

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
AMENDMENTS TO 35 ILL.ADM.CODE 225:)	R09-10
CONTROL OF EMISSIONS FROM LARGE)	(Rulemaking – Air)
COMBUSTION SOURCES (MERCURY)	
MONITORING))	

NOTICE OF FILING

To:

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

Persons included on the
ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **JOINT MOTION TO CORRECT TRANSCRIPT.**



 Kathleen C. Bassi

Dated: March 5, 2009

Kathleen C. Bassi
 Stephen J. Bonebrake
 Renee Cipriano
 Joshua R. More
 SCHIFF HARDIN, LLP
 6600 Sears Tower
 233 South Wacker Drive
 Chicago, Illinois 60606
 312-258-5500
 Fax: 312-258-5600

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
AMENDMENTS TO 35 ILL.ADM.CODE 225:)	R09-10
CONTROL OF EMISSIONS FROM LARGE)	(Rulemaking – Air)
COMBUSTION SOURCES (MERCURY)	
MONITORING))	

JOINT MOTION TO CORRECT TRANSCRIPT

NOW COME the Proponent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, and Participants at the February 10, 2009, hearing in Chicago, MIDWEST GENERATION, LLC., DYNEGY MIDWEST GENERATION, INC., AMEREN ENERGY GENERATING COMPANY, AMERENENERGY RESOURCES GENERATING COMPANY, and ELECTRIC ENERGY, INC. (all parties to this Joint Motion collectively “Movants”), by and through their respective attorneys, and, pursuant to 35 Ill.Adm.Code § 104.500, move the Board to correct significant errors in the transcript from the February 10, 2009, hearing in this matter as follows:

<u>Transcript Page Numbers</u>	<u>Line Numbers</u>	<u>Corrections</u>
		Search entire document for “board” and change to “ <u>B</u> oard”
		Where “member” follows “Board,” “member” should be capitalized in the entire document
6 10 11 12	15, 19 22 15 12	Throughout the transcript, change “the agency” to “the <u>A</u> gency” and change “agencies” and “agency’s” to “ <u>A</u> gency’s”

<u>Transcript Page Numbers</u>	<u>Line Numbers</u>	<u>Corrections</u>
14	3, 10, 19	
16	3, 24	
17	7, 15	
18	3	
19	15	
22	5	
23	6, 8	
27	15	
28	10, 21, 23	
29	5	
31	13, 16	
40	13	
41	5	
42	15	
48	5, 10	
52	7	
55	17, 22	
57	7	
59	20	
67	1	
70	12	
71	3	
72	11	

<u>Transcript Page Numbers</u>	<u>Line Numbers</u>	<u>Corrections</u>
78	2, 7, 24	
79	6, 8	
113	8	
17	19, 23	Throughout the transcript, change "STAC" to "stack"
18	1	
26	17, 19, 22	
27	3, 9	
36	11	
37	11	
38	20	
41	6, 10, 20	
42	14	
45	21	
52	23	
55	1, 3	
60	3	
71	14	
75	18, 21	
78	10	
2	12-13	Add Renee Cipriano to list of attorneys from Schiff Hardin LLP
2	14	Correct Schiff's address to be 233 <u>South</u> Wacker Drive
3	7	Add Mr. Chris Nagel and Mr. Scott Miller to the list of persons testifying on behalf of Midwest Generation

<u>Transcript Page Numbers</u>	<u>Line Numbers</u>	<u>Corrections</u>
5	4	"preceding" should be "proceeding"
7	6	Correct spelling: "Aric Diericx"
7	10	"in stanter" should be "instanter"
8	2-3 and 9	"in stanter" should be "instanter"
9	4	Delete "of the Environmental Protection Agency"
11	10-12	Should read " <u>Part 225 Control of Emissions for Large Combustion Sources (Mercury Monitoring)</u> "
11	16	Should read "post-hearing comments"
12	15	Should read "called as a witnesses herein"
12	16	"was" should be "were"
13	10	Add "the" before "EGU"
13	20	"insure" should be "ensure"
15	16	Should read "designed"
17	6	"accepted" should be "excepted"
17	24	"admission" should be "emission"
18	7	"225.260(B)" should be "225.260(b)"
19	7	"225.290(b)3(c)" should be "225.290(b)(3)(C)"
19	17	"1.4(b)3(g)V" should be "1.4(b)(3)(g)(v)"
20	4	"1.4(b)3(g)V" should be "1.4(b)(3)(g)(v)"
21	7	"cola" should be "coal"
21	11	Add a semicolon after "coal samples" and a comma after "that is"
21	12	"weight" should be "weighted"
21	17	"nearly tumbling" should be "merely totaling"

<u>Transcript Page Numbers</u>	<u>Line Numbers</u>	<u>Corrections</u>
22	2-3	"225.234(a)4, 225.238(a)4 and 225.239(A)1, 3, and 4" should be "225.234(a)(4), 225.238(a)(4) and 225.239(a)(1),(3) and (4)"
23	7	"Isn't" should be "Is it"
28	11	"40CFR75" should be "40 CFR 75"
28	24	"pair" should be "pare"
29	5	"pair" should be "pare"
31	18	"reminded" should be "remanded"
31	19	"Mr. Colledy" should be "Mr. <u>Kaleel</u> "
32	8	"training" should be "trading"
36	7	"75QA" should be "75 QA"
36	8	"FLO" should be "flow"
38	3	"FLO" should be "flow"
40	5-6	"leashing of a footnote" should be " <u>deletion</u> of a footnote"
42	13 and 22	"accepted" should be "excepted"
42	19	"can't" should be "can"
52	21	"accurate" should be "accredited"
55	18	The statement should read ". . . then <u>if</u> it's in there by reference, if. . . ."
60	10	"pre-trial" should be "pre-filed"
63	9	"pre-trial" should be "pre-filed"
65	8	"rate" should be "raised"
65	9	"and" should be "or"
65	14	"in" should be "and"

<u>Transcript Page Numbers</u>	<u>Line Numbers</u>	<u>Corrections</u>
66	1	"pages one and three, 212" should be "pages one and three to <u>12</u> "
66	9	"pole" should be "coal"
66	18	"1.4(b)3(g)V" should be "1.4(b)(3)(G)(v)"
66	19	"errata" should be "RATA"
67	3	"225.239(g)2" should be "225.239(g)(2)"
67	5	"third" should be "original"
67	20	"permit" should be plural: "permits"
67	20-21	It should read as follows: " <u>Clean Air Interstate Rule, New Source Performance Standards</u> , for mercury requirements. . ."
68	10	Should read " <u>systems for the generating stations</u> "
68	12	"injections" should be "injection" [singular, not plural]
68	15	"225.294(g)4" should be "225.294(g)(4)"
69	1	"to" should be "of"
69	3-4	Should read: "capital projects include monitoring <u>and</u> controlled projects, <u>and</u> specifically mercury monitoring. . ."
71	13-20	Transcript incomplete. Please see Midwest Generation's Post-Hearing Comments.
74	2	"deduced" should be "used"
74	2	"in" should be "under"
74	4	"quality insurance" should be "quality <u>assurance</u> "
74	7	Should read: " <u>Errata RATA and calibration error</u> "
74	21	"2008" should be "2009"

<u>Transcript Page Numbers</u>	<u>Line Numbers</u>	<u>Corrections</u>
75	21	"of" should be "for"
75	21	"of" should be "for"
76	3	"Mr. Bonebrake" should be "Mr. <u>Fox</u> "
76	16	"Mr. Fox" should be "Mr. <u>Bonebrake</u> "; a period should follow "That's correct."
76	17	"Mr. Bonebrake" should be deleted, and a new paragraph should start with "That motion, again, is, of course," indicating that Mr. Fox is speaking
78	1	"system" should be "testimony"
78	5	Should read: "testimony, and alternative mercury"
78	23	"225.233(c)2" should be "225.233(c)(2)"
79	4	"225.239(g)2" should be "225.239(g)(2)"
79	8	"ruling" should be "rule <u>making</u> "
79	13	"225.233(c)1(a)" should be "225.233(c)(1)(<u>A</u>)"
82	8	Should read as follows: "Mr Rygh's testimony as <u>if</u> read."
83	11	"confirmed" should be "conferred"
84	5	"generating" should be " <u>Generating</u> "
84	7	"in" should be "and"
84	20	Add "summary" after "brief"
84	22	Delete "in"; add "the" after "as" at the end of the line
84	24	"admission" should be "emission"
85	9	"213" and "214" should be "2013" and "2014" respectively
85	9	"admission" should be "emission"
85	12-19	Should read as follows: "In consideration of the amendment we are asking today, <u>the</u> in elimination of this interim <u>2013</u>

<u>Transcript Page Numbers</u>	<u>Line Numbers</u>	<u>Corrections</u>
		213 and 2014 214, Ameren, after extensive discussions with the Illinois Environmental Protection Agency, has agreed to earlier and additional <u>emission</u> admission rates, limitations for both NOx and SO2 <u>emissions</u> admissions and starting in 2017, an even more stringent rate for SO2.”
85	21	“admission” should be “emission”
86	5 and 14	“admission” should be “emission”
86	7	Add “in” after “including”
86	24	“keep” should be “meet”
87	3	“in” should be “for”
87	8	“group” should be “rule”
87	19	“admission” should be “emission”
88	5	“approve” should be “improve”
88	9	“confer” should be “conferred”
89	5	“if” should be “it”
89	11	“personal” should be “percent”
90	12	“NTS” should be “MPS”
91	20	“can’t” should be “can”
92	21	“referred” should be “deferred”
93	10	“notion” should be “motion”
94	3	“boiler places, emission rates” should be “boilerplate emission rates”
96	9	“undue” should be “undo”
96	21	“instruction of” should be “construction at”
97	6	“economy” should be “county”

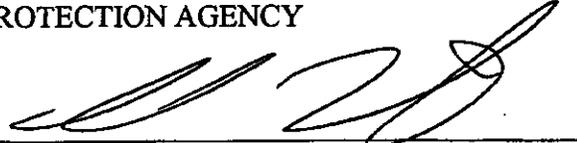
<u>Transcript Page Numbers</u>	<u>Line Numbers</u>	<u>Corrections</u>
98	10	“and” should be “into”
100	1	“and” should be “can”
101	8	“undue” should be “undo”
101	11	Delete the comma following “court challenges”
102	22	“in direct” should be “indirect”
103	2	“employed” should be “deployed”
104	14, 17, and 20	“AFL-Cio” should be AFL-C <u>IO</u> ”
105	21	“assessing” should be “accessing”
106	14	“AFL-Cio” should be AFL-C <u>IO</u> ”
110	6	“27B” should be “27 (b) ”
112	8	“imply” should be “apply”

WHEREFORE, because of the significant number of errors in this transcript and because of the significance of some of those errors, the Movants request that the Board order the Transcript corrected as indicated herein and republished.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

by:



one of its attorneys

Dated: March 5, 2009

John J. Kim
Charles E. Matoesian
Dana Vetterhoffer
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
john.j.kim@illinois.gov
charles.matoesian@illinois.gov
dana.vetterhoffer@illinois.gov

Respectfully submitted,

MIDWEST GENERATION, LLC

by:



one of its attorneys

Dated: March 5, 2009

Kathleen C. Bassi
Stephen J. Bonebrake
SCHIFF HARDIN LLP
on behalf of Midwest Generation and Dynegy
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
312-258-5567
fax: 312-258-5600
kbassi@schiffhardin.com
sbonebrake@schiffhardin.com

Respectfully submitted,

DYNEGY MIDWEST GENERATION, INC.

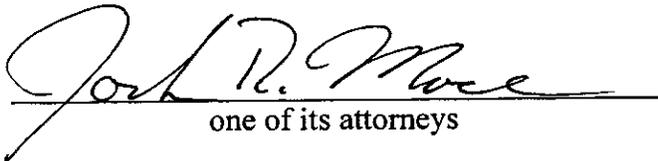
by: 
one of its attorneys

Dated: March 5, 2009

Kathleen C. Bassi
Stephen J. Bonebrake
SCHIFF HARDIN LLP
on behalf of Midwest Generation and Dynegy
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
312-258-5567
fax: 312-258-5600
kbassi@schiffhardin.com
sbonebrake@schiffhardin.com

Respectfully submitted,

AMEREN ENERGY GENERATING
COMPANY, AMERENENERGY
RESOURCES GENERATING COMPANY,
and ELECTRIC ENERGY, INC.

by: 
one of its attorneys

Dated: March 5, 2009

Renee Cipriano
Kathleen C. Bassi
Joshua R. More
SCHIFF HARDIN LLP
on behalf of Ameren
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
312-258-5567
fax: 312-258-5600
rcipriano@schiffhardin.com
kbassi@schiffhardin.com
jmore@schiffhardin.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 5th day of March, 2009, I have served electronically the attached **JOINT MOTION TO CORRECT TRANSCRIPT** upon the following persons:

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

and electronically and by first class mail, postage affixed upon persons included on the **ATTACHED SERVICE LIST**.



Kathleen C. Bassi

Kathleen C. Bassi
Stephen J. Bonebrake
Renee Cipriano
Joshua R. More
SCHIFF HARDIN, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
312-258-5500
Fax: 312-258-5600
kbassi@schiffhardin.com

SERVICE LIST

(R09-10)

Timothy Fox
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
foxt@ipcb.state.il.us

John J. Kim
Charles E. Matoesian
Dana Vetterhoffer
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
john.j.kim@illinois.gov
charles.matoesian@illinois.gov
dana.vetterhoffer@illinois.gov

S. David Farris, Manager, Environmental,
Health and Safety
City of Springfield, City Water Light & Power
201 East Lake Shore Drive
Springfield, Illinois 62757
dfarris@cwlp.com

David Rieser
McGuireWoods LLP
77 W. Wacker Drive, Suite 4100
Chicago, Illinois 60601
drieser@mcguirewoods.com