

**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/ Ryan Granholm  
Ryan Granholm

Dated: March 2, 2018

Ryan Granholm  
SCHIFF HARDIN LLP  
233 South Wacker Drive  
Suite 7100  
Chicago, Illinois 60606  
312-258-5500

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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”), by their attorneys, Schiff Hardin LLP, and hereby submit prefiled questions for the Illinois Environmental Protection Agency (“IEPA”). Dynegy requests that the Hearing Officer allow follow-up questioning to be asked at hearing based on the answers provided.

1. What is the difference between a “potential environmental justice community” and an “environmental justice community?”
  - a. Are there any specific emission standards or emission reduction requirements applicable to a source because it is in a potential environmental justice community or an environmental justice community?
  - b. Are the National Ambient Air Quality Standard (“NAAQS”) lower in potential environmental justice communities or environmental justice communities as compared to other areas?
2. Is the Hennepin Power Station located in either an “environmental justice community” or a “potential environmental justice community?”
  - a. Is the Hennepin Power Station subject to any emission standards solely because it is located in either a potential environmental justice community or an environmental justice community?
3. The MPS is used by the State to ensure compliance with the Clean Air Act’s Regional Haze Program, correct?
4. The total anticipated SO<sub>2</sub> emissions set forth in the Regional Haze State Implementation Plan from the MPS Groups is 55,953 tons annually, correct?

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- a. In other words, IEPA anticipates that under the current MPS the MPS Groups will not emit more than 55,953 tons of SO<sub>2</sub> annually, correct?
  - b. So, any proposed cap below 55,953 tons per year of SO<sub>2</sub> will ensure compliance with the State's Regional Haze SIP, correct?
  - c. Could the MPS units emit more than 55,953 tons of SO<sub>2</sub> annually and still be in compliance with the MPS SO<sub>2</sub> emission limits?
5. Has the Illinois Attorney General presented any evidence demonstrating to the IEPA that a SO<sub>2</sub> annual emissions cap lower than 55,000 tons is necessary for the State to ensure compliance with any Clean Air Act requirement?
  6. Has the Illinois Attorney General presented any evidence demonstrating to the IEPA that a NO<sub>x</sub> annual emissions cap lower than 25,000 tons is necessary for the State to ensure compliance with any Clean Air Act requirement?
  7. Has the Illinois Attorney General presented any evidence demonstrating to the IEPA that the proposed annual emissions caps of 55,000 tons for SO<sub>2</sub> and 25,000 tons for NO<sub>x</sub> are not approvable by U.S. EPA?
  8. Has the Illinois Attorney General presented any evidence demonstrating to the IEPA that the proposed annual emissions caps of 55,000 tons for SO<sub>2</sub> and 25,000 tons for NO<sub>x</sub> will adversely affect any NAAQS?
  9. Do you agree that NAAQS are set to protect human health, welfare, and the environment with an adequate margin of safety?
    - a. Do you agree that NAAQS are intended to provide protection for the population as a whole, including at-risk groups, such as children and the elderly?
  10. To ensure compliance with the SO<sub>2</sub> NAAQS, IEPA monitors and models statewide emissions, correct?
    - a. In connection with evaluating maintenance or attainment of the SO<sub>2</sub> NAAQS, IEPA's model evaluated the impact of over 91,000 tons per year of SO<sub>2</sub> emissions from the MPS units, right?
    - b. In other words, IEPA's modeling demonstrates that levels of SO<sub>2</sub> in ambient air would be within acceptable levels even if emissions from the MPS units were around 91,000 tons of SO<sub>2</sub> annually, correct?
  11. Which restricts the total annual emissions Dynegy is lawfully allowed to emit from the two MPS Groups more, the current MPS annual rate-based limits for SO<sub>2</sub> and NO<sub>x</sub> or the proposed annual emissions caps of 55,000 tons for SO<sub>2</sub> and 25,000 tons for NO<sub>x</sub>?
  12. Is an annual SO<sub>2</sub> emissions cap of 55,000 tons at least as protective of air quality in Illinois as the current MPS SO<sub>2</sub> emission rates?

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- a. Is an SO<sub>2</sub> emissions cap of 49,000 tons per year necessary to protect air quality in Illinois to at least the same extent as the current MPS rules?
  - b. Has Illinois EPA identified any regulatory requirement that justifies setting the SO<sub>2</sub> emissions cap at 49,000 tons as opposed to 55,000 tons?
13. Is the Illinois EPA recommending that the proposed annual NO<sub>x</sub> emissions cap be reduced from 25,000 tons?
- a. If not, why not?

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 2<sup>nd</sup> day of March, 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 [rgranholm@schiffhardin.com](mailto:rgranholm@schiffhardin.com);

The number of pages in the e-mail transmission is 6.

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

/s/ Ryan Granholm

Ryan Granholm

Joshua More  
Amy Antonioli  
Ryan Granholm  
Caitlin Ajax  
SCHIFF HARDIN LLP  
233 South Wacker Drive  
Suite 7100  
Chicago, Illinois 60606  
312-258-5500

**SERVICE LIST**

<p>Don Brown, Assistant Clerk  <a href="mailto:Don.brown@illinois.gov">Don.brown@illinois.gov</a>                  Mark Powell, Hearing Officer  <a href="mailto:Mark.Powell@illinois.gov">Mark.Powell@illinois.gov</a>                  Marie Tipsord, Hearing Officer  <a href="mailto:Marie.Tipsord@illinois.gov">Marie.Tipsord@illinois.gov</a>                  Illinois Pollution Control Board                  James R. Thompson Center                  Suite 11-500                  100 West Randolph                  Chicago, Illinois 60601</p>	<p>Antonette Palumbo  <a href="mailto:Antonette.palumbo@illinois.gov">Antonette.palumbo@illinois.gov</a>                  Dana Vetterhoffer  <a href="mailto:Dana.vetterhoffer@illinois.gov">Dana.vetterhoffer@illinois.gov</a>                  Gina Roccaforte  <a href="mailto:Gina.roccaforte@illinois.gov">Gina.roccaforte@illinois.gov</a>                  Division of Legal Counsel                  Illinois Environmental Protection Agency                  1021 North Grand Avenue, East                  P.O. Box 19276                  Springfield, Illinois 62794-9276</p>
<p>Eric Lohrenz  <a href="mailto:Eric.lohrenz@illinois.gov">Eric.lohrenz@illinois.gov</a>                  Office of General Counsel                  Illinois Department of Natural Resources                  One Natural Resources Way                  Springfield IL 62702-1271</p>	<p>Andrew Armstrong  <a href="mailto:aarmstrong@atg.state.il.us">aarmstrong@atg.state.il.us</a>                  Office of the Attorney General                  500 South Second Street                  Springfield, IL 62706</p>
<p>James Gignac  <a href="mailto:jgignac@atg.state.il.us">jgignac@atg.state.il.us</a>                  Stephen Sylvester, Assistant Attorney General  <a href="mailto:ssylvester@atg.state.il.us">ssylvester@atg.state.il.us</a>                  Matthew Dunn  <a href="mailto:mdunn@atg.state.il.us">mdunn@atg.state.il.us</a>                  69 West Washington Street, Suite 1800                  Chicago, IL 60602  <a href="mailto:enviro@atg.state.il.us">enviro@atg.state.il.us</a></p>	<p>Katy Khayat  <a href="mailto:Katy.Khayyat@illinois.gov">Katy.Khayyat@illinois.gov</a>                  Department of Commerce and Economic                  Opportunity                  Small Business Office                  500 East Monroe Street                  Springfield, IL 62701</p>
<p>Jean-Luc Kreitner  <a href="mailto:jkreitner@elpc.org">jkreitner@elpc.org</a>                  Justin Vickers  <a href="mailto:jvickers@elpc.org">jvickers@elpc.org</a>                  35 East Wacker Drive, Suite 1600                  Chicago, IL 60601</p>	<p>Greg Wannier, Staff Attorney  <a href="mailto:Greg.wannier@sierraclub.org">Greg.wannier@sierraclub.org</a>                  Sierra Club Environmental Law Program                  2101 Webster Street, Suite 3100                  Oakland, CA 94612</p>
<p>Faith Bugel  <a href="mailto:fbugel@gmail.com">fbugel@gmail.com</a>                  Interested Party                  1004 Mohawk                  Wilmette, IL 60091</p>	<p>Katherine D. Hodge                  HeplerBroom LLC  <a href="mailto:khodge@heplerbroom.com">khodge@heplerbroom.com</a>                  4340 Acer Grove Drive                  Springfield, IL 62711</p>