

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 05 2003

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
TEXACO REFINING & MARKETING, INC., )  
a Delaware Corporation, )  
)  
Respondent. )

PCB No. 02-03  
(RCRA - Enforcement)

NOTICE OF FILING

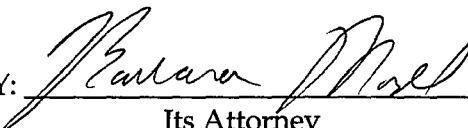
To: Christopher P. Perzan  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph Street  
20<sup>th</sup> Floor  
Chicago, Illinois 60601

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

John A. Urban, Civil Chief  
Will County State's Attorney's Office  
Will County Courthouse  
14 W. Jefferson  
Joliet, Illinois 60432

PLEASE TAKE NOTICE that I have on September 5, 2003 filed with the Office of the Clerk of the Pollution Control Board the attached RESPONDENT CHEVRON ENVIRONMENTAL SERVICES COMPANY'S FIRST SET OF INTERROGATORIES AND DOCUMENT REQUESTS TO COMPLAINANT PEOPLE OF THE STATE OF ILLINOIS, a copy of which is hereby served on you.

Chevron Environmental Services Company

BY:   
Its Attorney

Barbara A. Magel  
John W. Kalich  
Karaganis White & Magel  
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312/836-1177  
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STATE OF ILLINOIS  
Pollution Control Board

PCB No. 02-03  
(Enforcement)

**RESPONDENT CHEVRON ENVIRONMENTAL SERVICES COMPANY'S  
FIRST SET OF INTERROGATORIES AND DOCUMENT REQUESTS TO  
COMPLAINANT PEOPLE OF THE STATE OF ILLINOIS**

The following Interrogatories and Requests For The Production Of Documents are propounded by Chevron Environmental Services Company [hereinafter "CESC" successor to Respondent Texaco Refining & Marketing, Inc.] to Complainant People Of The State Of Illinois. These Interrogatories and Requests For The Production Of Documents are to be answered under oath within 28 days and in accordance with and pursuant to the statutes and laws of the State of Illinois, and the orders of the Hearing Officer in this case.

**I. DEFINITIONS AND INSTRUCTIONS**

A. As used herein, the words and phrases set out below shall have the meaning or meanings as follows:

1. "The Complainant" shall refer to the People of the State of Illinois and any of their representatives, officers, agents, employees, contractors and any other person or entity acting on their behalf.

2. "The Site" shall refer to the real property consisting of approximately 580 acres located at 301 West 2<sup>nd</sup> Street, Lockport in Will County, Illinois.

3. "Person" shall mean "person" as defined by Section 5/3 of the Illinois Environmental Protection Act, 415 ILCS 5/3 (1996).

4. "You" or "your" shall mean the person to whom these interrogatories and requests for the production of documents are addressed and shall include all of your officers, directors, agents, employees, representatives, contractors or any other person or persons acting for or purportedly acting on your behalf or in concert with you.

5. "Contend" shall mean to respond to the interrogatory with an affirmative or negative response and an explanation for that response.

6. "Document" shall mean every writing and record of every type and description in your possession, control or custody, including, but not limited to, correspondence, memoranda, stenographic or handwritten notes, reports, customer lists, log books, studies, books, pamphlets, reports, laboratory analyses, pictures or voice recordings or information retained electronically, and shall mean a copy where the original is not in your control.

7. "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 address;

- iii. business or profession during the Relevant Period;
  - iv. every office, title, or position held during the Relevant Period; and
  - v. every employer during the Relevant Period.
- b. As to any person other than an individual, stating:
- its legal name and any other names used by it;
- i. the form or manner of its organization (*e.g.*, partnership, corporation, etc.); and
  - ii. the state of its incorporation (if it is incorporated) and the address of its principle place of business.
- c. As to a document, stating:
- i. the date of its creation, execution, and receipt;
  - ii. its author(s) or signatory(ies);
  - iii. its addressee(s) and all other recipient(s);
  - iv. its type or nature (*e.g.*, letter, memorandum, etc.);
  - v. the identity of the custodian; and
  - vi. the present location of the document.
- d. As to an event, incident, conversation, transaction or occurrence, stating:

- i. its date;
  - ii. the place where it took place and the manner of its occurrence;
  - iii. the identification of all the participants;
  - iv. its purpose and subject matter; and
  - v. a description of what transpired.
- e. As to a matter or site, stating:
- i. its name;
  - ii. its location;
  - iii. its owner and operator; and
  - iv. a description of what transpired.

8. "Describe" or "state" shall mean to specify in detail identify and to particularize the content of the answer in question.

9. If dates are requested in these Interrogations and Requests For The Production Of Documents, the exact date should be given if possible. If the exact date cannot be determined, the best estimate should be given and labeled as an estimate.

10. "Related to" or "relating to" shall mean directly or indirectly mentioning or describing, pertaining to, being connected with, or reflecting upon a stated matter.

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

12. "Relevant Period" shall mean the time beginning with the moment that Complainant alleges that any alleged violation described in the Complaint began to present.

B. In construing these Interrogatories and Requests For The Production Of Documents:

1. The singular shall include the plural, and the plural shall include the singular.

2. A masculine, feminine or neutral pronoun shall not exclude the other genders.

3. The terms "and" as well as "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the Interrogatory all responses which might otherwise be construed to be outside the scope.

C. A question that seeks information contained in or information about or identification of any documents may be answered by providing a copy of such document for inspection and copying, or by furnishing a copy of such document without a request for production.

## **II. CLAIMS OF PRIVILEGE.**

For all objections or refusals to answer Interrogatories and/or Requests For The Production Of Documents on the ground of any claim of privilege of any kind whatever Complainant shall:

1. State the nature of the claim of privilege;
2. State all facts relied upon in support of the claim of privilege;
3. Identify all documents related to the claim of privilege;
4. Identify all persons having knowledge of any facts related to the claim of privilege; and
5. Identify all events, transactions or occurrences related to the claim of privilege.

### **III. INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

Identify the person answering these interrogatories and identify all persons and documents reviewed, examined or consulted in answering these interrogatories.

#### **INTERROGATORY NO. 2:**

Identify all persons with knowledge of any fact or facts that support(s) or tend(s) to support any allegation in the Complaint.

#### **INTERROGATORY NO. 3:**

Identify any and all witnesses who will testify at trial and the subject of their testimony.

#### **INTERROGATORY NO. 4:**

Identify any person who will offer any opinion testimony at trial, including the name and location of the opinion witness, the subject matter on which the opinion witness is expected to testify, the conclusions and opinions of the opinion witness and the bases therefore, the qualifications of the opinion witness and any and all reports and publications of the opinion witness.

**INTERROGATORY NO. 5:**

Identify all persons with knowledge of the hydrogeologic conditions at the Site.

**INTERROGATORY NO. 6:**

Identify all persons with knowledge of the corrective actions implemented and being implemented at the Site.

**INTERROGATORY NO. 7:**

Identify all persons who have communicated with the citizen's group CARE and/or elected representatives, with respect to the Site.

**INTERROGATORY NO. 8:**

Identify all persons who reviewed the proposed Compliance Commitment Agreements submitted by CESC or its predecessor with respect to the ground-water and coke fines at the Site.

**INTERROGATORY NO. 9:**

Identify all matters or sites for which a Compliance Commitment Agreement relating to ground water exceedences originating solely from past operations at a property or facility was accepted by IEPA.

**INTERROGATORY NO. 10:**

Identify all matters or sites for which enforcement action under the Illinois Environmental Protection Act was taken or recommended involving an allegation of ground water impacts originating solely from past operations at the site.

**INTERROGATORY NO. 11:**

Identify all matters or sites for which enforcement action under the Illinois Environmental Protection Act was taken or recommended which involved alleged violations of waste regulations based on the presence of used materials held for sale, resale or recycling.

**INTERROGATORY NO. 12:**

Identify all matters or sites for which enforcement action was taken or recommended against a property owner based on the actions or inactions of an



independent contractor on the property.

**INTERROGATORY NO. 13:**

Identify all matters or sites in interim status for which a violation of any ground water quality standard(s) in 35 IAC 620 was asserted by the Illinois Environmental Protection Agency in an administrative notice or order or referral to the Attorney General's Office.

**INTERROGATORY NO. 14:**

Does Complainant contend that an owner/operator in compliance with interim status regulations as to ground water monitoring may be found to be in violation of the Illinois Environmental Protection Act if constituents detected in the interim status monitoring wells are found to be in excess of 35 IAC 620 numerical standards?

**INTERROGATORY NO. 15:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support conclusions, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 16:**

Does Complainant contend that the violations referenced in paragraph 43 of Count I of the Complaint resulted in whole or part from actions of Respondent (as opposed to inaction) occurring after the promulgation of the groundwater quality standards cited in the Complaint?

**INTERROGATORY NO. 17:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 18:**

Does Complainant contend that the violations referenced in paragraph 43 of Count I of the Complaint resulted in whole or part from actions of Respondent (as opposed to inaction) occurring prior to the promulgation of the groundwater quality standards cited in the Complaint?

**INTERROGATORY NO. 19:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 20:**

Does Complainant contend that the violations referenced in paragraph 44 of Count I of the Complaint resulted in whole or part from actions of Respondent (as opposed to inaction) occurring after the promulgation of the objectives or detection limits alleged to have been violated?

**INTERROGATORY NO. 21:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 22:**

Does Complainant contend that the violations referenced in paragraph 44 of Count I of the Complaint resulted in whole or part from actions of Respondent (as opposed to inaction) occurring prior to the promulgation of the objectives or detection limits alleged to have been violated?

**INTERROGATORY NO. 23:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 24:**

Does Complainant contend that some or all of the coke fines and tar like material referenced in paragraph 22 of Count II of the Complaint were introduced to the Site after the enactment of Section 21(a) of the Illinois Environmental Protection Act?

**INTERROGATORY NO. 25:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 26:**

Does Complainant contend that some or all of the coke fines and tar like material referenced in paragraph 22 of Count II of the Complaint were introduced to the Site prior to the enactment of Section 21(a) of the Illinois Environmental Protection Act?

**INTERROGATORY NO. 27:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 28:**

Does Complainant contend that the disposal or storage referenced in paragraph 21 of Count II of the Complaint resulted in whole or part from actions of Respondent (as opposed to inaction) occurring after the enactment of Section 21(a) of the Illinois Environmental Protection Act?

**INTERROGATORY NO. 29:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 30:**

Does Complainant contend that the disposal or storage referenced in paragraph 21 of Count II of the Complaint result in whole or part from actions of Respondent (as opposed to inaction) occurring prior to the enactment of Section 21(a) of the Illinois Environmental Protection Act?

**INTERROGATORY NO. 31:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 32:**

Does Complainant contend that any of the violations alleged in paragraph 23 of Count II of the Complaint resulted in whole or part from actions of Respondent (as opposed to inaction) occurring after the enactment of Section 21(a) of the Illinois Environmental Protection Act?

**INTERROGATORY NO. 33:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

**INTERROGATORY NO. 34:**

Does Complainant contend that of the violations referenced in paragraph 23 of Count II of the Complaint result in whole or part from actions of Respondent (as opposed to inaction) occurring prior to the enactment of Section 21(a) of the Illinois Environmental Protection Act?

**INTERROGATORY NO. 35:**

If your answer to the previous interrogatory is anything other than an unqualified "no", state all facts that support your response, including the specific actions of Respondent that caused such violation and the dates when each such action occurred.

#### IV. REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Any and all correspondence, reports, inspections, memoranda or other documents from, prepared by, or provided to any governmental entity, including but not limited to the Illinois Environmental Protection Agency and the County of Will, relating to the Site.

2. Any and all documents prepared by or on behalf of, or in the possession of, the Illinois Environmental Protection Agency with respect to the drafting and adoption of 35 IAC 620 ground-water standards, including but not limited to, those related to the limitation on ground water classification based on the ten foot depth from ground surface (the ten-foot rule).

3. Any and all documents relating to the allegations of ground water impacts contained in the Complaint.

4. Any and all documents relating to the allegations concerning coke fines contained in the Complaint.

5. Any and all documents relating to analytical results for any samples collected of any media at or about the Site by or on behalf of Complainant.

6. Any and all documents relating to any complaint received from any member of the public with respect to the Site.

7. Any and all documents relating to any practice, policy or procedure for the assessment of a civil penalty for violations of ground-water standards and/or waste storage or disposal regulations.

8. Any and all documents relating to any exemption from waste regulations for materials held for sale, resale or recycling.

9. Any and all documents relating to the sale, resale for use or reuse of coke fines in furnaces or kilns.

10. Any and all documents relating to the application of ground-water standards or waste regulations to impacts at a property due to past operations or activities.

11. Any and all Compliance Commitment Agreements accepted by the Agency with respect to ground-water exceedences from past activities at a property.

12. Any and all documents with respect to the consideration of the cooperativeness of a company in decisions to take enforcement action or impose a penalty.

13. Any and all complaints files, notices of violation or non-compliance sent, or settlements entered into by the Illinois Environmental Protection Agency with a property owner due to the activities or inactions of an independent contractor on that property owner's property.

14. Any and all documents relating to taking or recommending enforcement action against a company complying with permit, or regulatory ground water monitoring requirements imposed by the Illinois Environmental Protection Agency.

15. Any and all documents, including but not limited to sampling results, relating to potential or actual sources of ground water impacts located within one mile upgradient (east, northeast and southeast) of the Site, including but not limited to gas stations (former and/or existing), and pipelines.

Chevron Environmental Services Company

BY: Barbara Magel  
Its Attorney

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Suite 810  
Chicago, Illinois 60610  
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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached RESPONDENT CHEVRON ENVIRONMENTAL SERVICES COMPANY'S FIRST SET OF INTERROGATORIES AND DOCUMENT REQUESTS TO COMPLAINANT PEOPLE OF THE STATE OF ILLINOIS by United States mail, postage prepaid, or hand delivery, upon the following persons:

**VIA HAND DELIVERY**

Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 W. Randolph Street, 11<sup>th</sup> Floor  
Chicago, Illinois 60601

**VIA HAND DELIVERY**

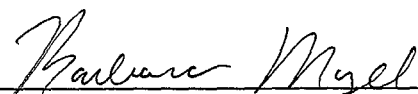
Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street, 11<sup>th</sup> Floor  
Chicago, Illinois 60601

**VIA HAND DELIVERY**

Christopher P. Perzan  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph Street  
20<sup>th</sup> Floor  
Chicago, Illinois 60601

**VIA U.S. MAIL**

John A. Urban, Civil Chief  
Will County State's Attorney's Office  
Will County Courthouse  
14 W. Jefferson  
Joliet, Illinois 60432

  
\_\_\_\_\_  
Barbara A. Magel  
Attorney

Dated: September 5, 2003

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