BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BP PRODUCTS NORTH AMERICA INC.,	)	
Petitioner,	)	PCB 25-061
	)	Permit Appeal
v.	)	1191150001—Madison County
	)	ILD980700967
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	Log No. B-147R2
	)	RCRA Administrative Record—24D
Respondent.	)	

NOTICE OF FILING

TO: Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
epa.dlc@illinois.gov
Melanie.Jarvis@Illinois.gov

Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62702
Carol.Webb@Illinois.Gov

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Petitioner's First Set of Requests for Production of Documents to Respondent Illinois Environmental Protection Agency, a copy of which is served upon you.

Dated: September 17, 2026

Respectfully submitted,

BP PRODUCTS NORTH AMERICA INC.

By: /s/ Alexander J. Bandza

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Attorney for BP Products North America Inc.

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PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO RESPONDENT ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Pursuant to Illinois Supreme Court Rule 214 and 35 Ill. Adm. Code 101.620, Petitioner, BP Products North America Inc. ("BPPNA"), by its attorneys, Barnes & Thornburg LLP, hereby requests that Respondent, Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), produce the documents and things described below in accordance with the Definitions and Instructions provided herein. Responses to these Requests must be in writing, under oath, and produced to Petitioner's counsel within twenty-eight (28) days of service hereof, or otherwise as agreed by the Parties and the Hearing Officer.

DEFINITIONS

1. "Act" shall mean the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq.

2. "Agency" or "Illinois EPA" or "IEPA" shall mean the Illinois Environmental Protection Agency, including its officers, directors, employees, agents, representatives, contractors, consultants, and any other person acting or believed to have acted on its behalf.

3. "Board" shall mean the Illinois Pollution Control Board.

4. "BPPNA" or "Petitioner" shall mean BP Products North America Inc., and any of its parent entities, subsidiaries, affiliates, officers, directors, employees, agents, representatives, contractors, consultants, attorneys, successors, or assigns.

5. "Communication" includes any conversation, discussion, letter, memorandum, email (including attachments, if any), fax (including cover and transmission confirmation sheets), text message, social media posting or message, voicemail, meeting, conference, interview, negotiation, agreement, understanding, inquiry, correspondence, meeting notes, or other transfer of information, or request for transfer of information, whether written, oral, electronic, or by any other means, and includes any document which abstracts, digests, transcribes, or records any Communication.

6. "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, draft, or version of any agreement, calendar entry, chart, Communication, correspondence, database, diary, draft, electronic communication (including e-mail), electronic data, facsimile, graph, guidance document, index, instruction, internal memorandum, invoice, letter, log, manual, meeting agenda, meeting notes or minutes, memorandum, note, notebook, opinion, pamphlet, paper, permit, photograph, policy, presentation, record, recording, report, review checklist, spreadsheet, study, summary, survey, technical memorandum, telephone log, tracking sheet, working paper, and any other documentary material of any nature, in the possession, custody, or control of the Agency, whether maintained on business or personal computers, servers, hard drives, tablets, cell or "smart" phones, optical, magnetic, or mechanical storage or recording systems, or third-party "cloud" servers. This definition specifically includes "electronically-stored information" ("ESI"), which shall be given its full scope and meaning as provided for in the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and any other applicable State laws or rules and the authorities interpreting those rules. Documents also include social media information (including from Facebook, Twitter, Instagram, or otherwise) and instant messaging services (including from Microsoft Teams, Webex, Google Hangouts or Chat, WhatsApp, or otherwise).

7. "Draft Permit" shall mean the draft RCRA Corrective Action Permit for the Property issued by Illinois EPA on September 25, 2024 (Log No. B-147R2).

8. "ELUC" shall mean Environmental Land Use Control.

9. "Final Permit" or "Permit" shall mean the final RCRA Corrective Action Permit for the Property issued by Illinois EPA on April 29, 2025 (Log No. B-147R2).

10. "NFA" shall mean No Further Action.

11. "NFA Parcels" shall mean the five Land Reuse Areas at the Property that are subject to ELUCs and associated NFA determinations: Area 1, Area 2, Area 4, Area 15, and Area 18, as described in Petitioner's Petition.

12. "Parties" shall mean BPPNA and Illinois EPA.

13. "Person" includes, but is not limited to, any natural person; business or corporation, whether for profit or not; firm, partnership, limited liability company, 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.

14. "Permit Application" shall mean BPPNA's RCRA Part B Permit Renewal Application, including all supplements, replacement pages, and revisions thereto.

15. "Petition" shall mean BPPNA's Petition to Appeal Illinois EPA's Issuance of a RCRA Permit filed in PCB 25-061 on September 8, 2025.

16. "Present" or "Current" shall mean the date on which the Agency serves its responses to these Requests on Petitioner's attorneys.

17. "Property" shall mean the BP Wood River Main Plant Property located in Wood River, Madison County, Illinois (Site ID 1191150001; EPA ID ILD980700967).

18. "Record" or "Record on Appeal" shall mean the Agency Record on Appeal filed by Illinois EPA in PCB 25-061.

19. "Relating to," "relates to," or "related to" means 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.

20. "Relied upon" means (a) being or having been dependent on, mentioned, reflected in, or referred to, or (b) being or having been arguably appropriate for such reliance.

21. "Response to Comments" or "RTC" shall mean Illinois EPA's Response to Comments on the Draft Permit, issued as part of the Final Permit on April 29, 2025.

22. "USEPA" shall mean the United States Environmental Protection Agency.

23. All terms not specifically defined herein shall have their logical, ordinary meaning, unless such terms are defined in the Act or the regulations promulgated thereunder (including 35 Ill. Adm. Code Parts 101, 105, 700-750), in which case the appropriate statutory or regulatory definitions shall apply.

INSTRUCTIONS

A. These Requests call for all Documents that are in the Agency's actual or constructive possession, custody, or control, or known or available to the Agency, regardless of whether such Documents are possessed directly by the Agency or by its officers, directors, employees (former and current), agents, representatives, contractors, consultants, attorneys, or other representatives, or which are otherwise subject to the Agency's custody or control.

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

C. As required by Illinois Supreme Court Rule 214(c), responsive Documents must be produced as they are kept in the ordinary course of business.

D. Each Request seeks production of each Document in its entirety, without abbreviation, including all attachments or other matters affixed thereto. If any portion of a Document is responsive to a Request, produce the entire Document.

E. If a Document's original form was electronic, it shall be produced electronically, preserving metadata regarding the Document (e.g., author, date of creation, last modified date, and location within a storage device's file structure). If a Document cannot be produced in electronic

format, it must be produced in a hard copy, paper format.

F. Mark each page of every Document produced, whether by paper or electronically, with a consecutive Bates number.

G. For each Request below, identify, by Bates range, the Documents responsive to the Request.

H. If there are no Documents responsive to a Request, please state so in writing.

I. If the Agency encounters any ambiguity in construing any Request or any definition or instruction pertaining to any Request, the Agency shall set forth the matter deemed ambiguous and the construction chosen or used in responding to the Request.

J. If any Document or part thereof is withheld under a claim of privilege, a log is to be provided separately identifying for each withheld Document or portion of a Document: (a) the type of Document being withheld; (b) a description of its contents and subject matter; (c) its author(s); (d) all actual and intended recipients; (e) its date; (f) the specific privilege or protection being asserted; (g) all facts relied upon in support of the claim of privilege; and (h) the statute, rule, or decision which is claimed to give rise to the privilege, all with sufficient particularity to allow Petitioner and the Board to assess the validity of the claim of privilege. Pursuant to Illinois Supreme Court Rule 201(n), if the Agency refuses to produce any Document on a claim of privilege, a statement signed by an attorney representing the Agency setting forth the foregoing information shall be provided.

K. If any objection relates to only part of a Request, the balance of the Request shall be answered in full.

L. If the Agency at any time had possession or control of any Document called for under a Request, and if such Document has been lost, destroyed, or is not presently in the Agency's possession, custody, or control, the Agency shall submit a written statement describing in detail the nature and contents of the Document, identifying all persons who have seen or had possession of it, specifying the dates on which it was prepared or received, and specifying the date and circumstances of its loss or destruction.

M. These Requests are continuing in nature and require supplementation pursuant to Illinois Supreme Court Rule 214(d).

N. Petitioner reserves the right to serve supplemental or additional sets of Requests for Production.

O. In construing these Requests: (i) the singular shall include the plural and the plural shall include the singular; (ii) a masculine, feminine, or neuter pronoun shall not exclude the other genders; and (iii) the connective "and" shall be construed as the conjunctive or the disjunctive, whichever makes the Request more inclusive.

P. Unless otherwise specified, the time period covered by each Request is January 1, 2019 to the present.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Request No. 1: All Documents and Communications, not already included in the Record on Appeal, between or among Agency personnel (including but not limited to Omar Faruk, Takako Halteman, Amy Butler, Jacqueline Cooperider, Joshua Rhoades, Curtis Samson, Kenneth Smith, and Shawntay Dial) relating to the Permit Application, the Draft Permit, the Final Permit, or the Response to Comments for the Property, including but not limited to:

a. the decision to require re-evaluation of the indoor inhalation exposure route for any or all of the NFA Parcels, including the application of 35 IAC Part 742 to areas that previously received NFA determinations;

b. internal discussions, analyses, or decisions regarding how the USEPA A3 Project findings or recommendations would be addressed in the Permit;

c. the interpretation or application of 35 IAC 724.201(a) as a basis for requiring re-evaluation of areas that previously received NFA determinations, including any internal memoranda, guidance documents, policy statements, legal opinions, or analyses;

d. the decision to include Conditions II.A.6, II.A.15, and II.D.1.b in the Permit, including any internal deliberations, drafts, redlines, or discussions regarding those provisions;

e. Agency internal email chains that are incomplete in the Record on Appeal, including the complete email thread(s) associated with the December 6, 2024 email from Takako Halteman to Omar Faruk titled “More on BP Comments” (Document 25 in the Record on Appeal) and any predecessor or successor emails in that chain; and

f. all such Documents generated, sent, or received during the period from November 14, 2024 (the day after BPPNA submitted its public comments on the Draft Permit) through April 29, 2025 (the date the Final Permit was issued).

Request No. 2: All Documents and Communications between the Agency and USEPA relating to the Property, including but not limited to:

a. the USEPA A3 Project;

b. the USEPA/IEPA Corrective Action Quarterly Calls;

c. any investigations, assessments, or recommendations concerning the Property; and

d. the Uniform Environmental Covenants Act (“UECA”), ELUCs, or NFAs at the Property, including any discussions regarding the legal effect or finality of existing ELUCs and NFA determinations.

Request No. 3: All Documents and Communications, not already included in the Record on Appeal, between the Agency and BPPNA (including its consultants, Sovereign Consulting Inc.,

WSP, and RMSC) relating to the Property from January 1, 2019 to the present, including but not limited to emails, letters, meeting agendas, meeting notes, presentations, telephone or video conference logs, and any Documents relating to meetings, telephone calls, or video conferences between the Agency and BPPNA (or its representatives) regarding the Property, including the July 24, 2025 in-person meeting in Springfield and any preparatory or follow-up correspondence.

Request No. 4: All Documents and Communications between or among Agency personnel relating to the other properties besides the Property as part of the USEPA A3 Project, to the extent such Documents relate to or informed the Agency's decisions regarding the Property or the Permit.

Request No. 5: All Documents and Communications generated, sent, or received by Agency personnel relating to the Property during the period from April 30, 2025 to the present, including but not limited to any correspondence regarding the scheduling of meetings, prioritization of submittals, requests for withdrawal of submittals, and any discussions of the pending appeal.

Request No. 6: All Documents and Communications relating to the Agency's review, evaluation, or processing of any corrective action submittals by BPPNA for the Property (including all Log Nos. B-147R-CA series and B-147R2-CA series submittals) that are not already included in the Record on Appeal, including any internal review notes, tracking documents, or status updates.

Request No. 7: All guidance documents, policy memoranda, internal procedures, or directives relied upon by the Agency in drafting or issuing the Permit, to the extent not already included in the Record on Appeal, including but not limited to any USEPA guidance regarding climate change, vapor intrusion, or corrective action at RCRA facilities.

Request No. 8: All Documents and Communications relating to the Agency's evaluation of the indoor inhalation exposure pathway at any RCRA-permitted facility in Illinois other than the Property, to the extent such Documents relate to or reflect a policy, practice, or precedent applied to the Property in drafting the Permit.

Request No. 9: A complete privilege log identifying all Documents responsive to any of the foregoing Requests that the Agency is withholding, in whole or in part, on the basis of any claim of privilege or protection, containing for each such Document: (a) the date of the Document; (b) the author(s); (c) all recipients; (d) a description of the Document and its subject matter; and (e) the specific privilege or protection asserted.

Dated: September 17, 2026

Respectfully submitted,

BP PRODUCTS NORTH AMERICA INC.

By: /s/ Alexander J. Bandza

Alexander J. Bandza, Esq.
BARNES & THORNBURG LLP
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Attorney for BP Products North America Inc.

CERTIFICATE OF E-MAIL SERVICE

I, the undersigned, certify the following:

- That I have served the attached Petitioner's First Set of Requests for Production of Documents to Respondent Illinois Environmental Protection Agency, by e-mail upon the Illinois Office of the Attorney General at the e-mail address of epa.dlc@illinois.gov and Mallory.meade@ilag.gov.
- That my e-mail address is abandza@btlaw.com.
- That the number of pages in the e-mail transmission is 8.
- That the e-mail transmission took place before 5:00 p.m. on the date of September 17, 2026.

/s/ Alexander J. Bandza
An Attorney for BP Products North America Inc.