

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**NACME STEEL PROCESSING, L.L.C.'s FIRST REQUESTS**  
**TO ADMIT FACTS TO RESPONDENT**

Petitioner NACME Steel Processing, L.L.C. (“NACME”), by its attorneys, Reed Smith, LLP., requests admission of the following facts pursuant to 35 IAC 101.618 (b). 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.

1. Admit that the IEPA never sent to NACME a written renewal request with respect to NACME’s state operating permit issued on February 8, 2001.
2. Admit that as of on or about February 8, 2001 IEPA had information that the estimated potential to emit (PTE) for hydrochloric acid (HCL) emissions at NACME’s subject facility (“Facility”) was greater than 10 tons per year of HCL from a single source.

3. Admit that as of on or about April 12, 2002 IEPA had information that the estimated potential to emit (PTE) for hydrochloric acid (HCL) emissions at NACME's Facility was greater than 10 tons per year of HCL from a single source.
4. Admit that as of on or about May 28, 2002 IEPA had information that the estimated potential to emit (PTE) for hydrochloric acid (HCL) emissions at NACME's Facility was greater than 10 tons per year of HCL from a single source.
5. Admit that IEPA's September 20, 2005 Notice of Incompleteness was the first time that the IEPA notified NACME that IEPA had determined that the estimated PTE for HCL emissions at the Facility was greater than 10 tons per year of HCL from a single source.
6. Admit that IEPA's September 20, 2005 Notice of Incompleteness was the first time that the IEPA notified NACME that NACME required a Clean Air Act Permit Program (CAAPP) permit or, alternatively, a Federally Enforceable State Operating Permit ("FESOP") for its Facility.
7. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2001.
8. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2002.
9. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2003.
10. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2004.
11. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2005.

12. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2006.
13. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2007.
14. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2008.
15. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2009.
16. Admit that NACME did not exceed the operation and HCL emission limits set forth in NACME's state operating permit issued on February 8, 2001, during 2010.
17. Admit that actual emissions from NACME's Facility have always been below the applicability levels for a Clean Air Act Permit Program (CAAPP) permit.
18. Admit that in its permit application of October 25, 2005, NACME requested a permit shield for its Facility.

19. Admit that IEPA has sent to NACME "Air Pollution Control Title V Permit Fee" invoices for the subject Facility, and NACME has paid the invoices, in the amount of \$1,800 per year for years 2008, 2009 and 2010.

Dated: November 1, 2012

Respectfully submitted,

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

By: \_\_\_\_\_

  
One of Its Attorneys

Edward V. Walsh, III  
ReedSmith, LLP  
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Suite 4000  
Chicago, Illinois 60606  
(312) 207-1000

**CERTIFICATE OF SERVICE**


I, the undersigned, certify that I have served the attached **NACME STEEL PROCESSING, LLC'S RESPONSE TO IEPA'S MOTION TO FILE REPLY**, by U.S. Regular Mail, upon the following persons:

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

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

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

By:

  
Edward V. Walsh, III

Date: November 1, 2012