

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 21 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 21, 2005, filed with the Office of the Clerk of the Illinois Pollution Control Board an original and fourteen (14) copies of the attached **Respondents' Requests for Admissions to Plaintiff**, a true and correct copy of which is hereby served upon you.

DATED: October 21, 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

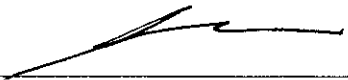
CERTIFICATE OF SERVICE

Allyson L. Wilcox, an attorney, hereby certifies that she caused a copy of the attached **Respondents' 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 21, 2005.



Allyson L. Wilcox

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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 Illinois Supreme Court Rule 216, hereby request that the plaintiff, PEOPLE OF THE STATE OF ILLINOIS (“State”), admit the truth of the following facts and the genuineness of certain documents within twenty-eight (28) days of service hereof:

1. Admit that this action is brought against PATTISON ASSOCIATES LLC (“Pattison”) pursuant to Section 31 of the Illinois Environmental Protection Act, 415 ILCS 5/31 (2002) (“Act”).

2. Admit that this action is brought against 5701 SOUTH CALUMET LLC (“Calumet”) pursuant to Section 42(d) of the Act, 415 ILCS 5/42(d) (2002).

ANSWER:

3. Admit that October 15, 2003, was the first time that the Illinois Environmental Protection Agency ("IEPA") performed an inspection of the subject apartment complex.

ANSWER:

4. Admit that the IEPA only discovered possible asbestos containing material in one room of the basement at the subject site.

ANSWER:

5. Admit that the IEPA has no evidence 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 the IEPA failed to conduct any air sampling to determine the presence of air-borne asbestos at the subject property or in the basement room where the asbestos containing material was discovered.

ANSWER:

7. Admit that the IEPA has no evidence proving that Pattison caused the discharge or emission of asbestos into the air at the subject site.

ANSWER:

8. Admit that the IEPA has no evidence proving that Pattison threatened the discharge or emission of asbestos into the air at the subject site.

ANSWER:

9. Admit that the IEPA has no evidence proving that Pattison allowed the discharge or emission of asbestos into the air at the subject site.

ANSWER:

10. Admit that the IEPA has no evidence that respondents ever handled, in any manner, asbestos at the subject site at any time.

ANSWER:

11. Admit that the IEPA has no evidence that respondents were aware of the presence of asbestos or possible asbestos containing material at the subject site or in the particular location it was discovered prior to October 15, 2003.

ANSWER:

12. Admit that between March 25, 2003, and October 30, 2003, the IEPA has no evidence that the respondents conducted "renovation activities" as defined in the NESHAPs regulations at the subject site in the particular location asbestos was discovered.

13. ANSWER:

14. Admit that the IEPA has no evidence that respondents preformed any wrecking or removal of any load-supporting structural member at the subject site in the particular location where asbestos was discovered at any time.

ANSWER:

15. Admit that the IEPA has no evidence that respondents preformed any intentional burning at the subject site in the particular location where asbestos was discovered at any time.

ANSWER:

16. Admit that the IEPA has no evidence that respondents preformed any alteration of the subject site in the particular areas where the asbestos was discovered at any time prior to hiring Universal Asbestos Removal Inc., to perform abatement at the subject site.

ANSWER:

17. Admit that that IEPA has no evidence that the respondents stripped or removed any possible asbestos containing material from anywhere within the subject site prior to hiring Universal Asbestos Removal Inc., to perform abatement at the subject site.

ANSWER:

18. Admit that respondents hired Universal Asbestos Removal Inc., to perform asbestos abatement at the subject site following the discovery of possible asbestos containing material.

ANSWER:

19. Admit that the IEPA has no evidence demonstrating that respondents removed asbestos from the subject site prior to October 30, 2003.

ANSWER:

20. 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:

21. 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 known to contain asbestos.

ANSWER:

22. 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 facility where asbestos is not present.

ANSWER:

23. Admit that the IEPA has no evidence that the respondents failed to deposit regulated asbestos-containing waste material as soon as practical in an appropriate waste disposal site.

ANSWER:

24. Admit that no renovation or demolition took place or was ever schedule to take place in the room in the basement where asbestos was discovered.

ANSWER:

Respectfully submitted,

PATTISON ASSOCIATES, LLC and
5701 SOUTH CALUMET, LLC

By 
One of Their Attorneys

Neal H. Weinfield, Esq.
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