


5. Wherefore, NACME seeks leave to file the attached Reply brief.

Respectfully Submitted,

NACME STEEL PROCESSING, L.L.C.,

Respondent

By:  _____
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **NACME STEEL PROCESSING, LLC's MOTION FOR LEAVE FILE REPLY BRIEF**, by e-mail and U.S.

Regular Mail, upon the following persons:


Nancy J. Tikalsky
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Office of the Illinois Attorney General
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John T. Therriault, Assistant Clerk
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**NACME STEEL PROCESSING, L.L.C.,
Respondent**

By:



Edward V. Walsh, III

Date: May 30, 2013

- b) The State's own discovery requests in this matter span the time period 2000 forward, yet it seeks to limit NACME's discovery to April 2002 forward. (See, State's discovery requests, Ex. 1 to NACME's Response to State's Motion to Compel, filed herein)
- c) The State argues that "...any inquiry into the permitting history of NACME prior to the stack test conducted April 2002 by NACME, which is the basis for determining NACME to be a "major source", is not relevant..." (State's Response, p. 6). But the State's assertion is merely argument, not a fact of record. Moreover it is argument about a fact upon which the State bears the burden of proof. NACME is entitled to conduct discovery on any matter on which the State bears the burden of proof, including how it permitted the subject facility and when in fact the State first determined that NACME was allegedly a "major source".
- d) As the State itself has argued repeatedly in this matter, under Board rule 101.616 (a): "All relevant information and information calculated to lead to relevant information is discoverable." The State fails to show how examination of Ms. Armitage or other witnesses on matters arising prior to April 2002 does not meet this standard.

For all of the above reasons the State's request in its Response demanding affirmative relief limiting NACME's discovery, should be denied.

Respectfully Submitted,

NACME STEEL PROCESSING, L.L.C.,

Respondent

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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **NACME STEEL PROCESSING, LLC's REPLY TO THE STATE'S OBJECTIONS TO NACME'S MOTION TO COMPEL** by e-mail and U.S. Regular Mail, upon the following persons:

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