

RECEIVED

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

SEP 05 2003

PEOPLE OF THE STATE OF ILLINOIS,)

)

)

Complainant,)

)

v.)

)

TEXACO REFINING & MARKETING,)

INC., a Delaware Corporation,)

)

Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 02-3
(RCRA - Enforcement)

NOTICE OF FILING

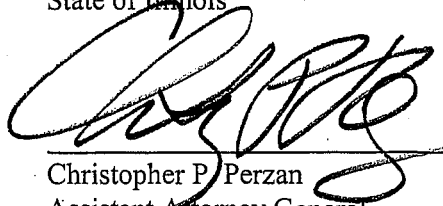
TO: ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on September 5, 2003, we filed with the Illinois Pollution Control Board a COMPLAINANT'S FIRST SET OF REQUESTS FOR PRODUCTION TO RESPONDENT and COMPLAINANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT, a true and correct copy of which is attached and hereby served upon you.

Respectfully submitted,

LISA MADIGAN
Attorney General
State of Illinois

BY:



Christopher P. Perzan
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-3532

RECEIVED
CLERK'S OFFICE

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 02-3
(Enforcement - Land, Water)

COMPLAINANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO RESPONDENT

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and, pursuant to 35 Ill. Adm. Code 101.616 and Illinois Supreme Court Rule 214, serves COMPLAINANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO RESPONDENT and requests that the Respondent serve its answers under oath to the Complainant by October 6, 2003 per Hearing Officer order.

I. INSTRUCTIONS

1. These document requests call for all documents that are in the possession or custody of, or are known or available to Respondent.
2. Each request for documents seeks production of each document in its entirety, without abbreviation or expurgation, including all attachments or other matters affixed thereto. To the extent these documents are maintained in both hard copy and magnetic media form, please provide both forms.
3. If no documents ever existed that address the subject of any request, please state so affirmatively for each applicable request.

4. If any document responsive to any request existed in the past, but does not currently exist, Respondent is instructed to provide a written statement that:
 - a. describes in detail the nature of the document and its contents;
 - b. identifies the person who prepared or authored the document, and if applicable, the person to whom the document was sent;
 - c. specifies the date on which the document was prepared or transmitted; and
 - d. specifies the date on which the document was lost, destroyed or otherwise disposed of, the conditions of and reasons for such destruction or other disposition, and the person requesting and performing the destruction or other disposition.
5. If any requested document 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.
6. In producing documents, you are requested to produce the original of each document requested together with all nonidentical copies and drafts of that document.
7. All documents should be produced in the same order as they are kept or maintained by you.
8. 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.
9. Documents attached to each other should not be separated.
10. 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.

11. Each document 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.

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

II. CLAIMS OF PRIVILEGE

1. If you withhold or decline to produce any document or group of documents responsive to these requests based upon any claim of privilege or work product, identify the originator or sender of the document(s), give a general description of the nature and subject matter of the document(s), the date of the document(s) and the reason(s) for withholding the document(s).

2. If the claim of privilege applies to only a portion of the document, produce all portions of the document to which the claim does not apply.

III. DEFINITIONS

1. The Definitions in the Complainant's First Set of Interrogatories to Respondent are hereby incorporated by reference.

IV. DOCUMENT REQUESTS

Request No. 1: All documents Respondent intends to introduce at hearing in this matter.

Request No. 2: All documents that Respondent relied upon in responding to

Complainant's First Set of Interrogatories to Respondent.

Request No. 3: All documents identified in response to Complainant's First Set of Interrogatories to Respondent.

Request No. 4: All documents prepared by or relied upon by any controlled expert witness.

Request No. 5: All documents relating to the sale of coke, calcined coke, coke fines, tar and tar-like material generated or processed at the Site by Respondent, Great Lakes Carbon Corp. or any other independent contractor at any time.

Request No. 6: All documents relating to the shipment of coke fines to Allied Waste Services on or about September 28, 1999.

Request No. 7: All documents relating to the processing of coke, coke fines, tar or tar-like material at the Site from the commencement of said processing through 1981.

Request No. 8: All contracts and related documents between Respondent, Great Lakes Carbon Corp. and any other independent contractor that processed, sold or otherwise managed coke, calcined coke, coke fines, tar or tar-like material at the Site.

Request No. 9: All documents relating to the manner in which Great Lakes Carbon Corp. or any other independent contractor at the Site managed coke, coke fines, tar, or tar-like materials at the Site including, but not limited to, any instructions by the Respondent regarding management of said materials to Great Lakes Carbon Corp. or any other independent contractor at the Site.

Request No. 10: All documents relating to any wastes placed on the land at the Site from the commencement of refinery operations at the Site until 2000.

Request No. 11: All documents that relate to costs incurred and expenditures made by Respondent since 1970 as a result of:

- a. the performance of any and all groundwater investigations, sampling and analysis;
- b. installation of piezometers, groundwater monitoring wells and groundwater controls and the operation and maintenance of piezometers, wells and groundwater controls; and
- c. the sampling, analysis, removal from the Site and disposal of coke fines, coke material, tar or tar-like material.

Request No. 12: All documents that relate to any groundwater investigations, sampling, analysis and/or interpretation of groundwater conditions performed by the Respondent at or within one mile of the Site from 1970 until 2000.

Request No. 13: All documents that relate to internal, independent contractor or consultant

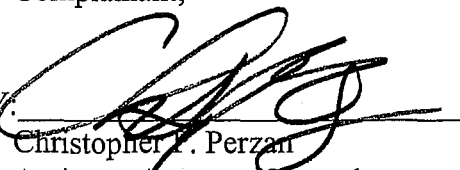
recommendations or communications to the Respondent regarding groundwater contamination at the Site and any recommended response to groundwater contamination at the Site and all documents relating to any response to or evaluation of said recommendations from 1970 through 2000.

Request No. 14: All documents that relate to communications from persons identifying themselves as nearby residents or communications made on behalf of nearby residents to Respondent regarding groundwater contamination or waste disposal at the Site and any documents relating to any response by the Respondent to said communications.

Request No. 15: All documents that relate to any request made by Respondent to Great Lakes Carbon Corp. or any other independent contractor to remove or remediate or pay for the costs of removal or remediation of any coke, coke fines, tar or tar-like material from the Site.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
Complainant,

BY: 
Christopher J. Perzan
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, IL 60601
(312) 814-3532

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

SEP 05 2003

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

STATE OF ILLINOIS
PCB 02-3 *Pollution Control Board*
(Enforcement - Land, Water)

COMPLAINANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and, pursuant to 35 Ill. Adm. Code 101.620 and Illinois Supreme Court Rule 213, serves COMPLAINANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT and requests that the Respondent serve its answers under oath to the Complainant by October 6, 2003 per Hearing Officer order.

I. INSTRUCTIONS

1. These interrogatories call for information (including information contained in any document as that term is defined in Complainant's First Request for Production of Documents to Respondent) that is known or available to Respondent.

2. If Respondent cannot answer any interrogatory fully and completely after exercising due diligence to secure the information necessary to do so, please so state and answer each such interrogatory to the fullest extent possible, specifying the portion of such interrogatory that Respondent believes it is unable to answer fully or completely.

3. If subsequent to the date of these answers, Respondent discovers or receives additional information that is responsive to these interrogatories, please promptly supplement

these responses to reflect such additional information to the full extent required by the Illinois Supreme Court Rules.

II. CLAIMS OF PRIVILEGE

1. If you withhold or decline to produce any document or group of documents responsive to these requests based upon any claim of privilege or work product, identify the originator or sender of the document(s), give a general description of the nature and subject matter of the document(s), the date of the document(s) and the reason(s) for withholding the document(s).

2. If the claim of privilege applies to only a portion of the document, produce all portions of the document to which the claim does not apply.

III. DEFINITIONS

1. "Respondent" shall mean Texaco Refining & Marketing, Inc., its successor Chevron Environmental Services Co., and their successors, agents, representatives, consultants, attorneys, affiliates, employees, officers, directors, authorities, boards, or any person or agency acting on behalf of Respondent or under the direction or control of Respondent or its attorneys or agents.

2. "Site" shall mean the oil refinery site located in Lockport, Illinois and bearing Illinois EPA identification number 1970500012, including the groundwater beneath the site.

3. "Document" shall have a broad meaning 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 ledger, 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 Respondent.

4. "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.

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

- a. As to an individual, stating his:
 - 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.); and
 - iii. the state of its incorporation (if it is incorporated) and 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 addressee and any other recipient;
 - iv. its type or nature (*e.g.*, letter, memorandum, etc.);
 - v. the identity of the custodian;
 - vi. the identity of the document; and
 - vii. the present location of the document.
- 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. its purpose and subject matter; and

v. a description of what transpired.

6. "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, educational, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.

7. "Or" shall mean and/or wherever appropriate.

8. The singular shall always include the plural and the present tense shall always include the past tense.

9. "Regulated substance" shall have the same meaning as in 415 ILCS 5/58.2 (2002).

10. "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.

11. "Release" shall have the same meaning as in 415 ILCS 5/3.395 (2002).

12. "Relied upon" shall mean being or having been depended upon, mentioned, reflected or referred to or being or having been arguably appropriate for such reliance.

13. The term "knowledge" means first hand information and/or information derived from any other source, including hearsay.

14. "You" and "your" shall refer to and mean Respondent.

15. "He" shall mean he/she wherever appropriate.

16. "Waste" shall have the same meaning as in 415 ILCS 5/3.535 (2002).

17. "Reportable quantity" shall mean a quantity of any substance spilled in excess of a quantity for which a report is required to state or federal officials under any reporting requirement applicable to a particular substance.

IV. INTERROGATORIES

Interrogatory No. 1: Identify all persons answering or providing information in response to these Interrogatories.

Answer:

Interrogatory No. 2: Identify all lay witnesses who you may or will call to testify at hearing in this case. For each non-opinion witness, state the following:

- a. The name, address and employer of each witness;
- b. A summary of the relevant facts within the knowledge of or to which said witness will testify; and
- c. A list of all documents or photographs which any such witness relied upon, will use or which Respondent may introduce into evidence in connection with the testimony of said witness.

Answer:

Interrogatory No. 3: Identify all controlled expert witnesses who you may or will call at hearing in this case. For each such witness identify:

- a. the subject matter on which the witness will testify;
- b. the conclusions and opinions of the witness and the bases therefor;
- c. the qualifications of the witness; and
- d. any reports prepared by the witness about the case.

Answer:

Interrogatory No. 4: Identify all independent expert witnesses you may or will call at hearing, including:

- a. The subject matter on which the witness is expected to testify; and
- b. The opinions Respondent expects to elicit.

Answer:

Interrogatory No. 5: Identify all documents that relate to the presence of any contaminant in groundwater at, beneath or near the Site or any exceedances of any applicable groundwater standard at, beneath or near the Site from the commencement of operations at the refinery until 2000.

Answer:

Interrogatory No. 6: Describe all costs incurred and expenditures made by Respondent from

1970 to 2000 as a result of:

- a. the performance of any and all groundwater investigations, sampling and analysis;
- b. installation of piezometers, groundwater monitoring wells and groundwater controls, operation and maintenance of piezometers, wells and groundwater controls;
- c. and the sampling, analysis, removal from the Site and disposal of coke fines, coke material, tar or tar-like material.

Answer:

Interrogatory No. 7: Identify all persons involved in the performance, analysis, review or interpretation of any groundwater investigation, sampling and/or analysis performed at the Site from 1970 until 2000.

Answer:

Interrogatory No. 8: Identify all persons who on behalf of Respondent approved or denied payment for any groundwater investigation, sampling, analysis, or installation of any groundwater control at the Site from 1970 through 2000.

Answer:

Interrogatory No. 9: Identify all persons who approved, directed, participated in, directed or

approved payment for, or were otherwise involved in any dumping, depositing or placement on the land of coke fines, coke material, asphaltic material, tar or tar-like material at or within the Site from 1970 until 2000.

Answer:

Interrogatory No. 10: Identify all wastes placed on the land during the period of refinery operations at the Site through 2000, including:

- a. Description of waste;
- b. Chemical composition of waste; and
- c. Date(s) of placement.

Answer:

Interrogatory No. 11: Identify all releases of a reportable quantity of any regulated substance at the Site from 1970 through 2000 and describe Respondent's response to each release.

Answer:

Interrogatory No. 12: State the Respondent's minimum rate of return on capital investment for each of the following years: 1970 through the present.

Answer:

Interrogatory No. 13: Identify all persons responsible for the oversight of Great Lakes Carbon Corp. or any other independent contractor coke or coke fine processor on the Site from 1970 until 1981.

Answer:

Interrogatory No. 14: Identify all documents relating to and individuals having knowledge of the sale of coke materials from the Site since 1981.

Answer:

Interrogatory No. 15: State all facts on which you base any claim that the coke, coke fines, tar or tar like materials managed at the Site were not wastes.

Answer:

Interrogatory No. 16: Fully describe all attempts by Respondent to identify recycling options for materials as referred to in Count II, paragraph 10 in the Answer on Behalf of Chevron Environmental Services Company filed on July 9, 2003, including the nature of those attempts, identification of individuals involved in those attempts, the dates those attempts commenced and finished and the outcome of the attempts.

Answer:

Interrogatory No. 17: Describe the management of coke, coke fines, tar and tar-like materials at the Site from 1970, including, but not limited to, the nature of any processing, the management and storage of the materials before and after processing, description of any byproducts generated by the processing, and description of the management of any byproducts.

Answer:

Interrogatory No. 18: Identify all persons involved in any decisions by the Respondent regarding groundwater sampling or analysis, review of groundwater conditions, whether the Respondent should install or operate any groundwater controls, the timing of any activities relating to groundwater and other decisions regarding groundwater at the Site from 1970 until 2000.

Answer:

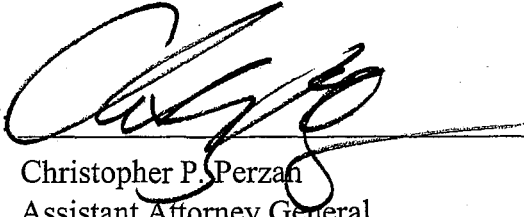
Interrogatory No. 19: State whether Respondent has made any requests of Great Lakes Carbon Corp. or any other independent contractor to remove or remediate or pay for the removal or remediation of coke, coke fines, tar or tar-like materials at the Site and describe said requests.

Answer:

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

BY

A handwritten signature in black ink, appearing to read 'C. Perzan', is written over a horizontal line. The signature is fluid and cursive.

Christopher P. Perzan
Assistant Attorney General

Office of the Attorney General
Environmental Bureau
188 W. Randolph Street, 20th Floor
Chicago, Illinois 60601
312 814-3532

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD


PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.) PCB 02-3
) (Enforcement - Land, Water)
TEXACO REFINING & MARKETING, INC.,)
a Delaware corporation,)
)
Respondent.)

CERTIFICATE OF SERVICE OF DISCOVERY

I, the undersigned, do hereby certify that I served COMPLAINANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT and COMPLAINANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO RESPONDENT by U.S. Mail upon the following persons:

Barbara Magel
Karaganis, White & Magel
414 North Orleans Street, Suite 810
Chicago, Illinois 60610

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



Christopher P. Perzan
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
312 814-3532

Dated: September 5, 2003

SERVICE LIST

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

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

Barbara Magel
Karaganis, White & Magel
414 North Orleans Street, Suite 810
Chicago, Illinois 60610

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