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MAR 06 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL.ADM.CODE 225:)
CONTROL OF EMISSIONS FROM LARGE)
COMBUSTION SOURCES (MERCURY)
MONITORING))

STATE OF ILLINOIS
Pollution Control Board

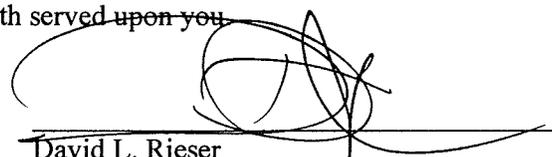
R09-10
(Rulemaking – Air)

NOTICE OF FILING

To: Those Individuals Listed on Attached Service List

Please take notice that on March 6, 2009, the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board the Comments of Kincaid Generation LLC on the above rulemaking, copies of which are herewith served upon you.

By:

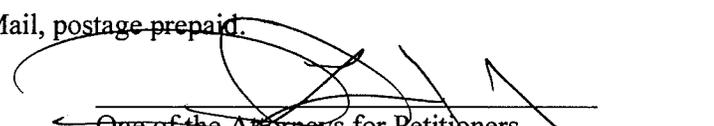


David L. Rieser
One of the Attorneys for Petitioners

David L. Rieser
Bradley R. Daniels
McGuireWoods LLP
77 West Wacker, Suite 4100
Chicago, IL 60601
Telephone: 312/849-8100

CERTIFICATE OF SERVICE

I, David L. Rieser, one of the attorneys for Kincaid Generation LLC, certify that I served a copy of the Comments of Kincaid Generation LLC on those persons listed on the attached Notice of Filing on March 6, 2009 by First Class Mail, postage prepaid.



One of the Attorneys for Petitioners

David L. Rieser
Bradley R. Daniels
McGuireWoods LLP
77 West Wacker, Suite 4100
Chicago, Illinois 60601
Telephone: 312/849-8100

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

Kathleen C. Bassi
Stephen J. Bonebrake
Joshua R. More
SCHIFF HARDIN, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606
kbassi@schiffhardin.com
jmore@schiffhardin.com

Pamela F. Faggert
Vice President and Chief Environmental Officer

Dominion Resources Services, Inc.
5000 Dominion Boulevard, Glen Allen, VA 23060
Phone: 804-273-3467



March 5, 2009

Ms. Andrea Moore
Member, Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601

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STATE OF ILLINOIS
Pollution Control Board

Re: Proposed New 35 Ill. Adm. Code 22, Control of Emissions from Large Combustion Sources, PCB 09-10

Dear Board Member Moore:

I am writing on behalf of Kincaid Generation, LLC ("Kincaid") to submit Kincaid's comments on the above rulemaking. Dominion owns and operates electric generating facilities in eleven states, including the 1200 megawatt coal-fired Kincaid Generation LLC power plant, located in Kincaid, Illinois. Dominion also owns a 50% interest in the 1400-megawatt natural gas-fired Elwood Energy, LLC combustion turbine plant, located in Elwood, Illinois.

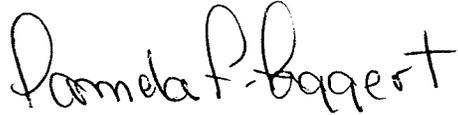
Kincaid participated in the second hearing in this matter in order to urge the Board to consider greater flexibility in setting compliance dates for meeting availability requirements for mercury continuous emissions monitoring systems (CEMs). Secondly, we alerted the Board about the potential inconsistency between state and federal rules should the Board adopt the Agency's proposed Appendix B restating the language of 40 CFR 75 as it applies to monitoring for constituents other than mercury.

Kincaid believes that the Agency addressed the first issue with language submitted during the hearing allowing quarterly stack tests to be performed during the first three years of this regulation. Three years of experience with mercury CEMs should allow for development of availability information sufficient to comply with the rule at that time.

David Nuckols of Dominion's monitoring support staff testified and was questioned extensively regarding different aspects of the second issue and Kincaid and the IEPA continued those discussions in the days after the hearings. Kincaid understands from those discussions that with respect to any conflict between Appendix B and 40 CFR 75 as they relate to monitoring for constituents other than mercury, that the IEPA would resolve conflicts in favor of the federal rules. We remain concerned about the inclusion of non-mercury monitoring provisions in Appendix B. However, on the basis of discussions with IEPA staff, we understand that IEPA will work with a source to resolve any issues that arise.

As always, Kincaid very much appreciates the opportunity to participate in Pollution Control Board regulatory proceedings. Please contact Bob Asplund at (804)273-3012 should you have any questions.

Respectfully,

A handwritten signature in black ink that reads "Pamela F. Faggert". The signature is written in a cursive style with a large initial "P" and "F".

Pamela F. Faggert

CC : Laurel Kroack
Jim Ross
David Bloomberg