

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 13 - 12
)	(Enforcement – Air)
NACME STEEL PROCESSING, LLC,)	
a Delaware limited liability corporation,)	
)	
Respondent.)	

NACME STEEL PROCESSING LLC's RESPONSE TO THE STATE'S MOTION TO COMPEL

The State's so called Motion to Compel is a classic "sandbag" motion showing the State's continued willingness to make a game out of discovery. While the parties were discussing various discovery disputes, one of which had reached an impasse and another that had not, the State stalled on providing an answer on the unresolved issue (whether it would provide local witnesses for deposition) while it ran out and filed the instant omnibus motion (hereafter "State's Motion"). The State filed its motion on May 7, 2013 and served it by regular mail. NACME, unaware that it was being sandbagged, filed a motion to compel the appearance of certain non-local witnesses on May 8, 2013, after the State had finally answered that the local witnesses would be produced voluntarily (but now the State's intentions are ambiguous based on its current motion) NACME's motion was served by e-mail the same day it was filed and requested prompt decision by the Board because the time for taking depositions expires at the end of May 2013.

The State has not noticed up a single deposition or asked for the availability of any NACME witnesses including those it has listed on its witness disclosure list. It has identified 6 IEPA witnesses for hearing, none of whom it offers to produce without conditions. Four witnesses it will only produce in Springfield, Illinois. In the meantime, the State seeks to compel

NACME to answer interrogatories that by any tabulation are far beyond the 30 interrogatory maximum, including subparts, allowed by the Board's rules. Over NACME's well-founded objections the State further seeks to compel the production of documents that are neither relevant nor calculated to lead to relevant evidence in this proceeding. The requests are evidently intended to harass NACME. Although NACME has supplemented its witness disclosures, the State nonetheless complains about that too. Finally, the State complains that the Board is taking too long to decide yet another motion filed by the State in this action and that discovery should be stayed in the meantime. In sum, the State, rather than advancing this matter to hearing, is standing in the way and making a game out of discovery. As further supported below, all of the State's requested relief should be denied.

II. Argument

A. IEPA Witnesses For Deposition

NACME incorporates by reference its Motion to Compel, filed on May 8, 2013, as its response with respect to the State's refusal to produce Springfield based IEPA employees in Chicago for deposition and its stance that all depositions must be called by subpoena.

B. NACME's Objections to the State's Interrogatories and Document Requests.

(i) Interrogatories

The State misleadingly argues that NACME has "failed... to provide responses or complete responses to certain interrogatories. (State's Motion, ¶10; hereafter, "State's Mot. ¶__") The State notably fails to attach NACME's discovery responses to its motion. In fact, NACME responded to all the State's discovery on March 29, 2013. (See, Exhibit 1) In doing so NACME stated well-founded objections to certain interrogatories, objections that the State fails to address

in its Motion. Except for interrogatories 3 and 4, all of the interrogatories that the State complains about are in excess of the 30 interrogatory maximum allowed by Board rules.

(a) Interrogatories 12 – 16, 19 - 20

By any method of counting, the State has propounded far in excess of the 30 interrogatories, including subparts, permitted by Board rules. (See, Ex. 1) The State does not dispute that the Board's rules include subparts in the count of interrogatories. It admits that NACME had offered to answer 30 interrogatories and had asked the State to designate which 30 it wanted answered. (State Mot., Ex. B) The State did not take NACME up on its offer or attempt to winnow down its interrogatories to the permitted number. Instead, the State now argues that the dozens of subparts in its interrogatories are "clarifications", not subparts. (State Mot., ¶4) It cites no Board or Illinois case in support of this argument. A review of the interrogatories makes evident that the dozens of subparts are not "clarifications". In any event, "clarifications" belong in the definitions and instructions part of the State's interrogatories.

By way of example, interrogatories 1 and 2 contain three separate questions each. Interrogatory 3 contains five lettered subparts. (See, Ex. 1) This pattern is repeated throughout the State's interrogatories resulting in far more than 30 interrogatories, in clear violation of the Board's rules. NACME has answered the first 30 interrogatories propounded by the State as required under Board rules (and had offered in 201(k) communications to answer any 30 that the State chose to designate).

(b) Interrogatories 3 and 4

Interrogatories 3 and 4 appear to be "off the shelf" discovery that the State failed to tailor to the facts of this case. (Id.) For example, interrogatory 3 asks for the "names, home addresses and social security numbers" of "corporate officers". Leaving aside for the moment how such

information could conceivably be relevant in this case, as the State knows from the caption of its own complaint, which names NACME Steel Processing, LLC as respondent, NACME is “a Delaware limited liability” company. LLC’s do not have “corporate officers”. It is not NACME’s duty to read the State’s mind in answering interrogatories. NACME’s objections to this interrogatory are wholly appropriate.

In addition, interrogatory three violates Board rule 101.616(a) which provides for the discovery of “relevant information and information calculated to lead to relevant information”. The State wholly fails to explain how information about the social security numbers and home addresses of NACME’s “corporate officers” (if there were any) meets the standard set by rule 101.616(a).

Similarly, interrogatory 4 which, incredibly, asks whether NACME is a “subchapter C or subchapter S corporation”, also asks for the identity of “each owner of the company” and the compensation received by each for a twelve year period. The State fails to explain how this is relevant or is calculated to lead to relevant information. Indeed, it fails to address NACME’s objections to this interrogatory at all. The State makes a generalized conceptual argument about “financial status and corporate policies” but stops there. (State Mot., ¶9) It provides zero support for how the extremely broad, and harassing, information it requests is relevant or is calculated to lead to relevant information about the State’s essential allegation that NACME failed timely “to apply for and submit an application to the Illinois EPA for a CAAPP or, alternatively, a FESOP...” (Complaint, ¶ 37)

(ii) **Document Requests**

The State fails to address NACME’s objections to document requests while at the same time misleadingly arguing that the State has “failed to receive responses” from NACME. In fact

NACME responded to all of the State's document requests and has produced in excess of 3,000 pages of documents to the State. (See, Ex. 1) NACME objected to a number of the State's requests including those that are so vague and broad as to be unanswerable, as set forth below.

(a) Requests 10, 11 and 12

Document request number 10 asks for all documents about "complaints" relating to NACME's "operations" for the last twelve years. NACME objected to this request as vague and overbroad. What the State is actually asking for is anybody's guess. "Complaints" of employees? Neighbors? Competitors? Customers? The government? Relating to what "operations"? Shipping? Order fulfillment? Product quality? Anything and *everything* about NACME's operations? Again, NACME is not required to guess what the State means. The request on its face is vague and overbroad. Nonetheless, the 3,000 pages of documents that NACME produced to the State included documents about air emission "complaints" in connection with NACME's facility.

Request number 11, aside from being totally confusing, appears to ask about NACME's ownership interest in other businesses. It requests a huge range of documents, but the State fails to explain how any such documents are relevant or are calculated to lead to relevant information about the State's essential allegation that NACME failed timely "to apply for and submit an application to the Illinois EPA for a CAAPP or, alternatively, a FESOP...". (Complaint, ¶ 37)

Similarly, request number 12, as NACME stated in its objections, is overbroad and unduly burdensome. It asks about all sales by NACME of "assets" for the last twelve years and the precise details of any such transaction. Leaving aside that NACME has no idea what the State is talking about, the State makes no attempt to address NACME's objection to this, or any other, document request.

(b) Requests 13 and 14

Requests 13 and 14 are particularly oppressive and overbroad and are clearly designed to intimidate NACME. Request 13 asks for sensitive financial information, including about *any* accounts held at “banks, savings and loans” and other institutions and including all “deposit and withdrawal slips, electronic transfer notices, checks, direct deposit notices and monthly and annual account statements”. Similarly, request 14 asks for “tax returns, financial statements, balance sheets, corporate minutes”, etc. The State makes no attempt to meet NACME’s objections to these requests or to show how any of the requested information is relevant or is calculated to lead to relevant information on the State’s essential allegation that NACME failed timely “to apply for and submit an application to the Illinois EPA for a CAAPP or, alternatively, a FESOP...(Complaint ¶ 37)

The State’s blanket argument that “NACME’s financial status and corporate policies during the period in question...*may have* effected decisions on operation and permitting for air pollution control” (State Mot., ¶ 9), is an admission that the State is on a fishing expedition. This blanket argument is wholly unsupported and on its face fails to meet the standard for permitted discovery, i.e. that the request seek relevant information or is *calculated* to lead to relevant information. The State cites no facts and not a single case in support of its request to conduct a fishing expedition into sensitive and voluminous financial information.

“Were [NACME] a natural person, [the State’s] discovery requests would amount to an attempt to hold the person upside down, to shake that person, and to see what fell out of the person's pockets, without differentiating between lint and items of value.” See, *Joliet Sand and Gravel Company v IEPA*, PCB 86-159 (December 23, 1986); 1986 WL 27226 * 3 (Ill.Pol.Control.Bd.) The State makes no compelling showing that the information it demands is

reasonably calculated to lead to the discovery of admissible evidence. A review of the State's allegations in this case does not remotely support the notion that NACME allegedly failed to secure a permit due to "financial status" or "corporate policy". By the State's own allegations NACME was engaged in a lengthy effort to secure the permit that IEPA said was appropriate. NACME had a state operating permit *issued by IEPA* during this time. The document requests that NACME has objected to, when viewed in light of the State's own allegations, show that in fact the State is seeking to intimidate NACME and to secure information irrelevant to its basic claim in this action.

Uniformly vague, oppressive and harassing document requests like the State's should be discouraged. NACME agrees that a protective order is appropriate in this case, one protecting NACME from the State's heavy handed tactics in this straightforward permit case that the State is reluctant to advance to hearing.

C. Witness Disclosures

This is a simple case that the State seems bent on complicating. The expected subject matter testimony of all witnesses in this case, as gleaned from the State's own witness disclosure, can be summarized as pertaining to: 1) air emissions from the Facility; 2) air permitting of the Facility; and, 3) communications about these issues. (See, Ex. 2)

The hearing officer's order of November 27, 2012 states that the disclosure of all witnesses of the parties is to be done by April 30, 2013. NACME disclosed its witnesses by that date. NACME disclosed 3 witnesses for NACME, two employees and one a consultant, and three adverse IEPA witnesses. Four of the six witnesses disclosed by NACME were also included on the State's witness disclosure list with a description of their expected testimony. (See, Ex. 2)

Although the State had correctly described the expected testimony of all three NACME witnesses (“...expected to testify about NACME’s operations and air permits at its Facility and about the violations alleged in the People’s Complaint”; See, Ex.2), the State, nonetheless, later asked NACME’s counsel for a description of what NACME’s witnesses would testify about. (State Mot., Ex. E) That same day NACME’s counsel responded that two of the witnesses, Mr. DuBrock and Mr. Hendriksen, would testify about the subject matter disclosed in answers to the States’s interrogatories, i.e. knowledge of the facility’s operations and its permitting. (See, State Mot., Ex. E, p.2) By letter dated May 7, 2013 NACME’s counsel further elaborated that the expected testimony of NACME consultant Britt Wenzel, along with Mr. DuBrock and Mr. Hendriksen, “is generally as you describe it in your witness disclosure.” (See, Ex. 3) As such, NACME gave the State supplemental information for all three NACME witnesses.

The three State witnesses on NACME’s list are clearly adverse witnesses under Board rule 101.624 who are subject to cross examination at hearing. The State has summarized what one of these witnesses, Valery Brodsky, is expected to testify about, i.e. the primary, if not single, issue in the case - the permitting of the facility and communications about it. The other two witnesses on NACME’s list, Ms. Armitage and Mr. Patel, are expected to testify similarly. The State’s hand wringing over this aspect of the case and its “disadvantaged” argument rings particularly hollow here. If, through a misreading of Board procedural rules NACME’s counsel has not already provided enough detail about the expected testimony of disclosed witnesses, he states, consistent with the State’s disclosure, that it will be in regard to the facility’s air emissions, its air permitting and communications involving same.

D. The State’s Complaint That the Board is Moving Too Slow

The State argues that it is “greatly prejudiced” because the Board has not yet decided its motion to strike NACME’s affirmative defenses and as such it does not know whether to include the issues raised by NACME’s motion in oral discovery. This unorthodox argument has no support either. There is no basis to stay discovery in this case pending the outcome of the Board’s ruling.¹

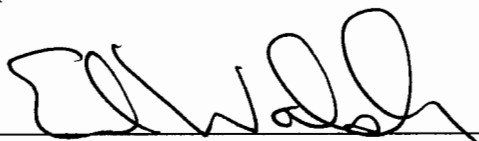
V. Conclusion

For all of the reasons stated above the relief requested by the State should be denied entirely. A reasonable extension of the deposition deadlines in this case should be made given the time consumed by the unnecessary and unfounded motion practice by the State.

Respectfully Submitted,

NACME STEEL PROCESSING, L.L.C.,

Respondent

By:  _____
One of Its Attorneys

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¹ Moreover, the State’s motion is not for summary judgment but is a procedural sufficiency of pleadings motion that does not necessarily preclude from the case any issue on which the State has the burden of proof. It is axiomatic that the standard for relevance in discovery is different and far broader than the standard for admissibility at hearing.

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **NACME STEEL PROCESSING LLC's RESPONSE TO THE STATE'S MOTION TO COMPEL**, U.S. Regular Mail, upon the following persons:

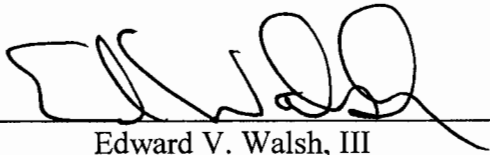
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**NACME STEEL PROCESSING, L.L.C.,
Respondent**

By:


Edward V. Walsh, III

Date: May 24, 2013

EXHIBIT 1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 NACME STEEL PROCESSING, LLC,)
 a Delaware limited liability corporation,)
)
 Respondent.)

PCB No. 2013-12
(Enforcement – Air)

NACME STEEL PROCESSING, LLC’s RESPONSE TO STATE’S FIRST SET OF INTERROGATORIES AND FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS, OBJECTS, AND TANGIBLE THINGS

Respondent NACME Steel Processing, LLC (“NACME”) responds to Complainant’s, PEOPLE OF THE STATE OF ILLINOIS (the “State”) First Set of Interrogatories (“Interrogatories”) and Requests for Production of Documents, Objects, and Tangible Things (“Requests”), as follows:

GENERAL OBJECTIONS

1. NACME has not completed its investigation and discovery in this action nor its preparation for trial. Accordingly, all responses below are based only upon such information and documents that are presently available and specifically known to NACME. As discovery progresses, NACME reserves the right to supplement its responses to these discovery requests.

2. NACME objects to the Interrogatories and Requests insofar as they purport to seek information that is protected from discovery by the attorney-client privilege, the work product doctrine, the deliberative due process privilege, or any other doctrine or privilege protecting information from discovery.

3. NACME does not concede the relevancy of any information sought or discovered in responding to these Interrogatories or Requests.

4. NACME objects to the Interrogatories and Requests to the extent that they are oppressive, vague, ambiguous, unduly broad and burdensome, or seek information not in the possession, custody or control of NACME.

5. NACME objects to the Interrogatories and Requests to the extent that they require the drawing of legal conclusions or the acceptance of factual premises.

6. NACME objects to the Interrogatories and Requests to the extent that they are not reasonably limited in time and scope and not reasonably calculated to lead to the production of admissible evidence.

7. NACME objects to the instructions and definitions to the Interrogatories and Requests insofar as they require NACME to undertake or investigate or produce information in excess of what is required of it under Board Rules and/or the Illinois Code of Civil Procedure.

8. No response to the Interrogatories and Requests by NACME is intended to, nor shall be construed as, a waiver of any objection.

RESPONSES TO INTERROGATORIES

Interrogatory No. 1

Describe in detail all of John DuBrock's duties, responsibilities, jobs, and job titles at Nacme and describe responsibilities he had for operational decisions at the Facility and knowledge of the operations at the Site and/or any of the facts alleged in the Complaint from January 1, 2000 through present date.

ANSWER:

NACME objects to this interrogatory and its subparts as vague and overbroad. NACME objects to the form of the third subpart and its use of the phrase "facts alleged in the Complaint" to the extent they require acceptance of the truthfulness of factual premises asserted in the Complaint. Subject to, and without waiving this specific, or its general objections, NACME states as follows.

1. Mr. Dubrock's duties, responsibilities and jobs and job titles are as follows:

From March 1, 2002 thru present, Mr. DuBrock is, and has been, the general manager for the Facility. His duties include oversight of product sales and Facility management

2. Mr. Dubrock's responsibilities for operational decisions at the Facility are as follows:

Mr. DuBrock is responsible for overall Facility supervision and daily operational responsibilities.

3. Mr. Dubrock's knowledge of the operations at the Site and the facts alleged in the Complaint are as follows:

Mr. DuBrock has knowledge of the equipment operated at the Facility and general knowledge of the facility permits and other regulatory requirements, in conjunction with the assistance of an outside environmental consultant. Mr. DuBrock is generally aware of the allegations contained in the State's Complaint, but is not a legal expert and has no legal training.

Interrogatory No. 2

Describe in detail all of Bob Hendrickson's duties, responsibilities, jobs, and job titles at Nacme and describe responsibilities he had for operational decisions at the Facility and knowledge of the operations at the Site and/or any of the facts alleged in the Complaint from January 1, 2000 through present date.

ANSWER:

1. Mr. Hendrickson's duties, responsibilities and jobs and job titles are as follows:

In January and February of 2000 Mr. Hendrickson was the maintenance supervisor for the Facility. From October of 2009 to present Mr. Hendrickson was plant manager for the Facility.

2. Mr. Hendrickson's responsibilities for operational decisions at the Facility are as follows:

As plant manager Mr. Hendrickson has been responsible for the general daily operations.

3. Mr. Hendrickson's knowledge of the operations at the Site and facts alleged in the Complaint, is as follows:

Mr. Hendrickson has knowledge of the equipment operated at the facility and general knowledge of the facility permits and regulatory requirements in conjunction with the assistance of an outside environmental consultant. Mr. Hendrickson is generally aware of the allegations contained in the State's complaint, but is not a legal expert and has no legal training.

Interrogatory No. 3

With regard to NACME, for each year from 2000 through present date:

- a. Identify all of the corporate officers of Nacme from January 1, 2000, through

present date, including the officers full legal names, position(s) and/or title(s) on the Nacme Board, per cent ownership in the corporation, social security numbers, and current or last known addresses.

- b. Describe responsibilities each above identified person had for operational decisions at the Facility and knowledge of the operations at the Site and/or any of the facts alleged in the Complaint.

ANSWER:

- a. NACME objects to interrogatory 3 a, and each of its 5 subparts, because it is oppressive, overbroad, unduly burdensome and seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to admissible evidence. NACME further objects because as shown on the face of the State's complaint in this action, NACME is not a corporation and thus has neither "corporate officers" nor a "corporate board".
- b. See Responses to Requests 1 and 2 above.

Interrogatory No. 4

With regard to NACME, for each year from 2000 through present date:

- a. Identify each owner of the company, and the share of ownership held; Describe the total compensation received by each owner of the company for each year from 2000 through February 15, 2012; and
- b. Describe whether the company was classified by the Internal Revenue Service as a subchapter C or subchapter S corporation for the relevant tax year.

- c. Describe responsibilities each above identified person had for operational decisions at the Facility and knowledge of the operations at the Site and/or any of the facts alleged in the Complaint.

ANSWER:

- a. NACME objects to interrogatory 4 a, and its 2 subparts, because it is oppressive, overbroad, unduly burdensome and seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to admissible evidence.
- b. See objection to Response 3 above.
- c. See Responses 1 and 2 above.

Interrogatory No. 5

Identify each contractor of Nacme who contracted work for Respondent from January 1, 2000 through present date, and state:

- a. The responsibilities of the contract;
- b. Starting and ending dates of Nacme's engagement of the contractor; and
- c. Total compensation paid to the contractor.

ANSWER:

NACME objects to Interrogatory 5, and to its use of the undefined term "contractor", as vague, confusing, overbroad and unduly burdensome. NACME objects to Interrogatory 5c because it neither seeks information that is relevant to the subject matter of this lawsuit nor reasonably calculated to lead to admissible evidence. Subject to and without waiving this specific and its general objections, NACME responds, as follows:

- c. Describe responsibilities each above identified person had for operational decisions at the Facility and knowledge of the operations at the Site and/or any of the facts alleged in the Complaint.

ANSWER:

- a. NACME objects to interrogatory 4 a, and its 2 subparts, because it is oppressive, overbroad, unduly burdensome and seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to admissible evidence.
- b. See objection to Response 3 above.
- c. See Responses 1 and 2 above.

Interrogatory No. 5

Identify each contractor of Nacme who contracted work for Respondent from January 1, 2000 through present date, and state:

- a. The responsibilities of the contract;
- b. Starting and ending dates of Nacme's engagement of the contractor; and
- c. Total compensation paid to the contractor.

ANSWER:

NACME objects to Interrogatory 5, and to its use of the undefined term "contractor", as vague, confusing, overbroad and unduly burdensome. NACME objects to Interrogatory 5c because it neither seeks information that is relevant to the subject matter of this lawsuit nor reasonably calculated to lead to admissible evidence. Subject to and without waiving this specific and its general objections, NACME responds, as follows:

1. The following contractors worked for Respondent during the relevant time frame:

Pro- Eco, current address unknown, which installed the pickling line and scrubber system at the facility in the mid-1990's.

Corporate Engineering, Inc, last known address 103 N. Main St. Crown Point, Indiana which worked at the Facility in the mid-90's to early 2000's on general compliance and permitting issues.

Microbac Laboratories, Inc, last known address 1962 Wager Road, Erie, Pa., which performed stack testing services in 1997.

Nelson Steel, 199 Arvin Ave, Stoney Creek Ontario, Canada, which between late 1999 to 2002 worked on selection, permitting and installation of a "turbo tunnel system" for the pickling line.

Imperial Erectors, last known address 13424 Kolmar Lane, Crestwood, Il, which provided installation services in 2001 of the turbo tunnel system.

Maverick Enterprises, Inc, 8077 Albers Rd. Celina, Ohio, which in 2001 performed alignment work on the pickling line.

Mostardi Platt, 888 Industrial Drive Elmhurst IL 60126, which has worked at the Facility intermittently since the mid-1990's to present on general compliance and permitting issues.

Documents responsive to this request are produced herewith.

Interrogatory No. 6

Please identify each and every fact witness who may be called by Respondent as a witness in any hearing in this matter, and state his or her area of knowledge.

ANSWER:

NACME objects to this interrogatory because the disclosure of fact witnesses at hearing is covered by hearing officer Halloran's Order dated November 27, 2012. NACME will disclose fact witnesses pursuant to the terms of the Order.

Interrogatory No.7

Identify PTE HCL results and associated calculations derived from the results of a stack test at the Facility performed in April 2002.

ANSWER:

NACME objects to this interrogatory as vague and confusing including in its use of the phrase "PTE HCL results" and "associated calculations". NACME further objects because the State fails to identify what results or calculations, if any, it is referring to and thus requires NACME to accept an unproved factual premise. NACME further objects because the State is in possession of the subject stack test and can review the results and perform any calculations it deems appropriate. Subject to and without waiving this specific and its general objections, NACME responds, as follows: The 2002 stack test results were used for the 2005 permit application to calculate the potential to emit for HCL from the steel pickling line. Documents responsive to this Request are produced herewith.

Interrogatory No. 8

Identify PTE HCL results and associated calculations derived from the results of a stack test at the Facility performed in December 2006.

ANSWER:

NACME objects to this interrogatory as vague and confusing including in its use of the phrase "PTE HCL results" and "associated calculations". NACME further objects because the State fails to identify what results or calculations, if any, that it is referring to and thus requires NACME to accept an unproved factual premise. NACME further objects because the State is in possession of the subject stack test and can review the results and perform any calculations it deems appropriate. Subject to and without waiving this specific and its general objections, NACME responds, as follows: The 2006 stack test results were used for the 2012 permit application to calculate the potential to emit for HCL from the steel pickling line. Documents responsive to this Request are produced herewith.

Interrogatory No. 9

Identify PTE HCL results and associated calculations derived from the results of a stack test at the Facility performed in April 2011.

ANSWER:

NACME objects to this interrogatory as vague and confusing including in its use of the phrase "PTE HCL results" and "associated calculations". NACME further objects because the State fails to identify what results or calculations, if any, that it is referring to and thus requires NACME to accept an unproved factual premise. NACME further objects because the State is in possession of the subject stack test and can review the results and perform any calculations it deems appropriate. Subject to and without waiving this specific and its general objections, NACME responds, as follows: None

Interrogatory No. 10

Identify each employee who worked for Respondent from January 1, 2000 through present date, and state:

- a. The responsibilities of the employee;
- b. The shift to which the employee was assigned;
- c. Starting and ending dates of employment for the employee; and
- d. Total compensation paid to the employee, including hourly rate or salary, benefits, overtime, and government required employee payments such as unemployment and workers compensation cost.

ANSWER:

NACME objects to this interrogatory, and each of its 4 subparts, as oppressive, overbroad, unduly burdensome and because it seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to admissible evidence. See responses to interrogatories 1 and 2 above.

Interrogatory No. 11

Identify all businesses, corporations, or partnerships Respondent had, or has an ownership or financial interest in from 2000, through today by including the name of the business, corporation, or partnership, type of business, Respondent's title(s) or position(s), Respondent's duties and responsibilities, Respondent's per cent ownership, the current or last known address of the business, corporation, or partnership, and if incorporated, the state in which the business was incorporated.

ANSWER:

NACME objects to this interrogatory, and each of its 4 subparts, because it is oppressive, overbroad, unduly burdensome and seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to admissible evidence.

Interrogatory No. 12

Identify each modification, upgrade, or repair made to air emissions units between January 1, 2000 and February 15, 2012.

ANSWER:

NACME objects to this interrogatory, and does not respond, on the grounds that it violates Board rule 35 IAC §101.620 as to the number of permitted interrogatories as discussed with the State's counsel in a telephone call on March 12, 2013.

Interrogatory No. 13

Identify any and all communications between NACME and Illinois EPA from 2000 to the present date.

ANSWER:

NACME objects to this interrogatory, and does not respond, on the grounds that it violates Board rule 35 IAC §101.620 as to the number of permitted interrogatories as discussed with the State's counsel in a telephone call on March 12, 2013.

Interrogatory No. 14

Identify any and all permits, including construction, operating and as-built permits, issued by Illinois EPA from 2000 to the present date, including the application for each such permit or a waiver.

ANSWER:

NACME objects to this interrogatory, and does not respond, on the grounds that it violates Board rule 35 IAC §101.620 as to the number of permitted interrogatories as discussed with the State's counsel in a telephone call on March 12, 2013.

Interrogatory No. 15

Identify for each interrogatory:

- a. The individual(s) answering these interrogatories on behalf of the Respondent, including his or her relationship to Respondent, and how long he or she has been associated with Respondent.
- b. Each individual who provided information or who otherwise consulted, participated or assisted in connection with providing answers to these interrogatories, the nature of any such consultation or assistance, whether the information was based on personal knowledge, and if not on the basis of personal knowledge, on what basis it was provided.

ANSWER:

NACME objects to this interrogatory, and does not respond, on the grounds that it violates Board rule 35 IAC §101.620 as to the number of permitted interrogatories as discussed with the State's counsel in a telephone call on March 12, 2013.

Interrogatory No. 16

Identify contact Nacme had with any government agency, including, but not limited to, Cook County, the IEPA or USEPA, regarding operations at the Facility from January 2000 through the present. Provide the date each said contact was made, the government agency that contacted the Defendant, whether said contact was verbal or written, the specific nature of the

government agency's contact, the person to whom the government agency made the contact, what action any of the Nacme took in response to the government agency's contact, and the date the response action occurred and by whom,

ANSWER:

NACME objects to this interrogatory, and does not respond, on the grounds that it violates Board rule 35 IAC §101.620 as to the number of permitted interrogatories as discussed with the State's counsel in a telephone call on March 12, 2013.

Interrogatory No. 17

Pursuant to Supreme Court Rule 213(0)(2), identify all independent expert witnesses whom Respondent will call at trial of this matter, and for each such witness so identified, state:

- a. the subjects on which the witness will testify;
- b. the opinions Respondent expect to elicit; and
- c. the identity of any and all documents on which each such witness will rely.

ANSWER:

NACME objects to this interrogatory, and does not respond, on the grounds that it violates Board rule 35 IAC §101.620 as to the number of permitted interrogatories as discussed with the State's counsel in a telephone call on March 12, 2013.

Interrogatory No. 18

Pursuant to Supreme Court Rule 213(f)(3), identify all controlled expert witnesses whom Respondent will call at trial of this matter, and for each such witness so identified, state:

- a. the subject matter on which the witness will testify;
- b. the conclusions and opinions of the witness and the bases therefore;
- c. the qualifications of the witness; and

- d. any reports or other documents prepared or relied upon by the witness about the case.

ANSWER:

NACME objects to this interrogatory, and does not respond, on the grounds that it violates Board rule 35 IAC §101.620 as to the number of permitted interrogatories as discussed with the State's counsel in a telephone call on March 12, 2013.

Interrogatory No. 19

Identify any witness interviewed by Respondent whom Respondent do not intend to call to testify, state the name and address of any such witness, state whether a transcript of any interview with said witness was prepared, or a memorandum was prepared in connection with any such interview, and provide a summary of the facts relevant to this proceeding.

ANSWER:

NACME objects to this interrogatory, and does not respond, on the grounds that it violates Board rule 35 IAC §101.620 as to the number of permitted interrogatories as discussed with the State's counsel in a telephone call on March 12, 2013.

Interrogatory No. 20

Please identify each and every opinion witness who may be called by Respondent as a witness at any hearing in this matter, and state:

- a. his or her area of knowledge;
- b. the subject matter on which the opinion witness will testify;
- c. the conclusions and opinions of the opinion witness and the bases therefore;
- d. the qualifications of the opinion witness;

ANSWER:

NACME objects to this interrogatory, and does not respond, on the grounds that it violates Board rule 35 IAC §101.620 as to the number of permitted interrogatories as discussed with the State's counsel in a telephone call on March 12, 2013.

PRODUCTION REQUESTS

Production Request No. 1

Provide all documents, objects and tangible things Respondent will introduce into evidence in the trial of this case.

RESPONSE:

NACME objects to this Request as premature because discovery in this case is incomplete and because NACME does not currently know what objects and tangible things it "will introduce into evidence" at the hearing of this case.

Production Request No. 2

Provide all documents, objects and tangible things Respondent rely on and/or reference in its Answer to the Complaint, including, but not limited to, correspondence from and to the Illinois EPA, and any and all permit applications.

RESPONSE:

NACME objects to this Request as vague and ambiguous in its use of the phrase "objects and tangible things" in reference to what NACME relied on in its Answer herein. Without waiving this specific and its general objections, NACME responds that the State is in possession of requested documents including: 1) the documents provided in NACME's Request to Admit the Genuineness of Documents served on the State on November 1, 2012; 2) as listed in the State's Response to NACME's interrogatories dated February 1, 2013, and specifically

interrogatory number 2; 3) those in the possession of its client, the Illinois Environmental Protection Agency (“IEPA”) in its role as issuing agency for all draft and final construction and operating permits for the Facility including, but not limited to, state operating permit 96020074 and the draft Federally Enforceable State Operating Permit (“FESOP”) that was opened for public comment on or about February 22, 2013 and an identical earlier non-public version of the FESOP that was sent to NACME on or about April 26, 2012 by IEPA; and, 4) as attached to NACME’s Amended Affirmative Defenses dated January 15, 2013. NACME produces further responsive documents herewith.

Production Request No. 3

Produce all documents referenced in, relied on, or referred to in the Respondent’s Answers to Complainant’s First Set of Interrogatories.

RESPONSE:

See Response number 2.

Production Request No. 4

Provide all documents, objects and tangible things which tend to contradict or disprove any of the factual allegations contained in the Complaint and include the specific factual allegation you claim the documents, objects and tangible things contradicts or disproves.

RESPONSE:

NACME objects to this Request as vague and ambiguous in its use of the phrase “objects and tangible things” in reference to “things which may tend to contradict or disprove” factual allegations made by the State. NACME further objects to this Request because it is overbroad, unduly burdensome as well as vague and subject to interpretation, including because the phrase “tend to contradict or disprove” calls for a subjective interpretation and moreover can be construed as seeking the mental impressions of NACME’s attorneys as to the relevance and

weight of evidence, which is protected by the attorney work product privilege. NACME further objects to this Request as premature because discovery in this case is incomplete and because NACME does not currently know what “documents, objects and tangible things ... tend to contradict or disprove” factual allegations in the Complaint. However these documents include, but are not limited, to those cited in NACME’s Amended Affirmative Defenses herein as well as those documents attached to NACME’s First Request to Admit Genuineness of Documents and those referenced in NACME’s First Request for Admission of Facts, both served on the State herein, all of which documents are in the State’s possession.

Production Request No. 5

Produce any and all records relating to stack testing conducted at the Facility from 2000 through January 31, 2012, including but not limited to all calculations made to determine the PTE of HCL from the Facility for the operation.

RESPONSE:

NACME objects to this Request because it requires NACME to accept a legal conclusion and/ or factual premise that PTE calculations were performed or needed to be with respect to stack testing. NACME further objects because, on information and belief, the State is in possession of all stack test reports pertaining to the Facility, including the reports it lists in its Response to NACME’s interrogatories dated February 1, 2013, interrogatory number 2, and can perform any calculations its desires. Subject to and without waiving this specific and its general objections, NACME produces responsive documents herewith.

Production Request No. 6

Produce any and all inspection reports by government agencies, including all photographs, diagrams, drawings, written notes or description of conditions at the Facility,

including but not limited to inspections by the Illinois EPA, for the time period January 2000 through January 31, 2012.

RESPONSE:

NACME objects to this Request because it is oppressive, overbroad, unduly burdensome and seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to admissible evidence. NACME further objects to the Request insofar as it seeks inspection reports authored by the State's client, the Illinois EPA, which are already in the State's possession or control. Subject to and without waiving this specific and its general objections, NACME produces responsive documents herewith.

Production Request No. 7

Produce any and all communications between NACME and any government agencies, including but not limited to Illinois EPA, from 2000 to the present date.

RESPONSE:

NACME objects to the State's request to produce "communications" as defined by the State in the definitions section of its Interrogatories/Document Requests, as overbroad and unduly burdensome. Moreover the State has identified communications between NACME and the IEPA in its Response to NACME's interrogatories dated February 1, 2013, interrogatory number 2, including those involving tangible documents already in its possession. Subject to and without waiving this specific and its general objections, NACME produces responsive documents herewith.

Production Request No. 8

Produce any and all records relating to any permits, including construction, operating and as-built permits, issued by government agencies, including but not limited to Illinois EPA from 2000 to the present date, including the application for each such permit or a waiver.

RESPONSE:

NACME objects to this Request as oppressive, overbroad and unduly burdensome and because it neither seeks information that is relevant to the subject matter of this lawsuit nor is it reasonably calculated to lead to admissible evidence.

NACME further objects because the State is in possession or control of requested documents because its client is the issuing agency for all draft and final construction and operating permits for the Facility. Subject to and without waiving this specific and its general objections, NACME produces responsive documents herewith.

Production Request No. 9

Produce any and all records relating to any and each modification, upgrade, or repair made to air emission units, including a turbo tunnel enclosure installed in 2002, between January 1, 2000 and February 15, 2012.

RESPONSE:

NACME objects to this Request as overbroad and unduly burdensome, including in its use of the undefined terms “modification, upgrade and repair”. Subject to and without waiving this specific and its general objections, NACME produces responsive documents herewith.

Production Request No. 10

Produce any and all records relating to any complaints received by Nacme relating to its operations at the Facility.

RESPONSE:

NACME objects to this Request and its use of the undefined terms “complaints” and “operations” which makes the Request vague, confusing, overbroad and unduly burdensome. NACME further objects to the Request on the basis that it seeks information that is neither

relevant to the subject matter of this lawsuit nor reasonably calculated to lead to admissible evidence.

Production Request No. 11

Provide any and all documents including, but not limited to Articles of Incorporation, Bylaws, Annual Reports and Minutes, partnership agreements, contracts, bills of sale, stock certificates, and tax returns that tend to show that NACME had, or has an ownership or financial interest in any business, company, corporation, or partnership, including NACME.

RESPONSE:

NACME objects to this Request as oppressive, overbroad and unduly burdensome and because it neither seeks information that is relevant to the subject matter of this lawsuit nor is it reasonably calculated to lead to admissible evidence.

Production Request No. 12

Provide all documents related to all assets owned by NACME from 2000 through the present date and if NACME no longer owns those assets, provide all documents related to the transfer or sale of the asset(s) and that indicate how that asset was transferred or sold, the person the asset was transferred or sold to, and the amount of money or other consideration received by NACME for the transferred or sold asset. Documents shall include those listed in the definition in addition to bills of sale, purchase orders, receipts, invoices, deeds, titles, and contracts.

RESPONSE:

NACME objects to this Request as oppressive, overbroad and unduly burdensome and because it neither seeks information that is relevant to the subject matter of this lawsuit nor is it reasonably calculated to lead to admissible evidence.

Production Request No. 13

Provide all documents related to all NACME's accounts held at financial institutions,

including but not limited to banks, savings and loans, trust companies, credit unions, mutual fund companies, and brokerage companies, where NACME held assets, including, but not limited to, deposit and withdrawal slips, electronic transfer notices, checks, direct deposit notices, and monthly and annual account statements.

RESPONSE:

NACME objects to this Request as oppressive, overbroad and unduly burdensome and because it neither seeks information that is relevant to the subject matter of this lawsuit nor is it reasonably calculated to lead to admissible evidence.

Production Request No. 14

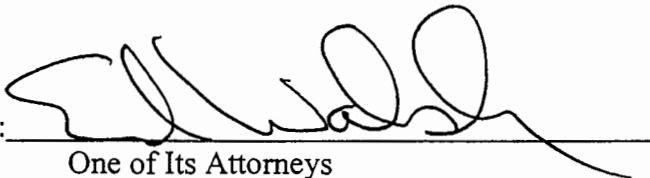
Provide all documents including, but not limited to, financial statements, tax returns, balance sheets, corporate minutes, annual reports, profit loss statements, or any other reports that were prepared by or for NACME for the purpose of reporting NACME's financial condition.

RESPONSE:

NACME objects to this Request as oppressive, overbroad and unduly burdensome and because it neither seeks information that is relevant to the subject matter of this lawsuit nor is it reasonably calculated to lead to admissible evidence.

Respectfully submitted,

NACME STEEL PROCESSING, LLC.,

By: 
One of Its Attorneys

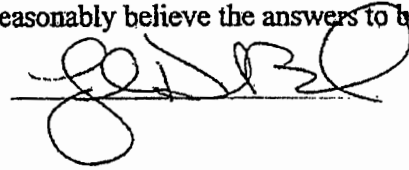
Edward V. Walsh, III
REED SMITH LLP
10 South Wacker Drive-Suite 4000
Chicago, Illinois 60606
(312) 207-1000

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	PCB No. 2013 – 12
v.)	(Enforcement – Air)
)	
NACME STEEL PROCESSING, LLC,)	
)	
Respondent.)	

VERIFICATION

I, JOHN DuBROCK, being duly sworn, state that I am the General Manager of NACME Steel Processing, LLC's ("NACME") facility located at 429 West 127th Street, Chicago, Illinois. I am authorized to provide the foregoing answers to interrogatories on NACME's behalf and said answers are made on my personal knowledge, a review of documents and thru inquiry to staff and I reasonably believe the answers to be accurate.



John DuBrock

28th Subscribed and sworn to before me, a notary public in and for said County and State, this day of March, 2013.


 Notary Public

My Commission Expires: 12-8-2015

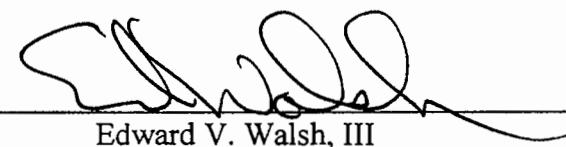


CERTIFICATE OF COMPLIANCE WITH DISCOVERY REQUESTS

TO: Nancy J. Tikalsky
Assistant Attorney General
Office of the Illinois Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

I, Edward V. Walsh, III, an attorney, certify on March 29, 2013, I served a copy of **NACME STEEL PROCESSING LLC'S RESPONSE TO STATE'S FIRST SET OF INTERROGATORIES AND FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS, OBJECTS AND TANGIBLE THINGS**, via messenger to the individual listed above.

**NACME STEEL PROCESSING, L.L.C.,
Respondent**

By: 
Edward V. Walsh, III

Dated: March 29, 2013



NATIONAL MATERIAL L. P.

April 2, 2013

Edward V. Walsh III
Reed Smith LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507

RE: People of the State of Illinois v. Nacme Steel Processing, LLC
PCB No. 2013-12

Dear Ed:

Attached is John DuBrock's signed and notarized Verification.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Pat Weibler'.

Pat Weibler
Legal Administrative Assistant

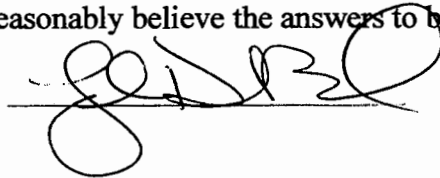
enc.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	PCB No. 2013 – 12
v.)	(Enforcement – Air)
)	
)	
NACME STEEL PROCESSING, LLC,)	
)	
Respondent.)	

VERIFICATION

I, JOHN DuBROCK, being duly sworn, state that I am the General Manager of NACME Steel Processing, LLC's ("NACME") facility located at 429 West 127th Street, Chicago, Illinois. I am authorized to provide the foregoing answers to interrogatories on NACME's behalf and said answers are made on my personal knowledge, a review of documents and thru inquiry to staff and I reasonably believe the answers to be accurate.



John DuBrock

2501 Subscribed and sworn to before me, a notary public in and for said County and State, this day of March, 2013.



Notary Public

My Commission Expires: 12-8-2015



BY MESSENGER

FROM: Edward Walsh	DATE:	March 29, 2013
Reed Smith LLP 10 South Wacker Drive Chicago, IL 60606-7507 312.207.1000	TIME:	Before 3:30 pm

TO: Nancy J. Tikalsky
 Assistant Attorney General
 Office of the Illinois Attorney General
 Environmental Bureau
 69 West Washington Street, Suite 1800
 Chicago, Illinois 60602

MESSENGER TICKET

FROM:	DATE:	March 29, 2013
Reed Smith LLP 10 South Wacker Drive Chicago, IL 60606-7507 312.207.1000	TIME:	Before 3:30 pm

TO: Nancy J. Tikalsky
 Assistant Attorney General
 Office of the Illinois Attorney General
 Environmental Bureau
 69 West Washington Street, Suite 1800
 Chicago, Illinois 60602

SERVICES REQUESTED

Other instructions go here

CLIENT/MATTER NUMBER: 313603-00049

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INSTRUCTIONS: Printer will require RS Shipping Label. Only one copy of document will print out after label is complete. Attach RS Shipping Label to package & place entire copy onto package with binder clip, rubber band or tape. Print out another copy for your records if desired.

EXHIBIT 2

SERVICE LIST

Edward V. Walsh, III
ReedSmith LLP
10 South Wacker Drive
Chicago, Illinois 60606-7507

Maureen Wozniak
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Bradley P. Halloran, Hearing Officer (Notice and Certificate of Service only)
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE PEOPLE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 13 - 12
)	(Enforcement - Air)
NACME STEEL PROCESSING, LLC,)	
a Delaware limited liability corporation,)	
)	
Respondent.)	

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 30, 2013, I served true and correct copies of Complainant's **THE PEOPLE'S IDENTIFICATION OF RULE 213(f)(1)**

LAY WITNESSES upon the persons and by the methods as follows:

[First Class U.S. Mail]


Edward V. Walsh, III
ReedSmith LLP
10 South Wacker Drive
Chicago, Illinois 60606-7507

[Email Attachment(Notice and Certificate of Service only)-]

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

[Email Attachment]

Maureen Wozniak
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276



 Nancy J. Tikalsky
 Assistant Attorney General
 Office of the Illinois Attorney General
 Environmental Bureau
 69 West Washington Street, Suite 1800
 Chicago, IL 60602
 (312) 814-8567

Date: April 30, 2013

2. Yasmine Keppner-Bauman, IEPA, Illinois EPA – Environmental Protection Specialist, Bureau of Air, Division of Air Pollution Control. Ms. Keppner-Bauman is expected to testify about her knowledge and familiarity of violations against the Nacme Facility. Ms. Keppner-Bauman is also expected to testify about her conversations with Nacme personnel. In addition, Ms. Keppner-Bauman is expected to testify about documents and correspondence exchanged between Nacme and the Illinois EPA. Ms. Keppner-Bauman may be contacted through the People's counsel. The People's investigation in this matter is continuing, and the People reserve the right to further supplement and update the extent of Ms. Keppner-Bauman's testimony.

3. Valeriy Brodsky, Illinois EPA, Environmental Protection Engineer, Bureau of Air, Division of Air Pollution Control. Mr. Brodsky is expected to testify in support of the violations alleged in the People's Complaint, including his familiar with permit applications and permit-related communications and documentation, including stack tests, associated with the Nacme Facility. Mr. Brodsky is also expected to testify about his conversations with Nacme personnel and Nacme's environmental consultants. In addition, Mr. Brodsky is expected to testify about documents and correspondence submitted by Nacme and its environmental consultants to the Illinois EPA. Mr. Brodsky may be contacted through the People's counsel. The People's investigation in this matter is continuing, and the People reserve the right to further supplement and update the extent of Mr. Brodsky's testimony.

4. Harish Narayen, Illinois EPA, Regional Manager, Bureau of Air, Division of Air Pollution Control, Des Plaines Field Operation Section. Mr. Narayen is expected to testify in support of the violations alleged in the People's Complaint, including his familiar with permit applications and permit-related communications and documentation, including stack tests,

associated with the Nacme Facility. In addition, Mr. Narayen is also expected to testify about his conversations with Nacme personnel and Nacme's environmental consultants; and about documents and correspondence submitted by Nacme and its environmental consultants to the Illinois EPA. Mr. Narayen may be contacted through the People's counsel. The People's investigation in this matter is continuing, and the People reserve the right to further supplement and update the extent of Mr. Narayen's testimony.

5. Bob Bernoteit, Illinois EPA, Manager, Bureau of Air, Division of Air Pollution Control, Federally Enforceable State Operating Permit Unit. Mr. Bernoteit is expected to testify in support of the violations alleged in the People's Complaint, including his familiarity with permit applications and permit-related communications and documentation, including stack tests, associated with the Nacme Facility. Mr. Bernoteit is also expected to testify about his conversations with Nacme personnel and Nacme's environmental consultants. In addition, Mr. Bernoteit is expected to testify about documents and correspondence submitted by Nacme and its environmental consultants to the Illinois EPA. Mr. Bernoteit may be contacted through the People's counsel. The People's investigation in this matter is continuing, and the People reserve the right to further supplement and update the extent of Mr. Bernoteit's testimony.

6. David Bloomberg, Illinois EPA, Manager, Bureau of Air, Division of Air Pollution Control, Air Quality Planning Section; formerly Manager, Air Compliance Section. Mr. Bloomberg is expected to testify in support of the violations alleged in the People's Complaint, including his knowledge regarding the sending of Violation Notice, the rejection of the Compliance Commitment Agreement ("CCA"), and Notice of Intent to Pursue Legal Action ("NITPLA") processes. Mr. Bloomberg may be contacted through the People's counsel. The

People's investigation in this matter is continuing, and the People reserve the right to further supplement and update the extent of Mr. Bloomberg's testimony.

7. John DuBrock, Nacme, General Manager of the Facility. Mr. DuBrock is expected to testify about Nacme's operations at its Facility and about the violations alleged in the People's Complaint.

8. Bob Hendrickson, Nacme, Plant Manager of the Facility. Mr. Hendrickson is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

9. Tom Beach, Nacme, Vice President and Plant Manager. Mr. Beach is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

10. William Reichel, Nacme, Plant Manager of the Facility. Mr. Reichel is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

11. Vytas Ambutas, Nacme. Mr. Ambutas is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

12. Bob Wisdom, Nacme, Manager. Mr. Wisdom is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

13. Britt Wenzel, Mostardi Platt Environmental Services, Inc., Manager, Environmental Compliance Management/environmental consultant for Nacme for the Facility.

Mr. Wenzel is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

14. Jamie C. Iatropulos, Mostardi Platt Environmental Services, Inc., Staff Consultant, Environmental Compliance Management/environmental consultant for Nacme for the Facility. Mr. Iatropulos is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

15. Chris E. Jensen, Mostardi Platt Environmental Services, Inc., Program Manager, Environmental Compliance Management/environmental consultant for Nacme for the Facility. Mr. Jensen is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

16. Timothy E. Russ, Mostardi Platt Environmental Services, Inc., Program Manager, Environmental Compliance Management/environmental consultant for Nacme for the Facility. Mr. Russ is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

17. James F. Robertson, Mostardi Platt Environmental Services, Inc., Project Manager, Environmental Compliance Management/environmental consultant for Nacme for the Facility. Mr. Robertson is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

18. Jeffrey M. Crivlare, Mostardi Platt Environmental Services, Inc., Project Manager, Environmental Compliance Management/environmental consultant for Nacme for the Facility. Mr. Crivlare is expected to testify about Nacme's operations and air permits at its Facility and about the violations alleged in the People's Complaint.

19. Gayle E. O'Neill, Ph.D., TEI Analytical, Inc. for Mostardi Platt Environmental Services, Inc., Environmental Compliance Management/environmental consultant for Nacme for the Facility. Dr. O'Neill is expected to testify about Laboratory Reports of stack test data.

20. Rebuttal Witnesses. The People intend to call rebuttal witnesses at trial as necessary. The People further state that their investigation continues and that they reserve the right to supplement their response to this Interrogatory and the disclosure of lay witnesses and the subjects on which each witness will testify as additional information becomes available (*e.g.* after the Board's decision on the People's Motion to Strike and Dismiss Respondent's Amended Affirmative Defenses, conducting depositions and/or Nacme's Supplementing its Discovery Responses).

Respectfully submitted,

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

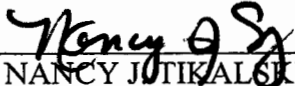
BY: 
NANCY J. TIKALSKY
Assistant Attorney General
Environmental Bureau
69 West Washington St., Suite 1800
Chicago, Illinois 60602
(312) 814-8567
ntikalsky@atg.state.il.us

EXHIBIT 3

ReedSmith

Edward V. Walsh III
Direct Phone: +1 312 207 3898
Email: ewalsh@reedsmith.com

Reed Smith LLP
10 South Wacker Drive
Chicago, IL 60606-7507
+1 312 207 1000
Fax +1 312 207 6400
reedsmith.com

May 7, 2013

VIA EMAIL

Nancy J. Tikalsky
Assistant Attorney General
Office of the Illinois Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

Re: People of the State of Illinois v. NACME Steel Processing

Dear Nancy,

This letter responds to yours of May 3, 2013 regarding disagreements over discovery.

1. Julie Armitage

You are in possession of approximately 3,000 pages of documents that we produced in this litigation. Directing your attention to those documents produced to us by the Illinois Environmental Protection Agency ("IEPA") pursuant to a Freedom of Information Act Request and bates labeled "IEPA FOIA 0001-0440" and subsequently produced to you, there are numerous documents showing Ms. Armitage as author or recipient. There are a small number of documents that IEPA withheld from production on the basis of privilege and these are not among them. We are entitled to examine Ms. Armitage on these documents and any matters that arise out of them. (see Board Rule 101.616 (e)) If Ms. Armitage believes there is an attorney-client privilege with respect to any matter, she can assert it at that time. Finally, as you know from separate correspondence we believe that Ms. Armitage must be produced for deposition in Chicago. You have disagreed with this and we will address it by motion.

2. Witness List

With regard to your witness disclosure of April 30, 2013, please be advised of the following:

- a. Listed witness Tom Beach is no longer employed by NACME and is living out of state. If you want me to try and find his contact information, please let me know.
- b. Listed witness Willam Reichel similarly is no longer employed by NACME and his whereabouts are unknown.

Nancy J. Tikalsky
May 7, 2013
Page 2

ReedSmith

- c. Listed witness Bob Wisdom is no longer employed by NACME and his whereabouts are unknown.
- d. Listed witness Jamie C. Iatropulos is no longer employed by Mostardi-Platt Environmental Services, Inc and her whereabouts are unknown.

The remaining 4 Mostardi witnesses that you identified acted at the direction and control of NACME disclosed witness Britt Wenzel. We agree that Mr. Wenzel's expected testimony is generally as you describe it in your disclosure. We have previously described in interrogatory answers the general knowledge of Mr. DuBrock and Mr. Hendriksen and agree that their expected testimony is generally as you describe it in your witness disclosure.

3. Interrogatories

Leaving aside that you have provided no detail for your statement about "corporate officers" who purportedly had discussions and correspondence with IEPA, we stand on our objections to interrogatory 3. I do not get your point with respect to interrogatories 4 and 12. Can you clarify? We stand on our objections to interrogatories 13-14, 16, 19 and 20. Like the Code of Civil Procedure, Board Rule 101.620 includes "subparts" in the count of the 30 maximum interrogatories allowed. Your interrogatories far exceed that number.

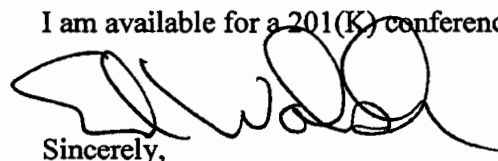
4. Document Requests

Respectfully, we find your argument about request No. 10 unconvincing. We know of no documents, other than IEPA's documents, reflecting complaints about improper permitting of the facility. However, note that documents have been produced about "complaints", including, those made by IEPA and including with respect to an alleged release of HCL in the vicinity of the facility in the early 2000s.

Your argument on Request No. 11 is not supported by any detail or facts whatsoever. We stand on our objections.

Similarly, your summary argument on Requests 12, 13 and 14 are unsupported. We stand on our objections.

I am available for a 201(K) conference on all or any of the above.



Sincerely,

Edward V. Walsh

EVW/rh