

**RECEIVED**  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 21 2003

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 MICHEL GRAIN COMPANY, INC., )  
 a/k/a MICHEL FERTILIZER, an )  
 Illinois Corporation, CARYLE )  
 MICHEL and RONNIE TODD, )  
 )  
 Respondents. )

**STATE OF ILLINOIS**  
*Pollution Control Board*

PCB 96-143  
(Enforcement - Water)

SUPPLEMENTAL ANSWERS TO COMPLAINANT'S THIRD SET OF  
INTERROGATORIES  
DIRECTED TO MICHEL GRAIN COMPANY, INC., d/b/a MICHEL  
FERTILIZER and CARYLE MICHEL

Now come the Respondents, Michel Grain Company, Inc., d/b/a Michel Fertilizer and Caryle Michel, by their attorney, Douglas A. Antonik, and state the following in response as the Supplemental Answers to Complainant's Third Set of Interrogatories pertaining to the Ina Facility.

III. INTERROGATORIES

INTERROGATORY NO. 2:

For each count of the Complaint filed herein, identify any current or past offices, agent, employee, or representative of Michel or any other person acting for Michel, having knowledge of the facts alleged in each count.

ANSWER: Caryle Michel, Jeff Moore, Chris Michel, Marsha Bean.

INTERROGATORY NO.3:

Pursuant to Illinois Supreme Court Rule 213(f), please provide the name and address of each witness, who will testify at hearing on behalf of Michel and state the subject of each witness's testimony.

ANSWER: 1) Caryle Michel, #22 Wildwood, Mt. Vernon, IL Rule 213 (f)(1) Witness

Caryle Michel will testify as to the condition of the Ina facility and its operation during the relevant time period.

2) Chris Michel, 13620 N. Harmony Ln., Opdyke, IL Rule 213 (f)(1) Witness

Chris Michel will testify as to the condition of the Ina facility and its operation during the relevant time period.

3) Marsha Bean, 5370 N. Spring Garden Ln, Bonnie, IL 62816 Rule 213 (f)(1) Witness

Marsha Bean worked for Mr. Michel and will testify as to the condition of the Ina facility and its operation during the relevant time period.

4) Jeff Moore, 16325 E. Saddle Club Road, Bonnie, Illinois 62816

Jeff Moore will testify as to the condition of the Ina facility and its operation during the relevant time period.

5) Todd Gentles, ARDL, Inc. 400 Aviation Road, Mt. Vernon, IL 62864  
Rule 213 (f)(3) Witness

Todd Gentles will testify he analyzed the results of the State of Illinois testing and that the results were inconclusive due to the method of testing.

6) Val Gibbons, ARDL Inc., 400 Aviation Road, Mt. Vernon, IL 62864  
Rule 213 (f)(3) Witness

Val Gibbons will testify he analyzed the results of the State of Illinois testing and that the results were inconclusive due to the method of testing.

INTERROGATORY NO.4:

Provide the dates, locations, analytical results, detection limits, names of persons who took and/or analyzed any and all samples of soil, groundwater and/or surface waters, or any other substances at, near or relative to the Ina facility during the relevant time period and including the future until such times as this matter is resolved.

ANSWER:

See ARDL Report prepared by ARDL, Inc.

INTERROGATORY NO. 6:

Identify who owns/owned the Ina facility during the relevant time period? If Michel owns the Ina facility, identify the following:

- a. all documents related to the ownership of the Ina facility;
- b. all persons having knowledge of any facts related to the ownership of the Ina facility; and

c. describe all events, transactions, or occurrences related to the ownership of the Ina facility.

ANSWER:

- a. Attached in Request to Produce.
- b. Caryle Michel and Chris Michel.
- c. Caryle Michel and Catherine Michel purchased the Ina facility in 1980.

INTERROGATORY NO. 7:

Identify all current and past employees of Michel who are responsible for maintaining the Control Board's regulations during the relevant time period.

ANSWER:

Jeff Moore, Chris Michel, Caryle Michel.

INTERROGATORY NO. 17:

Specifically describe all the spill containment and prevention equipment, structures and/or practices used by Michel at the Ina Facility.

ANSWER:

Michel Fertilizer, Inc. used all of the necessary care and preventative measures when it operated the Ina facility. All operations would have been under the direction and/or control of Chris Michel, Jeff Moore or Caryle Michel.

INTERROGATORY NO. 25:

Identify the person(s) who washed out the chemical trucks and

put new gravel over the discolored gravel at the Ina facility. Identify the person(s) who gave this person(s) the authority to wash out the chemical trucks and put new gravel over the discolored gravel at the Ina facility.

ANSWER:

Unknown that these events occurred.

INTERROGATORY NO. 26:

Identify all person(s) who operated the Ina facility in 1990.

ANSWER:

Jeff Moore , Chris Michel and Caryle Michel.

INTERROGATORY NO. 27:

State John Glover's qualifications as an expert witness, his conclusions and opinions and the basis thereof; and Mr. Glover's fees for consulting and providing testimony in this matter.

ANSWER:

John Glover was employed by ARDL and his report was previously provided. Mr. Glover is no longer employed by ARDL, Inc.

INTERROGATORY NO. 28:

Do you contend that since at least May 1989, and continuing until the filing of this Complaint, including but not limited to January 8, 1990, March 29, 1990, February 23, 1993, January 31, 1995, April 19, 1995 and February 16, 1996, you have not caused or allowed the discharge and disposal of atrazine, alachlor, metolachlor and pendimethalin at or from the Ina facility? If so,

please state every fact upon which you base this contention.

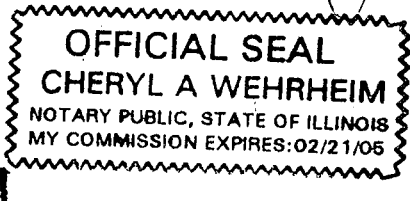
ANSWER:

Yes, there were no products at the Ina facility on all of the  
aforementioned dates.

Caryle Michel  
CARYLE MICHEL d/b/a Michel  
Fertilizer & Equipment

Subscribed and sworn to before me this 15th day of  
July, 2003.

Cheryl A. Wehrheim  
Notary Public



VERIFICATION

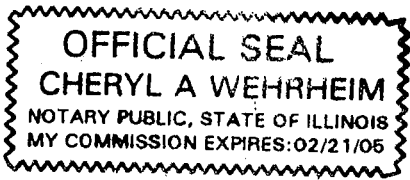
STATE OF ILLINOIS                    )  
  )   SS.  
COUNTY OF JEFFERSON            )

I, Caryle Michel, being first duly sworn on oath, depose and state that I am the Respondent in the above-entitled cause; and I have read the foregoing Answers to Interrogatories and the contents contained therein are true and correct to the best of my knowledge and belief.

Caryle Michel  
CARYLE MICHEL d/b/a Michel  
Fertilizer and Equipment

Subscribed and sworn to before me this 15th day of  
July, 2003.

Cheryl A. Wehrheim  
Notary Public



CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon:

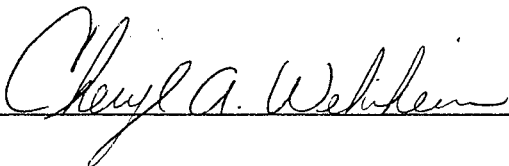
Angela Eaton Hamilton  
Assistant Attorney General  
500 South Second Street  
Springfield, IL 62706

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph  
Chicago, IL 60601

Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
600 S. Second St., Ste. 402  
Springfield, IL 62704

William F. Bonan  
P.O. Box 309  
McLeansboro, IL 62859

by enclosing in an envelope with postage fully prepaid and by depositing said envelope in a U. S. Post Office mail box in Mt. Vernon, Illinois, on the 15<sup>th</sup> day of July, 2003. The above is true and correct to the best of the undersigned's knowledge.

  
\_\_\_\_\_

ANTONIK LAW OFFICES  
1921 Broadway - P. O. Box 594  
Mt. Vernon, IL 62864  
Phone: (618) 244-5739  
Fax: (618) 244-9633  
AntonikLaw@charter.net

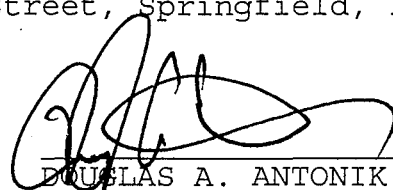
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. ) PCB 96-143  
) (Enforcement - Water)  
MICHEL GRAIN COMPANY, INC., )  
a/k/a MICHEL FERTILIZER, an )  
Illinois Corporation, CARYLE )  
MICHEL and RONNIE TODD, )  
)  
Respondents. )

CERTIFICATE OF COMPLIANCE

Now comes the Respondent, Caryle Michel, d/b/a Michel Fertilizer and Equipment, by his attorney, Douglas A. Antonik, and hereby certifies that, in compliance with Illinois Supreme Court Rules, he has served the Supplemental Answer to the Third Set of Interrogatories propounded to him by Complainant, People of the State of Illinois, Illinois Pollution Control Board, through its attorney, Angela Eaton Hamilton, Assistant Attorney General, Environmental Bureau, 500 S. Second Street, Springfield, IL 62706, on July 15, 2003.

By

  
\_\_\_\_\_  
DOUGLAS A. ANTONIK  
Reg. #06190629

ANTONIK LAW OFFICES  
1921 Broadway, P.O. Box 594  
Mt. Vernon, IL 62864  
618-244-5739 Phone  
618-244-9633 Fax  
AntonikLaw@charter.net



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

JUL 21 2003

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
MICHEL GRAIN COMPANY, INC., )  
a/k/a MICHEL FERTILIZER, an )  
Illinois Corporation, CARYLE )  
MICHEL and RONNIE TODD, )  
)  
Respondents. )

STATE OF ILLINOIS  
*Pollution Control Board*

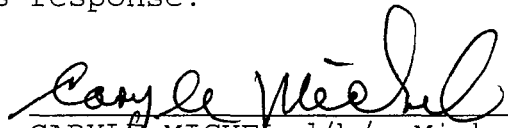
PCB 96-143  
(Enforcement - Water)

SUPPLEMENTAL RESPONSE TO SECOND REQUEST FOR THE  
PRODUCTION OF DOCUMENTS PROPOUNDED BY THE STATE OF  
ILLINOIS

I, Caryle Michel, being first duly sworn on oath, depose and state that I have reviewed the Request to Produce served upon me by Complainant, the State of Illinois, and made available all supplemental documents pertaining to the Ina facility which are in my possession, custody or control to my attorney, Douglas A. Antonik, for inspection.

1. Attached to this response and previous response.
2. Attached to this response and previous response.
5. Attached to this response.
6. Attached to this response and previous response.
10. Any written statement is attached.
11. Attached to this response.
13. Attached to this response and previous response.
14. Attached to this response and previous response.

15. Attached to this response and previous response.  
16. If any, attached to this response.

  
CARYLE MICHEL, d/b/a Michel  
Fertilizer and Equipment

Subscribed and sworn to before me this 15th day of  
July, 2003.

  
Notary Public

Douglas A. Antonik  
ANTONIK LAW OFFICES  
1921 Broadway, P.O. Box 594  
Mt. Vernon, IL 62864  
618-244-5739



### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon:

Angela Eaton Hamilton  
Assistant Attorney General  
500 South Second Street  
Springfield, IL 62706

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph  
Chicago, IL 60601

F. William Bonan  
Attorney at Law  
North Side Square  
McLeansboro, IL 62859

Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
600 S. Second St., Ste. 402  
Springfield, IL 62704

by enclosing in an envelope with postage fully prepaid and by depositing said envelope in a U. S. Post Office mail box in Mt. Vernon, Illinois, on the 15th day of July, 2003. The above is true and correct to the best of the undersigned's knowledge.

Cheryl A. Wehner

ANTONIK LAW OFFICES  
1921 Broadway - P. O. Box 594  
Mt. Vernon, IL 62864  
Phone: (618) 244-5739  
Fax: (618) 244-9633  
AntonikLaw@xharter.net

pos\michel.epa

**RECEIVED**  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUL 21 2003

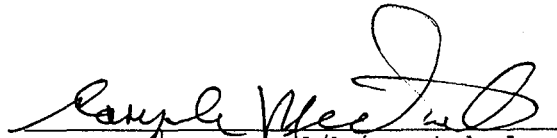
STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
MICHEL GRAIN COMPANY, INC., )  
a/k/a MICHEL FERTILIZER, an )  
Illinois Corporation, CARYLE )  
MICHEL and RONNIE TODD, )  
)  
Respondents. )

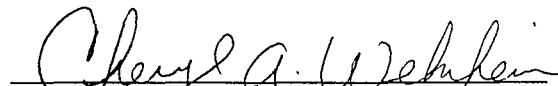
PCB 96-143  
(Enforcement - Water)

VERIFICATION TO SECOND REQUEST TO PRODUCE PROPOUNDED BY  
THE STATE OF ILLINOIS

I, Caryle Michel, being first duly sworn on oath, depose and state that I have reviewed the Request to Produce served upon me by Complainant, the State of Illinois, and made available all supplemental documents pertaining to the Ina facility which are in my possession, custody or control to my attorney, Douglas A. Antonik, for inspection.

  
CARYLE MICHEL, d/b/a Michel  
Fertilizer and Equipment

Subscribed and sworn to before me this 15th day of  
July, 2003.

  
Notary Public

Douglas A. Antonik  
ANTONIK LAW OFFICES  
1921 Broadway, P.O. Box 594  
Mt. Vernon, IL 62864  
618-244-5739

**RECEIVED**  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 21 2003

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
vs.	)	PCB 96-143
	)	(Enforcement - Water)
MICHEL GRAIN COMPANY, INC.,	)	
a/k/a MICHEL FERTILIZER, an	)	
Illinois Corporation, CARYLE	)	
MICHEL and RONNIE TODD,	)	
	)	
Respondents.	)	

CERTIFICATE OF MAILING  
(State of Illinois)

The undersigned certifies that a copy of following documents were deposited in a United States Post Office Box in Mt. Vernon, Illinois, at 5:00 p.m. on the 15th day of July, 2003 along with the Supplemental Answers to Interrogatories pertaining to the Ina facility.

1. All correspondence regarding Ina facility dating from 1982 through 2000.
2. Warranty Deed to Caryle Michel and Catherine Michel.
3. Illinois Department of Agriculture documents.
4. Requests for Proposal, 1991 and 1992.
5. ARDL, Inc. Sampling and Analysis Report.
6. Various maps and copies of arial photos of Ina facility.

That postage was fully prepaid and the documents were addressed to the following:

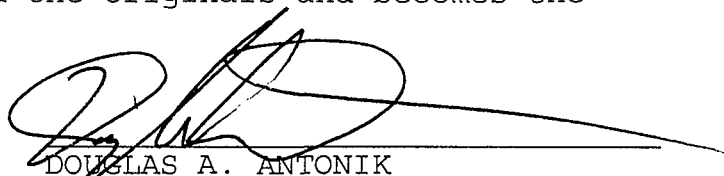
Angela Eaton Hamilton  
Assistant Attorney General  
500 South Second Street  
Springfield, IL 62706

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph  
Chicago, IL 60601

Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
600 S. Second St., Ste. 402  
Springfield, IL 62704

William F. Bonan  
P.O. Box 309  
McLeansboro, IL 62859

That the undersigned has retained the originals and becomes the  
custodian thereof.



DOUGLAS A. ANTONIK  
Attorney at Law  
1921 Broadway, P.O. Box 594  
Mt. Vernon, IL 62864  
(618) 244-5739  
IL. ARDC # 06190629

**RECEIVED**  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUL 21 2003

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
MICHEL GRAIN COMPANY, INC., )  
a/k/a MICHEL FERTILIZER, an )  
Illinois Corporation, CARYLE )  
MICHEL and RONNIE TODD, )  
)  
Respondents. )

PCB 96-143  
(Enforcement - Water)

STATE OF ILLINOIS  
*Pollution Control Board*

DISCLOSURE OF OPINION WITNESSES OF CARYLE MICHEL

COMES NOW Caryle Michel, by his attorney, Douglas A. Antonik, and states the following as his disclosure of opinion witnesses as to the Ina Facility.

Todd Gentles, ARDL, Inc., 400 Aviation Drive, Mt. Vernon, IL 62864; and/or

Val D. Gibbons, PHD., ARDL, Inc. 400 Aviation Drive, Mt. Vernon, IL 62864.

Mr. Gentles and Mr. Gibbons may testify as a rebuttal witness to the Complainant's witnesses. The nature of their rebuttal would be questioning the scientific acceptability of the testing results and the procedures employed by the State of Illinois. Mr. Gentles and Dr. Gibbons' qualifications will be disclosed upon receipt.