

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**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 **MOTION TO FILE DYNEGY MIDWEST GENERATION'S RESPONSE TO THE AGENCY'S POST-HEARING COMMENTS INSTANTER** and **DYNEGY MIDWEST GENERATION'S RESPONSE TO THE AGENCY'S POST-HEARING COMMENTS.**

  
 \_\_\_\_\_  
 Kathleen C. Bassi

Dated: March 13, 2009

Kathleen C. Bassi  
Stephen J. Bonebrake  
SCHIFF HARDIN, LLP  
6600 Sears Tower  
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312-258-5500  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**MOTION TO FILE DYNEGY MIDWEST GENERATION'S RESPONSE  
TO THE AGENCY'S POST-HEARING COMMENTS INSTANTER**

NOW COMES Participant in this rulemaking, DYNEGY MIDWEST GENERATION, INC. ("DMG"), by and through its attorneys, SCHIFF HARDIN LLP, and, pursuant to 35 Ill.Adm.Code § 101.500, requests that the Board allow it to file the attached DMG's Response to the Agency's Post-Hearing Comments instanter. In support of this Motion, DMG states as follows:

1. DMG filed its Post-Hearing Comments in this rulemaking on March 5, 2009.
2. In its Post-Hearing Comments, DMG suggested that the Board amend Section 225.265(a)(1)(C) to allow for compositing coal samples to correspond to the period that sorbent traps, or excepted monitoring systems, remain in the stack. DMG Comments, pp. 2-3.
3. DMG also suggested that the Board amend Section 225.233(c)(5)(B) so that it would correctly correspond to an amendment proposed for Section 225.233(c)(2)(D) as set forth in the Illinois Environmental Protection Agency's ("Agency") compilation of changes to the initial proposal ("Revised Proposal"), filed with the Board February 19, 2009. DMG Comments, pp. 3-4.

4. Additionally, DMG proposed an amendment to Section 225.290(b)(4) to allow additional time for companies using excepted monitoring systems to submit their quarterly reports. DMG Comments, p. 4.

5. The Agency filed its Post-Hearing Comments on March 6, 2009.

6. In its Post-Hearing Comments, the Agency responded to DMG's suggested amendments either by pointing out that sufficient flexibility already exists or by proposing slightly different language.

7. Accepting and considering DMG's Response to the Agency's Post-Hearing Comments will not delay the Board's decision in this matter and will provide the Board with a statement of DMG's support of the Agency's responses and proposed changes.

WHEREFORE, for the reasons set forth above, DMG respectfully requests that the Board grant its Motion to File Dynegy Midwest Generation's Response to the Agency's Post-Hearing Comments Instantly.

Respectfully submitted,

DYNEGY MIDWEST GENERATION, INC.

by:   
one of its attorneys

Dated: March 13, 2009

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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**MONITORING)** )

**DYNEGY MIDWEST GENERATION’S RESPONSE**  
**TO THE AGENCY’S POST-HEARING COMMENTS**

NOW COMES Participant in this rulemaking, DYNEGY MIDWEST GENERATION, INC. (“DMG”), by and through its attorneys, SCHIFF HARDIN LLP, and offers the following comments in response to certain of the Illinois Environmental Protection Agency’s Post-Hearing Comments to the February 10, 2009, Hearing on the Proposal for Amending 35 Ill.Adm.Code 225 (the “Agency’s Post-Hearing Comments”), filed with the Board on March 6, 2009.

In its Post-Hearing Comments, filed March 5, 2009, DMG suggested several amendments to the Illinois Environmental Protection Agency’s February 19, 2009, compilation of changes that had been proposed since its initial submittal of the proposed rulemaking to the Board (“Revised Proposal”). In response to these comments in the Agency’s Post-Hearing Comments, the Agency suggested slightly different amendatory language in each case.

More specifically, DMG suggested an amendment to Section 225.265(a)(1)(C) to allow for compositing coal samples so that they would correspond to the emission sampling period of a sorbent trap, or excepted, monitoring system. DMG Comment, p. 3. The Agency responded that sufficient flexibility already exists for DMG to propose such compositing to the Agency in lieu

of the provisions of Section 225.265(a)(1)(C) through Sections 225.202(a) and 225.210(b)(1). Agency Comments, 13<sup>th</sup> page. This response is satisfactory to DMG.

DMG also suggested an amendment to Section 225.233(c)(5)(B) to correspond to the amendment to Section 225.233(c)(2)(D) deleting the temperature correction for all units except those with hot-side electrostatic precipitators. DMG Comments, pp. 3-4. The Agency responded in its Post-Hearing Comments with slightly different language plus an amendment for Section 225.233(c)(2)(C). Agency Comments, 14<sup>th</sup> and 15<sup>th</sup> pages. The Agency's proposed amendments are acceptable to DMG.

Finally, DMG proposed an amendment to Section 225.290(b)(4) to allow additional time at the end of a quarter for companies using excepted monitoring systems to submit their reports. DMG Comments, p. 4. The Agency again agreed with DMG's suggestion in concept but suggested different language in its Comments. Agency Comments, 17<sup>th</sup> page. The Agency's proposed language is acceptable to DMG.

DMG encourages the Board to accept the Agency's proposed changes to the rulemaking as indicated above.

Respectfully submitted,

DYNEGY MIDWEST GENERATION, INC.

by:

  
one of its attorneys

Dated: March 13, 2009

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 13<sup>th</sup> day of March, 2009, I have served electronically the attached **MOTION TO FILE DYNEGY MIDWEST GENERATION'S RESPONSE TO THE AGENCY'S POST-HEARING COMMENTS INSTANTER** and **DYNEGY MIDWEST GENERATION'S RESPONSE TO THE AGENCY'S POST-HEARING COMMENTS** 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

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**SERVICE LIST**  
**(R09-10)**

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