

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:

AMENDMENTS TO 35 ILL. ADM.
CODE PARTS 201, 202, AND 212

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R2023-018A
(Rulemaking – Air)

NOTICE OF FILING

To: Attached Service List

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the **FIRST POST-HEARING COMMENT** on behalf Dynegy Midwest Generation, LLC; Illinois Midwest Generation, LLC; Power Generating Company; and Kincaid Generation, LLC (collectively, “Dynegy”) and Midwest Generation, LLC; and a **CERTIFICATE OF SERVICE**, which are attached and copies of which are herewith served upon you.

Dated: November 3, 2023

Respectfully submitted,

Dynegy Midwest Generation, LLC; Illinois
Power Generating Company; and Kincaid
Generation, LLC

Midwest Generation, LLC

/s/ Samuel A. Rasche
One of their Attorneys

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**FIRST POST-HEARING COMMENT OF DYNEGY AND MIDWEST GENERATION,
LLC**

Dynegy Midwest Generation, LLC; Illinois Power Generating Company; and Kincaid Generation, LLC (collectively, “Dynegy”) and Midwest Generation, LLC (“MWG”) (collectively, the “Companies”) by their attorneys, ArentFox Schiff LLP, hereby submit to the Illinois Pollution Control Board (“Board”) their First Post-Hearing comment in this sub-docket rulemaking.

On September 20, 2023, the Hearing Officer entered an Order in this sub-docket, which included the Board’s pre-filed questions to the participants of the proceeding. In the first pre-filed question, the Board asked participants whether they had any concerns regarding the non-substantive revisions to the proposed amendments shown in Attachment A to the pre-filed questions. Attachment, Hearing Officer Order, PCB R 23-18(A) at 1 (Sept. 20, 2023). In relation to the Companies’ joint proposal, the Board proposed revisions to 35 Ill. Adm. Code 212.124. The Companies have no concerns regarding the Board’s proposed revisions to Section 212.124.

Additionally, the Board questioned whether Dynegy boilers equipped with both ESPs and baghouses could be given a shorter averaging time than the proposed 3 hours. Dynegy explained that, while it believes three-hour averaging is justified for those boilers, it is willing to accept one-hour average for them. Transcript of First Hearing, PCB R 23-18(A) at 124:4 – 125:18 (Sept. 27,

2023). Per the Board's request, the Companies propose the following language, which would replace Board's proposed draft of 35 Ill. Adm. Code 212.124(d)(1):

1) Alternative Averaging Period.

For Baldwin Energy Complex coal-fired boilers 1 and 2, compliance for that six-minute period may be determined based on a one-hour average of opacity, utilizing opacity readings for those six minutes and the immediately preceding 54 minutes.

For Kincaid Power Station coal-fired boilers 1 and 2, Newton Power Station coal-fired boiler 1, and Powerton Generating Station coal-fired boilers 51, 52, 61, and 62, compliance for that six-minute period may be determined based on a three-hour average of opacity, utilizing opacity readings for those six minutes and the immediately preceding 174 minutes.

The Companies will submit additional post-hearing comments. Those comments will answer the other questions presented at the first hearing that the Companies committed to answering through post-hearing comments.

Respectfully submitted,

Dynegy Midwest Generation, LLC; Illinois
Power Generating Company; and Kincaid
Generation, LLC

Midwest Generation, LLC

/s/ Samuel A. Rasche
One of their Attorneys

Dated: November 3, 2023

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Attorneys for Dynegy and Midwest Generation

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 3rd day of November, 2023:

I have electronically served true and correct copies of the First Post-Hearing Comment of Dynegy and Midwest Generation, LLC by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon each person listed in the attached service list.

My e-mail address is sam.rasche@afslaw.com.

The number of pages in the e-mail transmission is 7.

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

/s/ Samuel A. Rasche

Samuel A. Rasche

Dated: November 3, 2023

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