to preserve: (a) the right to object on the grounds of competency, privilege, relevance, materiality or any other proper grounds, to the use of any information identified or produced in response to these discovery requests for any purpose, in whole or in part, in any subsequent step or proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery procedures involving or relating to the subject matter of the requests to which Blick's has responded herein; and (c) the right at any time to revise, correct, add to or clarify any of the responses provided herein.

In addition, an inadvertent identification or production of any protected or privileged information shall not be deemed a waiver of any applicable protection or privilege with respect to such information. All information provided by Blick's in response to this First Request for Production is for use in this litigation only and for no other purpose.

Blick's has made diligent and thorough efforts to search for as complete a response as possible given the breadth of Complainant's First Request for Production. Blick's reserves the right to supplement its responses to these interrogatories to the extent that Blick's subsequently identifies additional non-privileged information responsive to this First Request for Production. Indeed the instructions to Complainant's First Request for Production expressly acknowledge that Blick's may supplement their answers if Blick's obtain further or supplemental information, despite the reference to a different forum.

Finally, the fact that Blick's objects to any individual request should not necessarily be taken to signify or imply that further information responsive to such request actually exists, has ever has existed or that the response is incomplete.

GENERAL OBJECTIONS

In response to Complainant's First Request for Production, Blick's raises the following general objections which are intended to apply to each and every request:

1. Blick's objects that Defendant Complainant's First Request for Production are overly broad, unduly burdensome and in some instances not reasonably calculated to lead to the discovery of admissible evidence in this action.

2. Blick's objects that certain terms or structure in Complainant's First Request for Production are vague and undefined, and in response to Complainant's First Request for Production Blick's has attempted to specify their interpretation of vague or undefined terms

where possible in order to provide as clear a response as possible or has answered to the best of its reasonable interpretation.

3. Blick's objects to the instructions for this First Request for Production to the extent that they seek to impose upon Blick's discovery obligations that are different from, or greater than, those imposed by the rules of the Pollution Control Board / Illinois Administrative Code.

4. Blick's objects to each request to the extent that it calls for the disclosure of information protected by the attorney-client privilege.

5. Blick's objects to each request to the extent that it calls for the disclosure of information which constitutes protected attorney work product and to the extent that the information requested was obtained and prepared in anticipation of litigation or for hearing or trial.

6. Blick's objects to each request to the extent that it seeks legal conclusions.

Without waiver of these objections, Blick's answers Complainant's First Request for Production as follows:

PRODUCTION REQUESTS

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

RESPONSE: Responsive documents will be provided.

2. Provide all documents, objects and tangible things Respondent relied on and/or referenced in its Answer to the Complaint.

RESPONSE: Responsive documents will be provided.

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

RESPONSE: Responsive documents will be provided.

4. Provide all documents, objects and tangible things which tend to 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: Responsive documents will be provided.

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

RESPONSE: Responsive documents will be provided.

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

RESPONSE: Responsive documents will be provided.

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

RESPONSE: Responsive documents will be provided.

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: Respondent Blick's does not possess responsive documents.

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: Respondent Blick's does not possess responsive documents.

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: Responsive documents will be provided.

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: Responsive documents will be provided.

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.

RESPONSE: Respondent Blick's does not possess responsive documents except as provided by the Complainant.

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: Responsive documents will be provided.

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: Responsive documents will be provided.

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

RESPONSE: Responsive documents will be provided.

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: Responsive documents will be provided.

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

RESPONSE: Respondent Blick's does not possess responsive documents.

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: Respondent Blick's does not possess responsive documents.

19. Produce all written training or manuals on asbestos removal provided by Blick's to its agents, employees, representatives, consultants, contractors, or subcontractors.

RESPONSE: Responsive documents will be provided.

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: Respondent Blick's does not possess responsive documents.

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: Responsive documents will be provided.

Dated: April 27, 2016 Respectfully submitted,

On behalf of Blick's Construction Company, Inc.

/s/ Thomas D. Lupo

Thomas D. Lupo
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Suite 300
Chicago, IL 60601-1081
312-704-3000

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The undersigned certifies that on April 27, 2016, she served a copy of the foregoing Respondent, Blick's Construction Co., Inc.'s Responses to Complainant's First Set of Request for Production upon the following:

PCB 2013-043
Ron Bricker
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Fowler, Illinois 62338

PCB 2013-043
John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
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PCB 2013-043
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PCB 2013-043
Gerald L. Timmerwilke
Blickhan, Timmerwilke, et al.
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PCB 2013-043
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by depositing a copy thereof, enclosed in an envelope, in the United States Mail at 222 North LaSalle Street, Chicago, Illinois 60601, proper postage prepaid, at or about the hour of 5:00 o'clock p.m., addressed as above.

HINSHAW & CULBERTSON LLP
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