

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

OCT 24 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

-vs-

PATTISON ASSOCIATES LLC, an
Illinois limited liability company,
and 5701 SOUTH CALUMET LLC, an
Illinois limited liability company,

Respondents.

No. PCB 05-181
(Enforcement – Air)

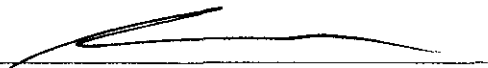
NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, October 24, 2005, filed with the Office of the Clerk of the Illinois Pollution Control Board an original and fourteen (14) copies of the attached **Respondents' Amended Requests for Admissions to Plaintiff**, a true and correct copy of which is hereby served upon you.

DATED: October 24, 2005

Respectfully submitted,

PATTISON ASSOCIATES, LLC and
5701 SOUTH CALUMET, LLC

By: 
One of Their Attorneys

Neal H. Weinfield, Esq.
Allyson L. Wilcox, Esq.
Bell, Boyd & Lloyd LLC
70 West Madison Street
Suite 3100
Chicago, IL 60602
312.372.1121

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

OCT 24 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS)

Complainant,)

vs)

PATTISON ASSOCIATES LLC, an)

Illinois limited liability company,)

and 5701 SOUTH CALUMET LLC, an)

Illinois limited liability company,)

Respondents.)

No. PCB 05-181

(Enforcement – Air)

RESPONDENTS' AMENDED REQUESTS FOR ADMISSIONS TO PLAINTIFF

NOW COME respondents, PATTISON ASSOCIATES LLC and 5701 SOUTH CALUMET LLC, by their attorney, Neal H. Weinfield of the law firm Bell, Boyd & Lloyd LLC, pursuant to the Illinois Pollution Control Board General Rules, Subpart E, Section 101.618, hereby request that the plaintiff, PEOPLE OF THE STATE OF ILLINOIS ("State"), admit the truth of the following facts within twenty-eight (28) days of service hereof. Failure to respond to the following requests to admit within 28 days may have severe consequences. Failure to respond to the following requests will result in all the facts requested being deemed admitted as true for this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding or an attorney.

REQUESTS TO ADMIT

1. Admit that October 15, 2003, was the first time that the Illinois Environmental Protection Agency performed an inspection of the subject apartment complex.

ANSWER:

2. Admit that the Illinois Environmental Protection Agency discovered alleged asbestos containing material in only room of the basement at the subject site.

ANSWER:

3. Admit that the Illinois Environmental Protection Agency never witnessed Pattison performing any renovation and/or demolition of any nature in the room where the possible asbestos containing materials were discovered.

ANSWER:

4. Admit that the Illinois Environmental Protection Agency has no documentation (whether written, photographic or otherwise) establishing that Pattison performed any renovation and/or demolition of any nature in the room where the possible asbestos containing materials was discovered.

ANSWER:

5. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that Pattison performed any renovation and/or demolition of any nature in the room where the possible asbestos containing materials were discovered.

ANSWER:

6. Admit that, prior to removal of the alleged asbestos containing material, the Illinois Environmental Protection Agency did not conduct any air sampling and laboratory analysis which established the presence of air-borne asbestos at the subject property.

ANSWER:

7. Admit that, prior to removal of the alleged asbestos containing material, the Illinois Environmental Protection Agency did not conduct any air sampling and laboratory analysis which established the presence of air-borne asbestos at the subject property.

ANSWER:

8. Admit that the Illinois Environmental Protection Agency never observed any discharge or emission of asbestos into the air at the subject site.

ANSWER:

9. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) which establishes that Pattison caused the discharge or emission of asbestos into the air at the subject site.

ANSWER:

10. Admit that the Illinois Environmental Protection Agency did not witness Pattison conducting any act that threatened the discharge or emission of asbestos into the air at the subject site.

ANSWER:

11. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that Pattison threatened the discharge or emission of asbestos into the air at the subject site.

ANSWER:

12. Admit that the Illinois Environmental Protection Agency never witnessed Pattison allowing the discharge or emission of asbestos into the air at the subject site.

ANSWER:

13. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that Pattison allowed the discharge or emission of asbestos into the air at the subject site.

ANSWER:

14. Admit that the Illinois Environmental Protection Agency has no laboratory, photographic or other analytical documentation evidencing that Pattison allowed the discharge or emission of asbestos into the air at the subject site.

ANSWER:

15. Admit that the Illinois Environmental Protection Agency never witnessed respondents ever handling, in any manner, asbestos at the subject site at any time.

ANSWER:

16. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that respondents ever handled, in any manner, asbestos at the subject site at any time.

ANSWER:

17. Admit that the Illinois Environmental Protection Agency has no documentation establishing that respondents knew, when they purchased or worked at the subject site that there was alleged asbestos containing material at the subject site.

ANSWER:

18. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) which establishes that respondents knew, when they purchased or worked at the subject site that there was alleged asbestos containing material at the subject site.

ANSWER:

19. Admit that the Illinois Environmental Protection Agency has no documentation (whether photographic, written or otherwise) establishing that respondents knew, when purchasing or working at the subject site that there was alleged asbestos containing material at the subject site.

ANSWER:

20. Admit that between March 25, 2003, and October 30, 2003, the Illinois Environmental Protection Agency never witnessed respondents conducting renovation activities as defined in the NESHAPs regulations at the subject site in the particular location where alleged asbestos containing material was discovered.

ANSWER:

21. Admit that between March 25, 2003, and October 30, 2003, the Illinois Environmental Protection Agency has no documentation establishing that respondents conducted renovation activities as defined in the NESHAPs regulations at the subject site in the particular location where alleged asbestos containing material was discovered.

ANSWER:

22. Admit that between March 25, 2003, and October 30, 2003, the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that respondents conducted renovation activities as defined in the NESHAPs regulations at the subject site in the particular location where alleged asbestos was containing material discovered.

ANSWER:

23. Admit that the Illinois Environmental Protection Agency never witnessed respondents performing any wrecking or removal of any load-supporting structural member at the subject site in the particular location where the alleged asbestos containing material was discovered.

ANSWER:

24. Admit that the Illinois Environmental Protection Agency has no documentation establishing that respondents performed any wrecking or removal of any load-supporting structural member at the subject site in the particular location where the alleged asbestos containing material was discovered.

ANSWER:

25. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that respondents performed any wrecking or removal of any load-supporting structural member at the subject site in the particular location where the alleged asbestos containing material was discovered.

ANSWER:

26. Admit that the Illinois Environmental Protection Agency never witnessed respondents performing any intentional burning at the subject site in the particular location where the alleged asbestos containing material was discovered.

ANSWER:

27. Admit that the Illinois Environmental Protection Agency has no documentation establishing that respondents performed any intentional burning at the subject site in the particular location where the alleged asbestos containing material was discovered.

ANSWER:

28. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that respondents performed any intentional burning at the subject site in the particular location where the alleged asbestos containing material was discovered.

ANSWER:

29. Admit that the Illinois Environmental Protection Agency never witnessed respondents performing any alteration of the subject site in the particular areas where the alleged asbestos containing material was discovered.

ANSWER:

30. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that respondents performed any alteration of the subject site in the particular areas where the alleged asbestos containing material was discovered.

ANSWER:

31. Admit that the Illinois Environmental Protection Agency has not received and is unaware of the existence of any documents establishing that respondents performed any alteration of the subject site in the particular areas where the alleged asbestos containing material was discovered.

ANSWER:

32. Admit that that Illinois Environmental Protection Agency never witnessed respondents stripping or removing any alleged asbestos containing material from anywhere within the subject site prior to October 30, 2003.

ANSWER:

33. Admit that that Illinois Environmental Protection Agency has no documentation establishing that respondents stripped or removed any possible asbestos containing material from anywhere within the subject site prior to October 30, 2003.

ANSWER:

34. Admit that that Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that respondents stripped or removed any possible asbestos containing material from anywhere within the subject site prior to October 30, 2003.

ANSWER:

35. Admit that that Illinois Environmental Protection Agency has not received and is unaware of the existence of any statements (oral or written) establishing that respondents stripped or removed any possible asbestos containing material from anywhere within the subject site prior to October 30, 2003.

ANSWER:

36. Admit that the Illinois Environmental Protection Agency never witnessed alleged asbestos containing material in any disposed of in a trashcans dumpster or other location at or adjacent to the subject property.

ANSWER:

37. Admit that the Illinois Environmental Protection Agency never witnessed respondent disposing of asbestos in any trashcan dumpster or other location at or adjacent to the subject property.

ANSWER:

38. Admit that the Illinois Environmental Protection Agency has no photographic documentation of any asbestos in any trashcan dumpster or other location at or adjacent to the subject property.

ANSWER:

39. Admit that Section 61.145(a) of Title 40 of the Code of Federal Regulations, 40 CFR 61.145(a) (July 1, 1998), as adopted in Section 9.1(d) of the Act, titled Standard for demolition and renovation, *only requires inspection of part of the facility where the demolition or renovation operation will occur for the presence of asbestos.*

ANSWER:

40. Admit that Section 61.145(b)(1) of USEPA's NESHAPs, 40 CFR 61.145(b)(1) (July 1, 2002), only requires notification if demolition or renovation is scheduled to occur in a part of a facility that contains asbestos containing material.

ANSWER:

41. Admit that Section 61.145(c) of USEPA's NESHAPs, 40 CFR 61.145(c)(July 1, 2002), titled Procedures for asbestos emission control, is not applicable to demolition or renovation of a location where asbestos is not present.

ANSWER:

42. Admit that no renovation or demolition took place in the room in the basement where
alleged asbestos containing material was discovered.

ANSWER:

Respectfully submitted,

PATTISON ASSOCIATES, LLC and
5701 SOUTH CALUMET, LLC

By 
One of Their Attorneys

Neal H. Weinfield, Esq.
Allyson L. Wilcox, Esq.
Bell, Boyd & Lloyd LLC
70 West Madison Street
Suite 3100
Chicago, IL 60602
312.372.1121
Firm Number: 90100


CERTIFICATE OF SERVICE

Allyson L. Wilcox, an attorney, hereby certifies that she caused a copy of the attached **Respondents' Amended Requests for Admissions to Plaintiff** to be served upon:

Paula Becker Wheeler
Office of the Attorney General
188 West Randolph, 20th Floor
Chicago, IL 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 W. Randolph Street
Chicago, Illinois 60601

via regular U.S. Mail, postage pre-paid, on October 24, 2005.



Allyson L. Wilcox