

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)
)
AMENDMENTS TO) **R18-20**
35 ILL. ADM. CODE 225.233,) **(Rulemaking – Air)**
MULTI-POLLUTANT STANDARDS (MPS))

NOTICE OF FILING

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **PREFILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, copies of which are herewith served upon you.

/s/ Amy Antonioli
Amy Antonioli

Dated: January 2, 2018

Amy Antonioli
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**PREFILED QUESTIONS FOR THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

NOW COME Dynegy Midwest Generation, LLC, Illinois Power Generating Company, Illinois Power Resources Generating, LLC and Electric Energy, Inc. (collectively, “Dynegy” or the “Companies”), by their attorneys, Schiff Hardin LLP, and hereby submit prefiled questions for the Illinois Environmental Protection Agency (the “Agency”). Illinois EPA requests that the Hearing Officer allow follow-up questioning to be asked at hearing based on the answers provided.

1. The Attorney General’s Office on page 17 of its testimony references “actual potential to emit” and compares those emissions to the proposed emission caps. Is the Agency familiar with the term “actual potential to emit”?
2. Has the Agency seen the term “actual potential to emit” used in connection with the implementation or enforcement of any air regulatory program?
3. Has the Agency used the methodology used by the Attorney General’s Office to calculate “actual potential to emit” for calculating a sources’ emissions in connection with the implementation or enforcement of any air regulatory program?
4. Is the methodology used by the Attorney General’s Office to calculate “actual potential to emit” appropriate for evaluating whether the proposal is as protective as the existing Multi-Pollutant Standard (“MPS”)? If not, why not?
5. The Attorney General’s Office suggests that the Agency created the concept of “allowable emissions” for purposes of evaluating the proposal. What are allowable emissions?
6. Does the Agency use allowable emissions in connection with the implementation of air regulations? If so, please give some examples.

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7. Does the Agency use allowable emissions in connection with the enforcement of air regulations? If so, please give some examples.
8. Has the Agency used allowable emissions in connection with other air rulemakings? If so, please identify which rulemaking(s) and describe how the allowable emissions were used to support the rulemaking(s)?
9. Why did the Agency use allowable emissions to evaluate whether the proposal is as protective as the current MPS?
10. What is the purpose of the National Ambient Air Quality Standards (“NAAQS”)?
11. What role does the State play in implementing the NAAQS?
12. What is the purpose of a State Implementation Plan in connection with the State’s implementation of the NAAQS?
13. Is the MPS part of any State Implementation Plan that is currently being used by the State to implement any NAAQS?
14. Why did the Agency seek input from U.S. EPA prior to submitting the proposal to the Illinois Pollution Control Board?
15. What input or comments did U.S. EPA provide on the proposal in response to the Agency’s inquiry?

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 2nd day of January, 2018, I have electronically served the attached **PREFILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, upon all parties on the attached service list.

My e-mail address is aantonioli@schiffhardin.com;

The number of pages in the e-mail transmission is 5.

The e-mail transmission took place after 5:00 p.m.

/s/ Amy Antonioli

Amy Antonioli

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