

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 21 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
BY LISA MADIGAN, ATTORNEY GENERAL)
OF THE STATE OF ILLINOIS,)
)
COMPLAINANT,)
)
VS.)
)
PERFETTI VAN MELLE U.S.A. INC.,)
A DELAWARE CORPORATION,)
)
RESPONDENT.)

PCB No. 02-186

(ENFORCEMENT - AIR)

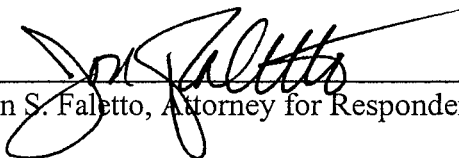
NOTICE OF FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board *Respondent's First Set of Interrogatories and Requests for Production of Documents to Complainant*, a copy of which is herewith served upon you.

Respectfully submitted,

PERFETTI VAN MELLE USA, INC.

By:


Jon S. Faletto, Attorney for Respondent

Dated: January 20, 2004

Jon S. Faletto
Attorney for Respondent
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, IL 61602-1350
(309) 672-1483

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(ENFORCEMENT - AIR)

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

Pursuant to the General Rules of the Illinois Pollution Control Board (hereafter "Board"), specifically Section 101.616 (35 Ill. Admin. Code 101.616), and the January 7, 2004 Order entered by Hearing Officer Bradley P. Halloran, Respondent serves the attached Interrogatories and Requests for Production of Documents upon the Complainant. You are to answer the attached separately, fully, in writing, and under oath. You should deliver a true copy of your answers or objections to the undersigned attorney in accordance with Hearing Officer Halloran's November 18, 2003 and January 7, 2004 Orders that require responses to written discovery to be served on or before March 15, 2004.

INSTRUCTIONS FOR INTERROGATORIES

Respondent, by and through the undersigned attorney, propound the attached questions to you under the provisions of Section 101.616 (35 Ill. Admin. Code 101.616). You are notified that your answers may be offered in evidence at the trial of this lawsuit.

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In answering these Interrogatories, furnish all information available to you, including information in the possession of your attorneys or their investigators and all persons acting in your behalf and not merely such information known of you or of your own personal knowledge. If you cannot answer the Interrogatories in full after exercising due diligence to secure the information, so state in your answer and, to the extent possible, answer stating whatever information or knowledge you have.

The questions which follow are to be considered as continuing, and you are requested to provide by way of supplemental answers hereto such additional information as you or any other person acting on your behalf may hereafter obtain which will augment or otherwise modify your answers given below. Such supplemental responses are to be filed and served upon this party immediately upon receipt of such information.

INSTRUCTIONS FOR REQUESTS FOR PRODUCTION OF DOCUMENTS

You are required to serve upon Respondent by and through the undersigned attorney, a written response which shall state, with respect to each item or category of items, that inspection and copying will be permitted as requested. The documents shall be produced as they are kept in the regular course of business, or shall be organized and labeled by you to correspond to any items or categories of items in this request. All objections to any item or categories of items or parts thereof, and the reasons for such objection, shall be specifically stated in your response.

With respect to any documents responsive to this request which you have declined to produce by reason of any claim of privilege or immunity, please state (1) the author and recipient, if any, of such document; (2) the date of the document; (3) a description of the nature and subject

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matter of the document; (4) the grounds upon which the privilege is asserted; and (5) the name and address of the present custodian of the document.

In accordance with Hearing Officer Halloran's November 18, 2003 and January 7, 2004 Orders, production is requested on or before March 15, 2004, at the law firm of Howard & Howard Attorneys, P.C., One Technology Plaza, Suite 600, 211 Fulton Street, Peoria, IL 61602-1350 or at such other location as may be agreed upon by the parties.

DEFINITIONS

As used herein, the following terms shall have the meaning indicated below.

A. "Persons" means natural persons, corporations, partnerships, sole proprietorships, associations or any other kind of entity or its agents, servants, and employees.

B. "You" and "your" means the parties to whom these questions are directed as well as agents, employees, attorneys, investigators, subsidiaries, affiliates and all other "persons" acting for said party. Provided, however, the inclusion of attorneys is not meant to and does not seek any information or documents protected by the attorney-client privilege or the work product doctrine.

C. "Respondent" is defined as the Respondent named in this administrative proceeding, and any of its agents, servants, employees, subsidiaries, or affiliates.

D. The term "documents" shall mean writings of every kind, source, and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, known by you to exist irrespective of whether the writing is intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative entity, or personnel. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded pictures, sound recordings, films, tapes, calculations,

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permit reviewer notes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand that use such systems. For purposes of illustration and not limitation, the term shall include: Affidavits, agendas, agreements, analyses, announcements, bills, statements and other records of obligations and expenditures, books, brochures, bulletins, calendars, canceled checks, vouchers, receipts and other records of payment, charts, drawings, checkbooks, circulars, collateral files and contents, contracts, corporate by-laws, corporate charters, correspondence, credit files and contents, deeds of trust, deposit slips, diaries, drafts, files, guaranty agreements, instructions, invoices, ledgers, journal balance sheets, profit and loss statements, and other sources of financial data, letters, logs, notes, or memoranda of telephonic or face-to-face conversations, manuals, memoranda of all kinds, to and from any persons, agencies, or entities; minutes, minute books, notes, notices, parts, lists, papers, press releases, printed matter (including published books, articles, speeches, and newspaper clippings); purchase orders, records of administrative, technical, and financial actions taken or recommended; reports, safety deposit boxes and contents and records of entry, schedules, security agreements, specifications, statement of bank accounts, statements, interviews, stock transfer ledger, technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedure, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams, teletypes and other communications sent or received, transcripts of testimony, UCC instruments, work papers and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested. The term shall also

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matter of the document; (4) the grounds upon which the privilege is asserted; and (5) the name and address of the present custodian of the document.

In accordance with Hearing Officer Halloran's November 18, 2003 and January 7, 2004 Orders, production is requested on or before March 15, 2004, at the law firm of Howard & Howard Attorneys, P.C., One Technology Plaza, Suite 600, 211 Fulton Street, Peoria, IL 61602-1350 or at such other location as may be agreed upon by the parties.

DEFINITIONS

As used herein, the following terms shall have the meaning indicated below.

A. "Persons" means natural persons, corporations, partnerships, sole proprietorships, associations or any other kind of entity or its agents, servants, and employees.

B. "You" and "your" means the parties to whom these questions are directed as well as agents, employees, attorneys, investigators, subsidiaries, affiliates and all other "persons" acting for said party. Provided, however, the inclusion of attorneys is not meant to and does not seek any information or documents protected by the attorney-client privilege or the work product doctrine.

C. "Respondent" is defined as the Respondent named in this administrative proceeding, and any of its agents, servants, employees, subsidiaries, or affiliates.

D. The term "documents" shall mean writings of every kind, source, and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, known by you to exist irrespective of whether the writing is intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative entity, or personnel. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded pictures, sound recordings, films, tapes, calculations,

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permit reviewer notes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand that use such systems. For purposes of illustration and not limitation, the term shall include: Affidavits, agendas, agreements, analyses, announcements, bills, statements and other records of obligations and expenditures, books, brochures, bulletins, calendars, canceled checks, vouchers, receipts and other records of payment, charts, drawings, checkbooks, circulars, collateral files and contents, contracts, corporate by-laws, corporate charters, correspondence, credit files and contents, deeds of trust, deposit slips, diaries, drafts, files, guaranty agreements, instructions, invoices, ledgers, journal balance sheets, profit and loss statements, and other sources of financial data, letters, logs, notes, or memoranda of telephonic or face-to-face conversations, manuals, memoranda of all kinds, to and from any persons, agencies, or entities; minutes, minute books, notes, notices, parts, lists, papers, press releases, printed matter (including published books, articles, speeches, and newspaper clippings); purchase orders, records of administrative, technical, and financial actions taken or recommended; reports, safety deposit boxes and contents and records of entry, schedules, security agreements, specifications, statement of bank accounts, statements, interviews, stock transfer ledger, technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedure, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams, teletypes and other communications sent or received, transcripts of testimony, UCC instruments, work papers and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested. The term shall also

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include data or information that exists in electronic or magnetic form. To the extent that such information exists in electronic or magnetic form, this information shall be produced in hard copy form (printed on regular paper).

The term "documents" also includes all such documents, as defined above, whether in the actual possession or under the actual or constructive control of the individual who is requested to produce such documents.

The term "documents" also includes documents which are considered privileged. If a "document" is considered privileged, such document shall be identified by the type of the document, its subject matter, its author, its date, present location of the custodian of document, and the grounds alleged for the claim of "privilege."

E. In those instances when requested information is stored only on computer hardware or software or other data compilations, the responding party should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.

F. The conjunctions "and" and "or" are interchangeable and the meaning is always "and/or."

G. "Including" shall mean "including, but not limited to."

H. "Communication" shall mean any method or means by which information, oral or written, is exchanged, including, but not limited to, any telephone conversation, meeting, discussion, letter, facsimile, telex, telegram, electronic mail or any other means by which information was received by you, or transmitted by or to you.

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I. "Constructive Control" is defined to include, but not be limited to, all documents (as defined above) in the possession or under the control of other individuals or entities other than the party requested to produce same, when such other individuals are subcontractors, attorneys, relatives, corporations or partnerships owned or controlled by the party, banks, safety-deposit boxes and other places designed for the safe-keeping of records or personal property.

J. "Identify" should be interpreted as requiring the following: with respect to persons, the person's full name, last known address and telephone number; with respect to non-natural persons (*e.g.* a corporation), its name, registered agent, address of its principal place of business, registered address (if different from principal place of business) and principal business activity. With respect to documents or things, the term "Identify" should be interpreted as requiring sufficient information regarding the item so that the party seeking discovery can locate and identify the object as readily as the party from whom it is being sought.

K. "Reference to Documents" In those instances when the responding party chooses to answer a request for information by referring to a specific document or record, it is requested that the specification be in sufficient detail to permit the requesting party to locate and identify the records and/or documents from which the answer is to be ascertained, as readily as can the party served with the request.

L. "Document Destruction" It is requested that all documents and/or other data compilations that might impact on the subject matter of this litigation be preserved and that any ongoing process of document destruction involving such documents cease. In the event a responsive document has been destroyed or is no longer in the possession or control of the Complainant, it is requested that the Complainant identify the document and explain any such circumstances.

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M. "Complainant" is defined as the Complainant named in this proceeding, and any of their officials, representatives, agents, servants, employees, subsidiaries, or affiliates.

N. The abbreviation "IEPA" shall refer to the Illinois Environmental Protection Agency and the term "Agency" shall mean the Illinois Environmental Protection Agency.

O. The terms "Volatile Organic Material" or "VOM" used in these Interrogatories and Request to Produce are as defined by Section 211.7150 of the Board's Air Pollution Regulations (35 Ill. Admin. Code 211.7150).

P. The terms "major modification" and "net emissions increase" used in these Interrogatories and Request to Produce are as defined by Section 203.207 (35 Ill. Admin. Code 203.207) and Section 203.208 (35 Ill. Admin. Code 203.208), respectively, of the Board's Air Pollution Regulations.

Q. The term "lowest achievable emission rate" used in these Interrogatories and Request to Produce is defined by Section 203.126 of the Board's Air Pollution Regulations (35 Ill. Admin. Code 203.126).

R. References to "Buffalo Grove Facility" and "Facility" shall mean the buildings, structures, process equipment, non-process equipment and ancillary equipment located at the common address of 151 Hastings Lane, Buffalo Grove, Lake County, Illinois, and that is referred to in the Complainant's Complaint as the "facility."

If Complainant finds the meaning of any term in these Interrogatories unclear, then Complainant should assume a reasonable meaning, state what that assumed meaning is, and answer the Interrogatory on the basis of that assumed meaning. Unless the context or usage indicates otherwise, all terms should be assumed to have been used in a manner consistent with the allegations contained in Complainant's Complaint as filed in this cause.

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INTERROGATORIES AND REQUEST TO PRODUCE

INTERROGATORY NO. 1: Please identify each person who participated in preparing the answers to these Interrogatories.

ANSWER:

INTERROGATORY NO. 2: Please list the name, address, and telephone number of any person who is expected to be called to testify at trial.

ANSWER:

INTERROGATORY NO. 3: Please list the anticipated subject matter of testimony to be given by the persons identified in the above stated INTERROGATORY NO. 2.

ANSWER:

INTERROGATORY NO. 4: Please identify all equipment, processes, operations or activities capable of emitting Volatile Organic Material or VOM that were in existence or present at the Buffalo Grove facility for the time periods: (a) prior to November 1, 1999; (b) after December 1, 1999; and (c) at the present time.

ANSWER:

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REQUEST TO PRODUCE NO. 1: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 4.

INTERROGATORY NO. 5: Please state the actual and potential emissions of VOM, on an hourly and annual basis, from all equipment, processes, operations or activities capable of emitting VOM that were in existence or present at the Buffalo Grove facility for the time periods: (a) prior to November 1, 1999; (b) after December 1, 1999; and (c) at the present time.

ANSWER:

REQUEST TO PRODUCE NO. 2: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 5.

INTERROGATORY NO. 6: Please identify all dates on which the owner or operator of the Buffalo Grove facility was required to submit an application or request for, obtain or have in its possession a permit, approval or other governmental authorization to construct or install any structure, process, equipment, operation or activity at the Buffalo Grove facility and for each such date, identify all such required permits, approvals, or other governmental authorizations, for all relevant time periods.

ANSWER:

REQUEST TO PRODUCE NO. 3: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 6.

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INTERROGATORY NO. 7: Please identify the date or dates on which the owner or operator of the Buffalo Grove facility was required to submit an application for participation in the Emissions Reduction Marketing System (“ERMS”) regulatory program developed pursuant to Section 9.8 of the Illinois Environmental Protection Act (415 ILCS 5/9.8), and apply for, obtain or have in its possession Allotment Trading Units (“ATUs”), and identify the amount or number of ATUs required for the Buffalo Grove facility, for all relevant time periods.

ANSWER:

REQUEST TO PRODUCE NO. 4: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 7.

INTERROGATORY NO. 8: Please identify all dates on which the owner or operator of the Buffalo Grove facility was required to submit an application or request for, obtain or have in its possession “emission offsets” for VOM emissions as that term is defined at Section 203.121 (35 Ill. Admin. Code 203.121), and within the meaning of Section 203.303 (35 Ill. Admin. Code 203.303) of the Board’s Air Pollution Regulations, and identify the quantity of all such “emission offsets” required for the Buffalo Grove facility, for all relevant time periods.

ANSWER:

REQUEST TO PRODUCE NO. 5: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 8.

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INTERROGATORY NO. 9: With respect to the allegations contained in Paragraph 25 of the Complaint that the Buffalo Grove facility is a “major stationary source,” please identify all equipment, processes, operations and fugitive emissions, which alone or in combination, emitted or had the potential to emit more than 25 tons of VOM per year for the time periods: (a) prior to November 1, 1999; (b) after December 1, 1999; and (c) at the present time. For each piece of equipment, process or operation so identified, please provide the following:

- a) all information, including emission factors, emission tests, and any calculations or formulas, relied upon in determining the actual and potential emissions of VOM for each piece of equipment, each process or each operation;
- b) all rules, regulations, policies or guidance relied upon in determining the potential to emit;
- c) all persons in the employ or retained by Complainant who determined or assisted in the determination of the emissions or potential to emit for the equipment, process or operation.
- d) the maximum capacity of each piece of equipment, process or operation to emit VOM under its physical and operational design.
- e) Any physical or operational limitations on the maximum capacity to emit VOM, including production limitations and air pollution control equipment, for each piece of equipment.

For fugitive emissions identified, please provide the following:

- f) all information, including emission factors, tests, calculations, or guidance relied upon in determining the actual and potential emissions of VOM for each fugitive source;

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- g) all persons in the employ or retained by Complainant who determined or assisted in the determination of the emissions or potential to emit from fugitive VOM sources.

ANSWER:

REQUEST TO PRODUCE NO. 6: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 9.

INTERROGATORY NO. 10: With respect to the allegations contained in the Complaint and the subject matter thereof, please state the following:

- a) All information, including emission factors, emission tests, and any calculations or formulas, relied upon in determining that a “major modification” or “net emissions increase” of VOM occurred at any time at the Buffalo Grove facility;
- b) Identify the date such “major modification” or “net emissions increase” occurred at the Buffalo Grove facility, and as of that date, what Complainant maintains would have been the “lowest achievable emission rate” applicable to such “major modification;”
- c) What permit, approval or other governmental authorization, if any, was required for the “major modification,” and the factual basis why such “major modification” was not subject to the exemption set forth at Section 203.211 of the Board’s Air Pollution Regulations (35 Ill. Admin. Code 203.211).
- d) Identify each person on behalf of Complainant with factual information concerning the “major modification” or known to have been involved in the assessment and/or determination that a “major modification” or “net emissions increase” occurred at any time at the Buffalo Grove facility.

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- e) Any physical or operational limitations on the maximum capacity to emit VOM from such "major modification"

ANSWER:

REQUEST TO PRODUCE NO. 7: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO.10.

INTERROGATORY NO. 11: To the extent not already provided in response to the preceding Interrogatories, please state the basis for the assertions in Paragraph 20 of Count I of the Complaint that Respondent operated "two (s) capol coating lines and baths, new emissions sources, without having obtained and Illinois EPA operating permit" in violation of the Act.

ANSWER:

REQUEST TO PRODUCE NO. 8: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 11.

INTERROGATORY NO. 12: Identify any equipment, operations or activities at the Buffalo Grove facility and all relevant facts that cause Complainant to believe that said equipment, operation or activities meet the regulatory definition of the term "coating line" at Section 211.123 of the Board's Air Pollution regulations (35 Ill. Admin. Code 211.123).

ANSWER:

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REQUEST TO PRODUCE NO. 9: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 12.

INTERROGATORY NO. 13: In reference to the allegations in Count II of the Complaint, please identify all information known to Complainant which cause Complainant to believe that the Buffalo Grove facility had ever been, or is currently subject to the Clean Air Act Permit Program ("CAAPP") developed pursuant to Title V of the Clean Air Act, for the time periods: (a) prior to November 1, 1999; (b) after December 1, 1999; and (c) at the present time.

ANSWER:

REQUEST TO PRODUCE NO. 10: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 13.

INTERROGATORY NO. 14: In reference to the allegations in Count III of the Complaint, please identify all information known to Complainant which cause Complainant to believe that the Buffalo Grove facility had ever been, or is currently subject to the ERMS regulatory program developed pursuant to Section 9.8 of the Illinois Environmental Protection Act (415 ILCS 5/9.8), for the time periods: (a) prior to November 1, 1999; (b) after December 1, 1999; and (c) at the present time.

ANSWER:

REQUEST TO PRODUCE NO. 11: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 14.

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INTERROGATORY NO. 15: In reference to the allegations in Count IV of the Complaint, please identify all information known to Complainant which causes Complainant to believe that the Buffalo Grove facility had ever been, or is currently subject to the requirements of Part 203 "Major Stationary Sources Construction And Modification" of the Board's Air Pollution Regulations (35 Ill. Admin Code Part 203), applicable to a new major source or major modification, for the time periods: (a) prior to November 1, 1999; (b) after December 1, 1999; and (c) at the present time.

ANSWER:

REQUEST TO PRODUCE NO. 12: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 15.

INTERROGATORY NO. 16: Does Complainant maintain that Respondent, in order to come into compliance with any violations which are alleged by Complainant to be continuing, is required to submit any new permit applications, modify or supplement any pending applications, obtain "emission offsets," obtain "allotment trading units" or install any emission control equipment not already in existence or contemplated under any pending permit application?

If so, then please describe with particularity the permits that must be applied for, the manner in which any application must be modified or supplemented, the amount of any emission offsets or allotment trading units and the additional emission control equipment required.

ANSWER:

REQUEST TO PRODUCE NO. 13: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 16.

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INTERROGATORY NO. 17: Please itemize the penalties which Complainant seeks to recover for each violation asserted in the Complaint;; identity the manner or means by which Complainant determined the penalty amounts to be sought (including but not limited to, the manner in which any statutory criteria, policy or guidance was employed in determining the penalty amounts); identify the relevant facts considered in the making the penalty determinations and in employing such statutory criteria, policy or guidance; and identify the manner or method employed in attributing any economic benefit accruing to Respondent by reason of the violations asserted.

ANSWER:

REQUEST TO PRODUCE NO. 14: Please produce all documents relating to or evidencing your answer to the above stated INTERROGATORY NO. 17.

INTERROGATORY NO. 18: To the extent not already disclosed in response to these Interrogatories, please identify the nature of the injunctive relief sought by Complainant.

ANSWER:

REQUEST TO PRODUCE NO. 15: Please produce any and all documentation relating to physical inspections of the Buffalo Grove facility by any representative of the Complainant or the IEPA at any time and whether or not such inspections were related to the violations alleged in the Complainant's Complaint.

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REQUEST TO PRODUCE NO. 16: Please produce any and all documentation relating to physical inspections of the Buffalo Grove facility by any representatives of the Complainant or the IEPA and investigations of the Buffalo Grove facility or the Respondent by any representatives of the Complainant or the IEPA with respect to the violations alleged in the Complainant's Complaint.

REQUEST TO PRODUCE NO. 17: Please produce any and all documentation relating to a permit application submitted by Petitioner, or by any agent or representative of Petitioner, on or about **April 4, 2000**, including IEPA review notes, calculations, internal IEPA agency communications, correspondence and preliminary and final determinations on such permit application.

REQUEST TO PRODUCE NO. 18: Please produce any and all documentation relating to a permit application submitted by Petitioner, or by any agent or representative of Petitioner, on or about **July 25, 2000**, including IEPA review notes, calculations, internal IEPA agency communications, correspondence and preliminary and final determinations on such permit application.

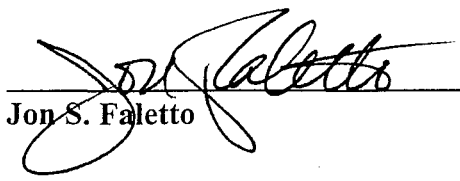
REQUEST TO PRODUCE NO. 19: Please produce any and all documentation relating to a permit application submitted by Petitioner, or by any agent or representative of Petitioner, on or about **February 6, 2002**, including IEPA review notes, calculations, internal IEPA agency communications, correspondence and preliminary and final determinations on such permit application.

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Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

By:


Jon S. Faletto

Dated: January 20, 2004

Jon S. Faletto
Attorney for Respondent
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, IL 61602-1350

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 20th day of January, 2004, I have served the attached *RESPONDENT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO COMPLAINANT*, by depositing same via first-class U.S. mail delivery to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Joel J. Sternstein
Assistant Attorney General
Environmental Bureau
Office of the Illinois Attorney General
188 West Randolph Street, 20th Floor
Chicago, IL 60601

Honorable Bradley J. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601-3218


Jon S. Faletto, Attorney for Respondent

Jon S. Faletto
Howard & Howard Attorneys, P.C.
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