

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

AGREED MOTION TO WITHDRAW AND RE-PLEAD AFFIRMATIVE DEFENSES

Respondent NACME Steel Processing, L.L.C. (“NACME”), by its attorneys, Reed Smith, LLP., with agreement of the Office of the Illinois Attorney General (the “State”), moves to withdraw and re-plead certain affirmative defenses and in support of its motion states as follows:

1. In response to the State’s Complaint herein NACME asserted nine affirmative defenses as part of its Answer.
2. The State subsequently moved to dismiss all nine affirmative defenses on various grounds and by order dated December 13, 2012 a briefing schedule was set.
3. NACME, having duly considered the State’s various arguments and in the interest of judicial efficiency agrees to re-plead with particularity certain affirmative defenses and anticipates withdrawing others in whole.
4. The parties agree that NACME shall have to and including January 15, 2013 to re-file its affirmative defenses.
5. A status hearing is currently set in this matter for January 10, 2013, which may in the discretion of the hearing officer be better re-set for a later date.

Wherefore, the parties request an order a) allowing NACME Steel Processing, L.L.C. to and including January 15, 2013 to withdraw its current affirmative defenses and to re-file others; and, b) striking the briefing schedule set by order dated December 13, 2012 and setting this matter for status on a date certain.

Respectfully submitted,

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

By: Ed Walsh
One of Its Attorneys

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

Dated: January 4, 2012

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **AGREED MOTION TO WITHDRAW AND RE-PLEAD AFFIRMATIVE DEFENSES**, 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

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

By: Ed Walsh
Edward V. Walsh, III

Date: January 4, 2013