

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NACME STEEL PROCESSING, L.L.C.'s INTERROGATORIES TO COMPLAINANT

Pursuant to 35 IAC 101.620 Petitioner NACME Steel Processing (“NACME”) hereby submits its First Set of Interrogatories to Respondent the Illinois Environmental Protection Agency (“IEPA”) and requests that the IEPA answer under oath the interrogatories hereinafter propounded and serve such answer upon NACME’s undersigned attorneys within 28 days. These Interrogatories shall be deemed continuing, and any further responsive information that may be discovered subsequent to the service of the answers shall be brought to the attention of NACME through supplemental answers within a reasonable time following such discovery. Any documents produced in response to these Interrogatories shall be designated as responsive to the particular Interrogatory or Interrogatories.

DEFINITIONS

1. “Complainant” or “IEPA” refers to the IEPA in the above-captioned matter, as well as its agents, attorneys, representatives, and any other person acting on the IEPA’s behalf or direction.

2. "Respondent" or "NACME" means the Respondent in the in the above-captioned case, NACME Steel Processing, L.L.C. , its and current or former employees and its representatives, including, but not limited to Mr. Britt Wenzel and his employer, Mostardi Platt.

3. "Complaint" means IEPA's Complaint and any further amended complaints that may be filed in this action.

4. "Date" means the exact day, month and year or, if not ascertainable, the best approximation thereof.

5. The terms "communication," "writing," and "document" include, but are not limited to, copies of agreements, certificates, articles of incorporation, orders, acknowledgments thereof, contracts, invoices, bills, receipts, checks, books, records, reports, financial statements, letters, telegrams, notes, memoranda, e-mail and other electronic records, calculations, diaries, worksheets, drafts, advertisements, pamphlets, brochures, marketing material, and other tangible things, including originals and copies, whether typed, handwritten, on tape, electronic, or other medium or recording, from whatever source, and any material underlying, supporting or used in the preparation of any of such document or documents.

6. The term "communication" shall further include all oral communications, including but not limited to personal conversations, group discussions, phone conversations, conference calls, speeches, voice mail messages, answering machine messages, and other such methods of communicating facts, opinion, ideas and beliefs orally.

7. Both "And" and "Or" mean and include both the conjunctive and disjunctive.

8. "Refer" or "reflect" means relating to, containing, pertaining, indicating, showing, concerning, constituting, describing, discussing or mentioning.

9. "Person" means, but is not limited to, individuals and governmental entities.

10. The term “identify,” when used in reference to an individual person, means to:
- (a) State his or her full name;
 - (b) State his or her present or last-known address;
 - (c) State his or her present or last-known position and business affiliation; and
 - (d) Provide such additional information as may be required to specify, contact, or determine the whereabouts of such person.

11. The term “identify,” when used in reference to a corporation, partnership, or other business entity, means to:

- (a) State its full name;
- (b) State its present or last-known address;
- (c) In the case of a corporation, specify the state in which it is or was incorporated; and
- (d) Provide such additional information as may be required to specify, contact, or determine the whereabouts of such corporation, partnership, or other business entity.

12. The term “identify,” when used in reference to a document or ESI (electronically stored information), means to:

- (a) State the date, author, recipient, and type of document or ESI (*e.g.*, invoice, delivery receipt, email, etc.) or some other means of distinguishing the document;
- (b) Identify each person who prepared the document or ESI;
- (c) Identify each person who received the document or ESI;
- (d) State the present location of the document or ESI;

- (e) Identify each person having possession, custody or control of the document or ESI; and
- (f) Provide such additional information as may be required to specify, contact, or determine the whereabouts of such document or ESI.

13. “Identify” with respect to an act, transaction, occasion, event, or communication means to give, to the extent known:

- (a) the communication or transaction medium (*e.g.*, in person, by telephone, by computer);
- (b) the date of each such act or communication;
- (c) the full name and current business address of those who were present at or participated in each such act or communication; and
- (d) the identity of any document which, in whole or in part, was the subject of such act or communication or in which such act or communication is manifested, referred to, or expressed.
- (e) the subject matter of the communication.

14. The phrase “describe in detail” means that it is requested to state with specificity each and every fact, ultimate fact, particular circumstance, incident, act, omission, detail, event, and date, and to identify each and every document as herein defined relating thereto, or in any way whatever concerning the matters inquired of.

15. In addition to and including the definitions listed in Definition No. 5 above, “Document” or “Documents” means, without limitation, the following items, whether printed or recorded, filmed, stored in a data processing system, or reproduced by any process, or written or produced by hand, and whether claimed to be privileged against discovery on any grounds, and whether an original, master or copy, namely: agreements, communications, including inter-

company communications and correspondence, cablegrams, radiograms and telegrams, notes and memoranda, summaries, minutes and records of telephone conversations; meetings and conferences, including lists of persons attending meetings or conferences; summaries and records of personal conversations or interviews; books, manuals, publications and diaries; reports and notebooks; charts; plan, sketches and drawings; photographs; reports and/or summaries of investigations and/or surveys; opinions and reports of consultants; opinions of counsel; reports and summaries of negotiations; brochures; pamphlets, catalogs and catalog sheets; advertisements, including story book and/or scripts for television and radio commercials; circulars, trade letters; press publicity in trade and product release; drafts of original or preliminary notes on, and marginal comments appearing on, any documents; other reports and records; and any other information containing paper, writing or physical things. The term "Document" or "Documents" includes all such documents whether or not a particular document is privileged or within the possession, custody or control of IEPA.

16. The use of the singular form of any word includes the plural and vice versa.

INSTRUCTIONS

In answering each Interrogatory:

1. If any Interrogatory cannot be answered in full, answer to the fullest extent possible, specifying the parts that cannot be answered, why they cannot be answered, and stating whatever information, knowledge, or belief you have concerning the unanswered portion.
2. State whether the information furnished is within the personal knowledge of the individual signing the interrogatory answers, and, if not, identify each known person to whom the information is a matter of personal knowledge.
3. These interrogatories are continuing in nature and with respect to any information hereinafter becoming known or any document hereinafter coming to the attention of IEPA, it should supply the same

4. Unless otherwise indicated, the time scope of these interrogatories is from 1995 to the present.

5. All objections or answers to these Interrogatories which fail or refuse to respond to any Interrogatories on the ground of any claim of privilege or for any other reason shall: state the nature of the claim or other ground of objection; state all facts relied upon in support of the claim of privilege or other ground of objection; identify all documents related to the claim of privilege or other ground of objection; identify all persons having knowledge of any facts related to the claim of privilege or other ground of objection; and identify all events, transactions or occurrences related to the claim of privilege or other ground of objection.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all persons with knowledge or information regarding any of the allegations of IEPA's Complaint, and for each such person describe in detail that person's knowledge or information related to the allegations of IEPA's Complaint.

INTERROGATORY NO. 2: Identify each and every communication by and between IEPA and any representative of NACME regarding any of the claims asserted by IEPA in the Complaint.

INTERROGATORY NO. 3: Identify each and any occasion in which IEPA placed a call to any NACME representative in connection with any matter that now forms the basis of the Complaint.

INTERROGATORY NO. 4: : Describe in detail the basis of IEPA's allegations in paragraph 19 of the Complaint that "process modifications" took place at NACME's facility.

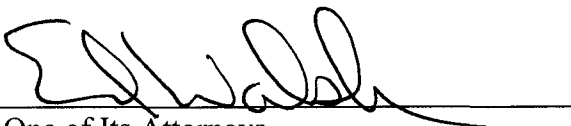
INTERROGATORY NO. 5: Describe in detail the basis of IEPA's allegations in paragraph 36 of the Complaint that NACME "changed its operations resulting in a PTE of a single HAP, HCL, of greater than 10 tpy."

INTERROGATORY NO. 6: In connection with NACME's Requests For Admissions of Fact served on or about the same time as these interrogatories, with respect to any Request that is denied by IEPA in whole or part, describe in detail the basis for each such denial.

Dated: November 1, 2012

Respectfully submitted,

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

By: 
One of Its Attorneys

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

CERTIFICATE OF SERVICE

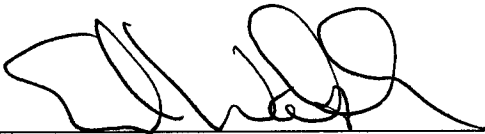
I, the undersigned, certify that I have served the attached, **NACME STEEL PROCESSING, L.L.C.'s INTERROGATORIES TO COMPLAINANT** by U.S. Regular Mail, upon the following persons:

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