

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
DRAW DRAPE CLEANERS, INC.,)
an Illinois corporation,)
)
Respondent.)

No. PCB 03-51

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CLERK'S OFFICE

SEP 19 2003

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on September 19, 2003, the People of the State of Illinois filed with the Illinois Pollution Control Board COMPLAINANT'S SECOND SET OF INTERROGATORIES ON RESPONDENT DRAW DRAPE CLEANERS, INC, true and correct copies of which are attached and hereby served upon you.

Respectfully submitted,

LISA MADIGAN
Attorney General
State of Illinois

BY:



JOEL J. STERNSTEIN
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-6986

THIS FILING IS SUBMITTED ON RECYCLED PAPER

SERVICE LIST

Mr. Bradley Halloran, Esq.
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Ms. Maureen Wozniak, Esq.
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62702

Ms. Michele Rocawich, Esq.
Weissberg and Associates, Ltd.
401 S. LaSalle Street, Suite 403
Chicago, Illinois 60605

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STATE OF ILLINOIS
Pollution Control Board

No. PCB 03-51
(Enforcement - Air)

COMPLAINANT'S SECOND SET OF INTERROGATORIES
ON RESPONDENT DRAW DRAPE CLEANERS, INC.

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Supreme Court Rule 213, Section 101.616 of the Board's Procedural Regulations, and the August 27, 2003 Hearing Officer Order in this matter, requests that Respondent DRAW DRAPE CLEANERS, INC. answer in writing, under oath, by October 10, 2003, the following interrogatories. Respondent is reminded of its duty to update its Responses to Complainant's First Set of Interrogatories pursuant to Illinois Supreme Court Rules 201(k) and 213:

I. INSTRUCTIONS

1. Respondent is required, in answering these interrogatories to furnish all information available to Respondent or its employees, agents, contractors, experts, or consultants, or which is ascertainable by reasonable inquiry whether or not the requested information might be available from another entity.

2. If an interrogatory has subparts, Respondent is required to answer each part separately and in full.

3. If Respondent cannot answer an interrogatory in full, it is required to answer all parts of the interrogatory to

the extent possible and specify the reason for its inability to provide additional information.

4. As to each interrogatory, or portion thereof, identify in the answer every oral communication, document or writing which relates to the interrogatory or response, whether or not such identification is specifically requested by the interrogatory.

5. In answering each interrogatory, identify each document, person, communication or meeting which relates to, corroborates, or in any way forms the basis for the answer given.

6. If Respondent answers an interrogatory by producing documents (see Illinois Supreme Court Rule 213(e)) Respondent shall make the requested documents available for inspection and copying at the Office of the Illinois Attorney General, Environmental Bureau, 188 West Randolph Street, 20th Floor, Chicago, Illinois.

7. Pursuant to Illinois Supreme Court Rule 213(e), Respondent is requested to serve upon Plaintiff corrected, supplemented or augmented answers hereto, documents or other forms of information from whatever source, which arguably tends to show that Respondent's prior answers are, might be, were or might have been in a sense incorrect, incomplete, potentially misleading or less than fully responsive or truthful.

8. Respondent shall supplement its answers and responses as new information and documents become available.

9. If dates are requested, the exact date should be given if possible. However, if the exact date cannot be determined due to absence or inadequacy of records, the best estimate should be given as to the interrogatory and labeled as such.

10. In construing these interrogatories:

- a. the singular shall include the plural and the plural shall include the singular; and
- b. a masculine, feminine or neuter pronoun shall not exclude the other genders.

11. If you encounter any ambiguity in construing any interrogatory or any definition or instruction pertaining to any interrogatory, set forth the matter deemed "ambiguous" and the construction chosen or used in responding to the interrogatory.

12. In producing documents in response to an interrogatory (See Illinois Supreme Court Rule 213(e)), you are requested to furnish all documents or things in your actual or constructive possession, custody or control, or known or available to you, regardless of whether such documents or things are possessed directly by you or by your attorneys, agents, employees, representatives or investigators.

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

II. CLAIMS OF PRIVILEGE

1. With respect to any interrogatory which Respondent refuses to answer on a claim of privilege, provide a statement signed by an attorney representing Respondent setting forth for each such assertion of privilege:

- a. the name and job title of every person involved in the conversation or communication;
- b. the nature of the information disclosed;
- c. all facts relied upon in support of the claim of privilege;
- d. all documents related to the claim of privilege;
- e. all events, transactions or occurrences related to the claim of privilege;
- f. the statute, rule or decision which is claimed to give rise to the privilege or the reason for its unavailability.

2. If the objection relates to only part of an interrogatory, the balance of the interrogatory should be answered in full.

III. DEFINITIONS

1. "Respondent" shall mean DRAW DRAPE, INC. and any of Respondent's employees, agents, representatives, successors or assigns, or any other person acting or believed by Respondent to have acted on their behalf.

2. "Document" shall be construed in its customary broad sense 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 ledges, 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.

3. "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.

4. "Facility" shall mean the property located 2235-2239 West Roscoe Street, Chicago, Cook County, Illinois, 60618 as referenced in paragraph 4 Count I of the complaint.

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

- a. As to an individual, stating his or her:
 - i. full and customarily used names;
 - ii. present business and residence 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 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, education, 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. "Related to" or "relating to" or "in relation 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.

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

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

11. "Illinois EPA" means the Illinois Environmental Protection Agency.

12. "FESOP" shall mean Federally Enforceable State Operating Permit.

13. "VOM" shall mean volatile organic material or volatile organic compound.

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

15. "Dryer #1" shall mean the Dryer installed at the facility prior to 1981 that is still in operation at the facility.

16. "Dryer #2" shall mean the Dryer installed at the facility in 1996.

17. "Current" or "Present" means the filing date of these Requests for Admissions of Facts.

18. 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, in which case the appropriate or regulatory definitions shall apply.

IV. INTERROGATORIES

Interrogatory No. 1:

Please provide a detailed list of all duties for the following persons with respect to the ownership and operation of Draw Drape Cleaners, Inc. and American Drapery Cleaners & Flameproofers, Inc. at all times relevant to the Complaint in this matter. Such duties include but are not limited to: the installation of Dryer #1 and Dryer #2, the operation of Dryer #1 and Dryer #2, and the testing of Dryer #1 and Dryer #2.

- a) Richard Zell
- b) Steven Press
- c) Audrey Press

ANSWER:

Interrogatory No. 2:

List all owners, operators, managers, employees and/or consultants for Draw Drape Cleaners Inc. and American Drapery Cleaners & Flameproofers, Inc. who had dealings with or conferred with or corresponded or met with government regulators (including, but not limited to, the Attorney General's Office, Illinois EPA, the City of Chicago, and the U.S. Environmental Protection Agency) in all matters related to the Complaint, including the application for a FESOP for Draw Drape Cleaners.

ANSWER:

Interrogatory No. 3:

For the owners, operators, managers, employees and/or consultants named in Interrogatory No. 2, provide a detailed listing of the activities and duties that each of those persons performed in their dealings with or conferring with or corresponding with or meetings with government regulators.

ANSWER:

Interrogatory No. 4:

Identify all of the corporate officers of Draw Drape Cleaners, Inc. and American Drapery Cleaners & Flameproofers, Inc. from 1996 to the present, including the officers full legal names, position(s) and/or title(s) on the corporations' Board, per cent ownership in the corporation, social security numbers, and current or last known addresses.

ANSWER:

Interrogatory No. 5:

Has Draw Drape Cleaners, Inc., American Drapery Cleaners & Flameproofers, Inc., Richard Zell, Steven Press, or Audrey Press filed for bankruptcy since 1996? If so, provide the Court where bankruptcy was filed, the case number, and the amount of liability discharged.

ANSWER:

Respondent shall certify these answers pursuant to the requirements of Illinois Supreme Court Rule 213(d).

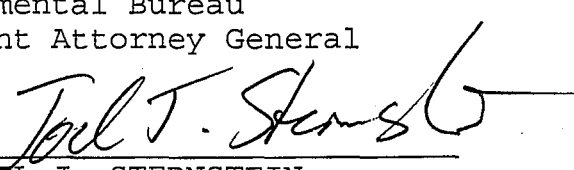
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

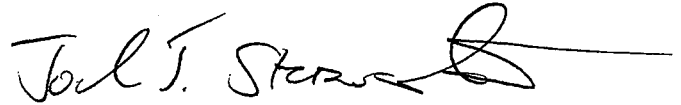
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

By:


JOEL J. STERNSTEIN
Assistant Attorney General
Environmental Bureau
188 W. Randolph St. 20th Fl.
Chicago, Illinois 60601
(312) 814-6986

CERTIFICATE OF SERVICE

I, JOEL J. STERNSTEIN, an Assistant Attorney General, certify that on the 19th day of September, 2003, I caused to be served by First Class Mail the foregoing COMPLAINANT'S SECOND SET OF INTERROGATORIES ON RESPONDENT DRAW DRAPE CLEANERS, INC to the parties named on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.

A handwritten signature in black ink, appearing to read "Joel J. Sternstein", with a long horizontal flourish extending to the right.

JOEL J. STERNSTEIN