

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAR 31 2006

STATE OF ILLINOIS
Pollution Control Board

MIDWEST GENERATION, LLC,)
WAUKEGAN GENERATING STATION,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB 2006-146
(CAAPP Permit Appeal)


To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, Illinois 60601

Sheldon A. Zabel
Kathleen C. Bassi
Stephen J. Bonebrake
Joshua R. More
Kavita M. Patel
Schiff Hardin, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **MOTION FOR LEAVE TO FILE A HARD COPY OF THE ADMINISTRATIVE RECORD AND FOUR COPIES OF THE ADMINISTRATIVE RECORD ON COMPACT DISCS** and **ADMINISTRATIVE RECORD** of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the assigned Hearing Office and the attorney for the Petitioner.

Respectfully submitted by,



Sally Carter
Assistant Counsel

Dated: March 29, 2006
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAR 31 2006

STATE OF ILLINOIS
Pollution Control Board

MIDWEST GENERATION, LLC,)
WAUKEGAN GENERATING STATION,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB No. 2006-146
(CAAPP Permit Appeal)

**MOTION FOR LEAVE TO FILE A HARD COPY OF THE
ADMINISTRATIVE RECORD AND FOUR COPIES OF THE
ADMINISTRATIVE RECORD ON COMPACT DISCS**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorneys, pursuant to 35 Ill. Adm. Code 101.500 and moves the ILLINOIS POLLUTION CONTROL BOARD ("Board") to grant the Illinois EPA leave in this cause to file a hard copy of the Administrative Record and scanned versions of the Administrative Record on four compact discs.

1. Petitioners filed their Petition with the Board on March 13, 2006, seeking a review of certain permit conditions contained within the Clean Air Act Permit Program ("CAAPP") permit issued to Midwest Generation, LLC ("Midwest Generation" or "Waukegan") by the Illinois EPA on February 7, 2006. The permit authorized the operation of an electrical power generation facility known as the Waukegan Generating Station. The facility is located at 410 East Greenwood Avenue, Waukegan, Lake County, Illinois. Formal notice of the appeal was served upon the Illinois EPA on March 15, 2006.

2. On March 16, 2006, the Board accepted Midwest Generation's Petition for hearing. In addition, the Board ordered the Respondent to file the entire record of its determination by April 12, 2006.

3. As previously conveyed to the Board in the related twenty-one CAAPP permit appeals, this Administrative Record and the related records are quite voluminous. Waukegan's record consists generally of six trial boxes of material. Approximately three boxes are particular to Waukegan alone, while three other boxes are more aptly characterized as general reference material and documents relevant to the decisions underlying the issuance of all twenty-two CAAPP permits to the State's electrical power generation facilities. As previously conveyed to the Board, the Illinois EPA does not possess the support-staff to make the necessary copies for filing before the Board, the assigned Hearing Officer and opposing counsel. If the Respondent were to seek leave from the Board to file four copies of the record, plus the original, the Respondent would still be mailing approximately thirty trial boxes to the Board for Waukegan alone. This scenario does not include the six boxes that would still be required for opposing counsel and, depending on the outcome of the settlement discussions, possibly the Hearing Officer as well.

4. In a February 16, 2006, Order, pertaining to the related twenty-one CAAPP appeals, and in response to the Illinois EPA's Motions for Leave to File the Administrative Record on Compact Discs, the Board ordered the Illinois EPA to file one hard copy of the Administrative Record and granted the Illinois EPA leave to file four copies of the Administrative Record on compact discs. The Illinois EPA seeks leave to

do the same for the Administrative Record applicable to the Waukegan Generating Station.

5. Counsel for Petitioner has previously conveyed to the Illinois EPA that they have no objection to a scanned version of the Administrative Record.

6. Based on the foregoing, the Illinois EPA formally seeks leave to file a hard copy of the Administrative Record and four copies of the Administrative Record on compact discs with the Board.¹ Specifically, the Illinois requests leave to file a hard copy and four sets of compact discs with the Board containing the three trial boxes of the Administrative Record that are particular to Waukegan alone. Consistent with the related twenty-one CAAPP appeals, the Illinois EPA requests leave to file one hard copy and four sets of compact discs for all twenty-two CAAPP permit appeals for the additional three trial boxes more aptly characterized as general reference material and documents relevant to the decisions underlying the issuance of all twenty-two CAAPP permits to the State's electrical power generation facilities. This will avoid the needless duplication of the same general reference discs for all twenty-two CAAPP appeals before the Board.

7. The granting of this Motion for Leave to File a Hard Copy of the Administrative Record and Four Copies of the Administrative Record on Compact Discs

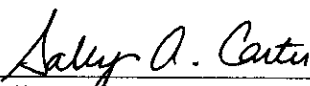
¹ As previously conveyed to the Board in the related permitted appeals, a searchable version of the scanned compact discs would be cost prohibitive to the State of Illinois. Under the State contract, it costs the Illinois EPA a little over three cents a page to have a document scanned by the contractor. To provide a searchable scanned document via optical character recognition, it would cost the Illinois EPA approximately a dollar a page for a typical written document. While the contractor does not provide a guarantee on the accuracy of this function, it typically operates with 70 % degree of accuracy. If the Illinois EPA requested the same search function on all handwritten documents in the Administrative Record as well, it would cost approximately \$1.65 per page. Counsel for the Illinois EPA estimates that there are approximately 150,000 pages including countless handwritten documents in the Administrative Record and the related records pertaining to the twenty-one CAAPP permit appeals involving the other electrical power generating facilities in the State. The cost differential between the varying degrees of searchable records and a non-searchable record is anywhere from \$150,000 to \$247,500 versus \$5,000.

will ensure that this voluminous record is not only filed but will further minimize any potential administrative burdens associated with the maintenance and storage of hundreds of trial boxes for this appeal, together with the other twenty-one CAAPP appeals before the Board and the assigned Hearing Officer.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion for Leave to File a Hard Copy of the Administrative Record and Four Copies of the Administrative Record on Compact Discs.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally A. Carter
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

MIDWEST GENERATION, LLC,)	
WAUKEGAN GENERATING STATION,)	
)	
Petitioner,)	
)	
v.)	PCB 2006-146
)	(CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ADMINISTRATIVE RECORD

The Respondent, Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorneys in accordance with the Illinois Pollution Control Board’s (“Board”) Order of February 16, 2006, files its Administrative Record (“Administrative Record”) in this cause.

Acting in accordance with its authority under the CAAPP provisions of the Illinois Environmental Protection Act (hereinafter “Act”), 415 ILCS 5/39.5(2004), the Illinois EPA issued a CAAPP permit to Midwest Generation on February 7, 2006. The permit authorized the operation of an electrical power generation facility known as the Waukegan Generating Station. The facility is located at 410 East Greenwood Avenue, in Waukegan, Illinois. On March 13, 2006, Petitioner filed a petition before the Board challenging certain permit conditions contained within the Clean Air Act Permit Program (“CAAPP”) permit issued by the Illinois EPA.

A hard copy of the Administrative Record and four copies of the Administrative Record on compact discs are filed with the Board. A Motion for Leave to File the Administrative Record on a Set of Compact Discs accompanies this Administrative

Record.¹ The Administrative Record consists of, among other things, Midwest Generation's permit application materials, various draft permits issued for public comment, correspondence between the Illinois EPA and both Midwest Generation and the United States Environmental Protection Agency, public comments received during the multiple public comment periods, various construction and operating permits issued to Midwest Generation, internal agency memorandums, and miscellaneous general reference materials.

Given the considerable amount of paginated materials and the resources required to provide the Administrative Record to the Board and opposing counsel, the Illinois EPA generally did not copy duplicative materials (e.g., general reference and Electric Energy - AUGI model documents) for each of the twenty-one records for the related CAAPP appeals. As the General Reference Material is applicable to all twenty-two appeals, the Illinois EPA has provided one hard copy of the General Reference Materials and four copies of the General Reference Materials on compact discs with the Board for all the related appeals. These documents are listed at the end of this Administrative Record under the heading "General Materials."

Contents of the Administrative Record

Miscellaneous documents pertaining to Draft Permit and Public Notice. **[Pages 1-162]**

Hearing Transcript, 2325 Brookside Avenue, Waukegan, Illinois, August 19, 2003. **[Pages 163-375]**

Preliminary Responsiveness Summary, dated August 15, 2005. **[Pages 376-419]**

¹ In a February 16, 2006, Order, pertaining to the related twenty-one CAAPP appeals, the Board ordered the Illinois EPA to file one hard copy of the Administrative Record and granted the Illinois EPA leave to file four copies of the Administrative Record on compact discs. The Illinois EPA seeks leave to do the same for the instant Administrative Record in the accompanying Motion for Leave to File the Administrative Record on a Set of Compact Discs

Proposed Permit (USEPA Review) Revised Proposed Permit, dated August 2005. **[Pages 420-559]**

Proposed Permit (USEPA Review) Proposed CAAPP Permit, dated October 6, 2003. **[Pages 560-679]**

Extension Denial Letter notifying that the comments must be postmarked by August 1, 2005. **[Page 680]**

Coal-Fired CAAPP Repreproposed Notification. **[Page 681]**

Draft Revised Proposed Permit, dated July 2005. **[Pages 682-820]**

Coal-Fired Revised Proposed CAAPP Notification. **[Page 821]**

Revised Proposed CAAPP Permit Draft, dated December 2004. **[Pages 822-957]**

July 19, 2005, Letter. **[Pages 958-963]**

August 15, 2005, Letter. **[Pages 964-969]**

September 29, 2005, Responsiveness Summary. **[Pages 970-1013]**

Revised Proposed Permit, dated December 2005. **[Pages 1014-1161]**

December 1, 2005, Responsiveness Summary. **[Pages 1162-1203]**

Waukegan CAAPP Notification, 12/1/05. **[Pages 1204-1205]**

Revised Proposed Permit - Draft, December 2005. **[Pages 1206-1353]**

December 1, 2005, Letter. **[Pages 1354-1358]**

Responsiveness Summary for the CAAPP Permit Application for Waukegan, dated December 23, 2005. **[Pages 1359-1417]**

Letter from Donald Sutton to Pamela Blakely, USEPA, Region 5, providing Resubmittal of Proposed CAAPP Permit for the Waukegan Generating Station, dated December 23, 2005. **[Pages 1418-1429]**

Letter from Brad Frost to Michigan Department of Environmental Quality and Indiana Department of Environmental Management, dated December 23, 2005. **[Pages 1430-1431]**

Final Permit and Calculation Sheet, dated February 7, 2006. **[Pages 1432-1582]**

February 7, 2006, Letter. **[Pages 1583-1588]**

Final Responsiveness Summary. **[Pages 1589-1646]**

097 190 AAC 03 95 09 0047 - Midwest Generation **[Pages 1647-1941]**

- * Traveler Sheet **[Page 1647]**
- * Application for CAAPP Permit, dated received September 7, 1995. **[Pages 1648-1652]**
- * Fee Determination for CAAPP Permit, dated received September 7, 1995. **[Pages 1653-1654]**
- * Compliance Certification, dated received September 7, 1995. **[Pages 1655-1663]**
- * CAAPP Application Completeness Determination and Source Fee Determination, Determination dated September 15, 1995. **[Pages 1664-1666]**
- * Process Emission Unit and Data Information, dated received October 10, 1995. **[Pages 1667-1871]**
- * Cost Estimates for NOx Emissions Reduction for All Coal-Fired Utility Boilers, date updated 3/5/97. **[Page 1872]**
- * Letter from Basil G. Constantelos, Director of Environmental, Health and Safety, Midwest Generation to Donald Sutton, Manager, Permit Section, Illinois EPA, regarding Waukegan 6 - NOx Overfire Air Reduction System, Operating Permit request and Title V application update, dated May 10, 2002, and attachments. **[Pages 1873-1889]**
- * Letter from Basil Constantelos to Clean Air Markets Official, USEPA, regarding Revised NOx Budget Account Certificate of Representation Forms, dated May 31, 2002, and attachments. **[Pages 1890-1895]**
- * Letter from Basil Constantelos to Julie Armitage regarding Construction Permit Special Condition Performance Report on Low NOx Burners, dated November 14, 2002, and attachment. **[Pages 1896-1917]**
- * Power Plant Initiative - February 2003, dated 2/3/03. **[Pages 1918-1919]**
- * Letter from Basil G. Constantelos to Jim Ross, Manager, Permit Section, Illinois EPA, regarding Notification of NOx Averaging for Compliance with IAC 217 Subpart V and Submittal of Form 640-CAAPP, dated April 3, 2003, and attachment. **[Pages 1920-1939]**

- * Memorandum from David Kolaz to Renee Cipriano regarding Approval for Public Hearings for Coal-Fired Power Plant Permits, dated June 2, 2003. **[Pages 1940-1941]**

Letter from Basil Constantelos to Donald Sutton regarding Title V Permit Application Complete Update, Waukegan Electrical Generating Station, dated June 20, 2003, and attached Title V Permit Application for the Waukegan Generating Station, dated June 19, 2003. **[Pages 1942-2838]**

Miscellaneous Correspondence & Application Material **[Pages 2839-2852]**

- * Letter from Basil Constantelos to Donald Sutton regarding Title V Permit Application Complete Update, Waukegan Electrical Generating Station, dated June 20, 2003. **[Pages 2839-2843]**
- * Email from Jim Ross, Acting Permit Section Manager, Illinois EPA to Stacey Coburn, USEPA, regarding comments on CAAPP permits, dated 7/10/03 9:10 AM. **[Page 2844]**
- * Letter from Basil Constantelos to Jim Ross regarding NOx SIP Call and Application for Budget Permit for Electrical Generating Units, dated July 15, 2003, and attachment. **[Pages 2845-2850]**
- * Information concerning Greenhouse Gases, dated 7/31/03. **[Pages 2851-2852]**

Memorandum from Pamela Brooks, Air Quality Planning Section, BOA, to Rob Kaleel, Air Quality Planning Section, BOA, regarding Midwest Generation Environmental Justice Study Modeling Analysis, dated November 3, 2003. **[Pages 2853-2858]**

Miscellaneous Correspondence & Application Material - Part II **[Pages 2859-3013]**

- * Handwritten notes of Laurel Kroack regarding Title V permits, dated November 21, 2003. **[Pages 2859-2860]**
- * Facsimile from Keith Harley to Julie Armitage, dated November 24, 2003. **[Pages 2861-2866]**
- * Note and attachment from Chris Romaine to Dave Kolaz, dated 12/10/03. **[Pages 2867-2874]**
- * Email from Bruce Nilles to Renee Cipriano and David Kolaz dated 1/12/2004 including "Draft 1.12.03" and handwritten notes of Laurel Kroack. **[Pages 2875-2876]**
- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM, with handwritten notes. **[Pages 2877-2878]**

- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM. **[Page 2879]**
- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM with handwritten notes of Laurel Kroack. **[Pages 2880]**
- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM with handwritten notes of Chris Romaine. **[Pages 2881-2887]**
- * Handwritten notes of Laurel Kroack beginning “Enviros & Title V Power Plants,” dated 2/3/2004. **[Pages 2888-2889]**
- * Meeting sign-in sheet, dated 2/4/04 **[Page 2890]**.
- * Memorandum from Laurel Kroack to Renee Cipriano regarding Title V permits for coal-fired power plants, including Midwest Generation, dated February 4, 2004. **[Pages 2891-2894]**
- * Email from Chris Romaine to Natalie Locke and Steve Whitworth, dated 2/19/2004, 2:41 PM. **[Page 2895]**
- * Handwritten notes of Manish Patel regarding meeting with USEPA on coal-fired power plant CAAPPs dated 2/24/04, 1:30 PM. **[Page 2896]**
- * Handwritten notes of Manish Patel regarding conference call with coal-utility facilities, dated 2/25/04, 1:30 PM. **[Page 2897]**
- * Handwritten notes regarding call with USEPA for MidGen coal fired CAAPP, dated 3/2/04. **[Page 2898]**
- * “Petroleum Bazaar - The No.1 sites on Petroleum Products,” dated 4/9/2004. **[Pages 2899-2903]**
- * Facsimile “Midwest Generation L.L.C., Voluntary Opacity Improvement Protocol, dated April 22, 2004. **[Pages 2904-2905]**
- * Memorandum from David Kolaz to Renee Cipriano regarding status and time line for Title V Power Plant Issuance, dated April 28, 2004. **[Pages 2906-2907]**
- * Handwritten notes of Laurel Kroack regarding meeting with USEPA concerning power plant permits, dated 5/6/04. **[Pages 2908-2910]**
- * Handwritten notes of Chris Romaine beginning “ ‘Midwest Generation’ - IEPA - USEPA,” dated 5-6-04. **[Pages 2911-2912]**

- * Facsimile from Bill Constantelos to Dave Kolaz, dated May 10, 2004, and attached letter to Renee Cipriano from Fred McCluskey, dated May 10, 2004. **[Pages 2913-2936]**
- * Memorandum from Laurel Kroack to Cheryl Newton regarding Utility Permit Issuance Timeline, dated June 1, 2004. **[Page 2937]**
- * Email from Manish Patel to Chris Romaine, John Cashman and Kunj Patel regarding Utility CAAPP permits dated 6/16/2004 and handwritten notes of Manish Patel. **[Page 2938]**
- * Facsimile from Chris Romaine to Stacey Coburn, USEPA, Region V, dated 6/29/04, providing facsimile from Basil Constantelos to Dave Kolaz, dated May 10, 2004, and attachments. **[Pages 2939-2952]**
- * Facsimile from Chris Romaine to Stacey Coburn providing draft turbine language, dated 6/29/04. **[Page 2953-2978]**
- * Facsimile cover sheet from Chris Romaine to Stacey Coburn, dated 6/29/04. **[Page 2979]**
- * Email from Chris Romaine to John Cashman, Ross Cooper, Kunj Patel and Manish Patel, dated 7/24/04, 5:08 AM, with handwritten notes from Chris Romaine. **[Page 2980]**
- * Handwritten notes of Laurel Kroack regarding Title V, dated 8/30/04. **[Pages 2981-2983]**
- * Letter from Bharat Mathur, Acting Regional Administrator, USEPA, to Renee Cipriano, Illinois EPA, dated December 2, 2004. **[Pages 2984-2986]**
- * Email from Chris Romaine to Manish Patel regarding Power Plant CAAPP Permits, dated 12/7/2004, 4:14 AM, and handwritten notes of Manish Patel. **[Page 2987]**
- * Letter from American Bottom Conservancy, et al. to Renee Cipriano regarding procedure to issue Title V permits for coal-fired power plants, dated January 6, 2005. **[Pages 2988-2989]**
- * Letter from Donald Sutton to American Bottom Conservancy, et al., dated January 13, 2005, responding to letter dated January 6, 2005. **[Pages 2990-3001]**
- * Letter from Laurel Kroack, Acting Chief, Bureau of Air, Illinois EPA, to Steve Rothblat, USEPA, dated January 18, 2005. **[Pages 3002-3009]**

- * Handwritten notes of Laurel Kroack regarding utility, title V, dated 1/26/05. **[Pages 3010-3011]**
- * Notes of Laurel Kroack regarding March 21, 2005, call with feds. **[Pages 3012-3013]**

Letter from Basil Constantelos to Donald Sutton regarding Waukegan Station Title V Application Update, dated April 27, 2005, and attached Title V Permit Application Update-Revision 1, revised April 21, 2005. **[Pages 3014-3054]**

Miscellaneous Correspondence & Application Material - Part III **[Pages 3055-3126]**

- * Notes of Julie Armitage regarding May 10, 2005, meeting with the feds. **[Pages 3055-3060]**
- * List of Michael Reed, dated June 9, 2005. **[Page 3061]**
- * Draft Instructions, dated June 23, 2005. **[Pages 3062-3072]**
- * Note and attachments from Michael Reed to Chris Romaine, dated July 17, 2005. **[Pages 3073-3084]**
- * Miscellaneous documents regarding request for extension of time to comment on the Preliminary Responsiveness Summary and Draft Revised Proposed Title V Permits. **[Pages 3085-3091]**
- * Handwritten notes of Michael Reed, dated August 1, 2005. **[Pages 3092-3096]**
- * Notes of Michael Reed regarding feds conference call, dated September 16, 2005. **[Pages 3097-3098]**
- * Email exchange between Chris Romaine and Bill Constantelos regarding testing of PM emissions, dated 9/20/05-9/23/05. **[Pages 3099-3100]**
- * Handwritten notes of Laurel Kroack, dated September 23, 2005. **[Page 3101]**
- * Letter from Kathleen Bassi to Donald Sutton regarding NOx averaging plan, dated November 9, 2005. **[Page 3102]**
- * Letter from Stephen Rothblatt to Laurel Kroack, dated November 14, 2005, providing USEPA Orders Responding to Lake County Conservation Alliance petition on Midwest Generation. **[Pages 3103-3104]**
- * Waukegan Title V Permit, and handwritten notes of Donald Sutton. **[Pages 3105-3126]**

Model Permit Developments, Summer 2003. **[Pages 3127-3275]**

Miscellaneous Emails Relevant to Waukegan. **[Pages 3276-4983]**

Miscellaneous Undated Notes of Illinois EPA Staff. **[Pages 4984-5045]**

Miscellaneous Undated Documents Likely Generated by Illinois EPA. **[Pages 5046-5124]**

Miscellaneous Documents Supplied to USEPA. **[Pages 5125-5302]**

Miscellaneous Lists or Drafting Documents. **[Pages 5303-5447]**

Miscellaneous Drafting Documents - Permits. **[Pages 5448-6179]**

Miscellaneous Opacity Documents. **[Pages 6180-6299]**

Miscellaneous Opacity Documents Pertaining to Waukegan. **[Pages 6300-6345]**

Miscellaneous Environmental Justice Documents. **[Pages 6346-6393]**

FESOP NOx Averaging Permits. **[Pages 6394-6397]**

NSPS Worksheet. **[Page 6398]**

197 190 AAC Waukegan ERMS file. **[Pages 6399-6452]**

Miscellaneous Information Relative to Harvard School of Public Health. **[Pages 6453-6474]**

Waukegan Construction Permits & Miscellaneous Operating Permits. **[Pages 6475-6616]**

Documentation Relative to Proceedings Before the Administrator, USEPA. **[Pages 6617-7029]**

Miscellaneous documents pertaining to Midwest Generation's response to the USEPA's Section 114(a) of the Clean Air Act request including the trade secret appeal pending before the Illinois Pollution Control Board, *Midwest Generation EME, LLC v. Illinois EPA, PCB 4-185*. For purposes of this administrative record, the Illinois EPA requests that the Board take judicial notice of the administrative record previously filed before the Board in *PCB 4-185*. **[Pages 7030-7331]**

Miscellaneous documents pertaining to Commonwealth Edison's response to the USEPA's Section 114(a) of the Clean Air Act request including the trade secret appeal pending before the Illinois Pollution Control Board, *Commonwealth Edison Company v.*

Illinois EPA, PCB 4-215. For purposes of this administrative record, the Illinois EPA requests that the Board take judicial notice of the administrative record previously filed before the Board in *PCB 4-215*. **[Pages 7332-7373]**

Startup, Combustion Evaluation & Alternative Fuel Memorandums. **[Pages 7374-7381]**

- * Memorandum from Michael T. Reed, CAAPP Unit Manager, to Power Plant File regarding Provisions Requiring Detailed Records of Startups After a Certain Timeframe, dated September 23, 2005. **[Pages 7374-7375]**
- * Memorandum from Michael Reed to Power Plant File regarding Provisions Requiring Combustion Evaluations, dated September 23, 2005. **[Pages 7376-7378]**
- * Memorandum from Chris Romaine, Manager, Utility Unit to Power Plant File regarding Provisions for Burning Materials Other Than Coal in Power Boilers, dated September 28, 2005. **[Pages 7379-7381]**

Comments specific to Waukegan **[Pages 7382-7877]**

- * Electronic mail from Scott Miller, Midwest Generation, to John Cashman providing Title V Comments for Waukegan, dated 6/25/03, 3:25 PM. **[Page 7382]**
- * Letter from Fred W. McCluskey, Vice President of Technical Services and Partnership Management, Midwest Generation, to Charles Matoesian, Hearing Officer, regarding Comments on the Draft Title V Permit for the Waukegan Generating Station, dated September 24, 2003, and attachments. **[Pages 7383-7548]**
- * Letter from Verna Owen, Lake County Conservation Alliance, to Charles Matoesian providing comments on coal fired power plants, received October 1, 2003, and attachments. **[Pages 7549-7581]**
- * Letter from Basil Constantelos to Charles Matoesian regarding Comments on the Proposed Title V Permit for the Waukegan Generating Station, dated November 20, 2003, and attachments. **[Pages 7582-7697]**
- * Letter from Fred W. McCluskey, Vice-President, Technical Services and Partnership Management, Midwest Generation, to Charles Matoesian regarding Supplement Comments for the Waukegan Generating Station, dated January 17, 2005, and attachments. **[Pages 7698-7849]**
- * Electronic mail from Verena Owens, Lake County Conservation Alliance, to Charles Matoesian regarding Draft response to public comments CAAPP permit

application for Midwest Generation's Waukegan coal fired power plant, Permit #95090047, dated July 30, 2005. **[Pages 7850-7853]**

- * Letter from Fred McCluskey to Charles Matoesian providing Comments on the Draft Revised Proposed Permits Posted December 1, 2005, and on the Responsiveness Summary - Waukegan Station ID# 097190AAC, dated December 14, 2005. **[Pages 7854-7871]**
- * Email from Verena Owen to Charles Matoesian providing comments on the MWG Waukegan permit, dated 12/16/2005. **[Pages 7872-7877]**

Comments particular to Midwest Generation **[Pages 7878-8040]**

- * Letter from Kathleen C., Bassi, Sonnenschein Nath & Rosenthal LLP, to Charles Matoesian, regarding CAAPP Permit Hearings for Midwest Generation Electrical Generating Stations, dated September 19, 2003. **[Pages 7878-7879]**
- * Letter from Citizens Against Ruining the Environment to Charles Matoesian regarding Midwest Generation EME, LLC Title V/CAAP/ Title I Permit Application, dated received September 29, 2003. **[Pages 7880-7885]**
- * Letter from Basil Constantelos to Brad Frost and Charles Matoesian regarding Request for Extension of Time for Commenting on the Preliminary Responsiveness Summary and Draft Revised Proposed Title V Permits Posted July 19, 2005, dated July 25, 2005. **[Page 7886]**
- * Letter from Charles Matoesian to Basil Constantelos regarding Request for Extension of Time for Commenting on Proposed Title V Permits Posted On July 19, 2005, dated July 28, 2005. **[Page 7887]**
- * Letter from Fred McCluskey to Charles Matoesian regarding Comments on the Draft Revised Proposed Permits Posted July 19, 2005, and on the Preliminary Responsiveness Summary, dated August 1, 2005. **[Pages 7888-7910]**
- * Letter from Keith Harley, Chicago Legal Clinic, to Charles Matoesian regarding CAAPP Permits for the Fisk, Crawford, Will County, Joliet and Waukegan Coal-Fired Power Plants, dated August 1, 2005. **[Pages 7911-8040]**

General Comments **[Pages 8041-8989]**

- * Comments of the Sierra Club and American Bottom Conservancy, Summer 2003. **[Pages 8041-8079]**
- * Letter from Matthew J. Dunn, Division Chief, Environmental Enforcement/Asbestos Litigation Division, Illinois Attorney General's Office, to

Charles Matoesian regarding Coal Powered Generation Plants Title V Permit Applications, dated September 29, 2003. **[Pages 8080-8094]**

- * Email from Stacey Coburn to Chris Romaine regarding Enhanced coal-fired boiler CAAPP permits, dated April 12, 2004, 4:53 PM, and handwritten notes of Manish Patel. **[Pages 8095-8097]**
- * Email from Verna Owen to Mr. Holmstead, dated 12/14/2004 12:09:23 PM. **[Pages 8098-8099]**
- * Letter from Paula Becker Wheeler, Assistant Attorney General, Illinois Attorney General's Office, to Charles Matoesian providing comments to Revised Proposed CAAPP Permits for 22 Coal-Fired Power Plants, dated January 14, 2005, and attachments. **[Pages 8100-8485]**
- * Letter from Keith Harley, Attorney at Law, Chicago Legal Clinic, Inc., to Charles Matoesian regarding Revised Proposed CAAPP Permits for Coal-Fired Power Plants, dated January 14, 2005, and attachments. **[Pages 8486-8882]**
- * Letter from Ann Alexander, Environmental Counsel to Attorney General Lisa Madigan, to Charles Matoesian regarding Comments on draft revised proposed CAAPP permits, dated August 1, 2005, and attachments. **[Pages 8883-8989]**

Proceedings in the US District Court. **[Pages 8990-9031]**

Title I/ Title V MOU **[Pages 9032-9037]**

November 12, 1981 USEPA Directive **[Pages 9038-9042]**

HPV Matrix Criteria Opacity **[Pages 9043-9053]**

White Paper **[Pages 9054-9088]**

White Paper 2 **[Pages 9089-9141]**

Guidance: Statement of Basis **[Pages 9142-9144]**

Design of Flexible Air Permits **[Pages 9145-9199]**

September 28, 1982 Bennett Memorandum **[Pages 9200-9202]**

February 15, 1983 Bennett Memorandum **[Pages 9203-9207]**

Limiting PTE in New Source Permitting, June 13, 1989 **[Pages 9208-9219]**

Startup, Shutdown Guidance: January 28, 1993 **[Pages 9220-9222]**

January 15, 1997, Title V Guidance [**Pages 9223-9229**]
USEPA Guidance Directed to Ohio EPA [**Pages 9230-9233**]
January 21, 1998 Fuel Flexibility Guidance [**Pages 9234-9244**]
August 11, 1999 (September 20, 1999) Herman Memorandum [**Pages 9245-9265**]
Fort James Cames Mill Petition [**Pages 9266-9308**]
December 5, 2001, Schaeffer Memorandum [**Pages 9309-9310**]
Miscellaneous Reference Material [**Pages 9311-9312**]

General Materials

Electric Energy - AUGI Model Documents: [**Pages 1-2536**]
Early Discussions with AUGI on Fugitives [**Page 1**]
Model Permit Development Early Discussions with AUGI [**Pages 2-12**]
Early Discussion with AUGI Effect of Flow Rater (Load) on ESP Performance [**Pages 13-14**]
EEI - June 25, 1997 [**Pages 15-65**]
EEI - August 13, 1997 [**Pages 66-80**]
EEI - August 14, 1997 [**Pages 81-82**]
EEI- August 20, 1997 [**Pages 83-91**]
EEI - September 9, 1997 [**Pages 92-98**]
EEI - October 1997, Cover Letter and Preliminary Draft Permit [**Pages 99-160**]
EEI - October 27, 1997 [**Pages 161-162**]
EEI - December 8, 1997 [**Pages 163-165**]
EEI - December 12, 1997 [**Pages 166-176**]
EEI - December 17, 1997 [**Pages 177-263**]

EEI - December 25, 1997 [**Pages 264-321**]

Late 1997 - Early 1998 Internal Drafting [**Pages 322-378**]

EEI - January 9, 1998 [**Pages 379-444**]

EEI - February 4, 1998 [**Pages 445-452**]

EEI - February 16, 1998 [**Pages 453-512**]

EEI - February 23, 1998 [**Pages 513-521**]

EEI - February 24, 1998 [**Pages 522-524**]

EEI - February 26, 1998 [**Pages 525-527**]

EEI - February 27, 1998 [**Pages 528-546**]

EEI - March 1998 [**Pages 547-566**]

EEI - April 1998 [**Pages 567-580**]

EEI - Sharing with USEPA 1998 [**Pages 581-612**]

EEI - May 4, 1998 [**Pages 613-670**]

EEI - June 26, 1998 [**Pages 671-677**]

EEI - July 5, 1998 [**Pages 678-716**]

EEI - August 4, 1998 [**Pages 717-773**]

EEI - September 30, 1998 [**Pages 774-829**]

USEPA Comments September 1998 [**Pages 830-851**]

EEI - December 28, 1998 [**Pages 852-859**]

EEI - May 11, 1999 [**Pages 860-871**]

EEI - May 12, 1999, Draft to Notice? [**Pages 872-966**]

EEI - May 12, 1999 [**Pages 967-972**]

EEI - May 14, 1999 [**Pages 973-1047**]

EEI - May 20, 1999 [**Page 1048**]

EEI - August 4, 1999 [**Pages 1049-1052**]

AUGI Comments Summer 1999 [**Pages 1053-1067**]

EEI - March 17, 2002 [**Pages 1068-1139**]

EEI - May 10, 2002 [**Page 1140**]

EEI - July 2002 [**Pages 1141-1225**]

EEI - August 2002 [**Page 1226**]

EEI - September 2002 [**Pages 1227-1410**]

EEI - Draft to Notice September 2002 [**Pages 1411-1505**]

EEI - Public Comments October 2002 [**Pages 1506-1514**]

EEI - Exchange with USEPA November 2002 [**Pages 1515-1519**]

EEI - December 6, 2002 [**Pages 1520-1521**]

EEI - March 11 and 12, 2003 [**Pages 1522-1524**]

EEI - April 2003 [**Pages 1525-1631**]

EEI Tracked Changes for Preparation of October 2003 Proposed Permit [**Pages 1632-1683**]

EEI - Miscellaneous Emails [**Pages 1684-2514**]

AUGI Miscellaneous Notes [**Pages 2515-2536**]

Emails

General Emails, 2002 [**Pages 2537-2567**]

General Emails, 2003 [**Pages 2568-3807**]

General Emails, January 2004 - May 31, 2004 [**Pages 3808-4739**]

General Emails, June 1, 2004 - December 31, 2004 [**Pages 4740-5906**]

General Emails, 2005 [Pages 5907-7131]

Miscellaneous Reference Documents:

Miscellaneous Cases Before the Administrator - USEPA [Pages 7132-7483]

Compliance Assurance Monitoring Rule [Pages 7484-7597]

Good Engineering Practices [Page 7598]

Electrostatic Precipitators [Pages 7599-7644]

Environmental Justice [Pages 7645-7649]

Information on Existing Plants [Pages 7650-7660]

Monitoring [Page 7661]

Periodic Monitoring Guidance [Pages 7662-7694]

Background Information on NSR Enforcement [Pages 7695-7876]

Public Hearing Reference Document/Folder [Pages 7877-8157]

Miscellaneous Opacity Reports [Pages 8158-9038]

- * CWLP [Pages 8158-8181]
- * Dynegy [Pages 8182-8202]
- * Electric [Pages 8203-8248]
- * Miscellaneous [Pages 8249-8255]
- * Ameren [Pages 8256-8593]
- * Midwest Generation [Pages 8594-8778]
- * Midwest Generation - Old [Pages 8779-9038]


Collins Opacity Report [Pages 9039-9113]

Miscellaneous Documents from Florida [Pages 9114-9135]

Miscellaneous Documents from Georgia [Pages 9136-9176]
Miscellaneous Documents from Indiana [Pages 9177-9183]
Miscellaneous Documents from Iowa [Pages 9184-9228]
Miscellaneous Documents from Kentucky [Pages 9229-9263]
Miscellaneous Documents from Michigan [Pages 9264-9298]
Miscellaneous Documents from Ohio [Pages 9299-9365]
Miscellaneous Documents from Utah [Pages 9366-9482]
Supersession and Credible Evidence Guidance [Pages 9483-9486]
Draft Title V Permit Review Guidelines [Pages 9487-9620]

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally A. Carter
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March 2006, I did send, by ^{CMS Courier}~~first class mail, postage~~
~~prepaid~~, one (1) original and four (4) copies of the following instrument entitled

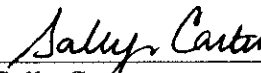
ADMINISTRATIVE RECORD to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instrument, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, Illinois 60601

Sheldon A. Zabel
Kathleen C. Bassi
Stephen J. Bonebrake
Joshua R. More
Kavita M. Patel
Schiff Hardin, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606



Sally Carter
Assistant Counsel