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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

APR 18 2006

STATE OF ILLINOIS
Pollution Control Board

KINCAID GENERATION, L.L.C.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 2006-62
(CAAPP Permit Appeal)

NOTICE

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
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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 **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: April 14, 2006
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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KINCAID GENERATION, L.L.C.,)	
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v.)	PCB 2006-62
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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 Kincaid Generation, LLC, ("Kincaid") on September 29, 2005. The permit authorized the operation of an electrical power generation facility known as the Kincaid Generating Station. The facility is located at 4 miles west of Kincaid, Illinois on Route 104. On November 3, 2005, 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.

In accordance with the Board's February 16, 2006, Order, a hard copy of the Administrative Record and four copies of the Administrative Record on compact discs are filed with the Board. The Administrative Record consists of, among other things,

Kincaid's permit application materials, various draft permits issued for public comment, correspondence between the Illinois EPA and both Kincaid and the United States Environmental Protection Agency, public comments received during the multiple public comment periods, various construction and operating permits issued to Kincaid, 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 1-119]**

Preliminary Responsiveness Summary, dated August 15, 2005. **[Pages 120-163]**

Proposed Permit (USEPA Review) Revised Proposed Permit, dated August 2005. **[Pages 164-302]**

Proposed Permit (USEPA Review) Proposed CAAPP Permit, dated October 6, 2003. **[Pages 303-415]**

Extension Denial Letter notifying that the comments must be postmarked by August 1, 2005. **[Page 416]**

Coal-Fired CAAPP Repreproposed Notification. **[Page 417]**

Draft Revised Proposed Permit, dated July 2005. **[Pages 418-555]**

Coal-Fired Revised Proposed CAAPP Notification. **[Page 556]**

Revised Proposed CAAPP Permit Draft, dated December 2004. **[Pages 557-685]**

July 19, 2005, Letter. **[Pages 686-691]**

August 15, 2005, Letter. **[Pages 692-697]**

Final Permit and Calculation Sheet, dated September 2005. **[Pages 698-837]**

September 29, 2005, Letter. **[Pages 838-844]**

Final Responsiveness Summary. **[Pages 845-888]**

In the Matter of Particulate Emission Limitations, Rule 203(g)(1) and 202(b) of Chapter 2, Rule 82-1, June 30, 1988. [Pages 889-931]

021 814 AAB - 95090078 Kincaid Station **[Pages 932-979]**

- * Fee Determination for CAAPP Permit, dated received September 7, 1995. **[Pages 932-933]**
- * Compliance Certification, dated received September 7, 1995. **[Pages 934-942]**
- * Application for CAAPP Permit, dated received September 7, 1995. **[Pages 943-947]**
- * Telephone Log Sheet, dated September 25, 1995, through September 27, 1995, and handwritten note dated 9-29-05. **[Pages 948-949]**
- * CAAPP Application Completeness Determination and Source Fee Determination, date of determination October 23, 1995. **[Pages 950-952]**
- * Cost Estimates for NOx Emissions Reduction for All Coal-Fired Utility Boilers, date updated 3/5/97. **[Page 953]**
- * Letter from Donald Sutton to Ms. Brenda Beerman, McGuire Woods Battle & Boothe regarding Procedures for Transfer of Acid Rain Permits, dated February 24, 1998. **[Pages 954-956]**
- * Letter from Robert J. Manning, Executive Vice President, Commonwealth Edison Company, and Thomas N. Chewning, President, Kindcaid Generation, LLC, regarding Transfer of Air Permit and Pending Application(s), dated February 27, 1998. **[Pages 957-958]**

- * Letter from Donald Sutton to Mr. Shelton, Kincaid Generation, LLC, providing a revised permit letter reflecting a change of ownership, dated February 27, 1998, and attachments. **[Pages 959-978]**
- * Letter from CJ Saladino, Kincaid Station Director, to Illinois EPA regarding Revised Illinois CAAPP Permit Application Submittal for Kincaid Generating Station, dated February 4, 2002. **[Page 979]**

Application for CAAPP Permit for the Kincaid Generating Station, dated December 6, 2002. **[Pages 980-1638]**

Miscellaneous Correspondence & Application Material **[Pages 1639-1808]**

- * Power Plant Initiative - February 2003, dated 2/3/03. **[Pages 1639-1640]**
- * Memorandum from David Kolaz to Renee Cipriano regarding Approval for Public Hearings for Coal-Fired Power Plant Permits, dated June 2, 2003. **[Pages-1641-1642]**
- * 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 1643]**
- * Information concerning Greenhouse Gases, dated 7/31/03. **[Pages 1644-1645]**
- * Notes of Meeting with Dominion/Kincaid/IEPA of Manesh Patel, dated 9/22/03. **[Pages 1646-1648]**
- * Handwritten notes of Laurel Kroack regarding Title V permits, dated November 21, 2003. **[Pages 1650-1651]**
- * Facsimile from Keith Harley to Julie Armitage, dated November 24, 2003. **[Pages 1652-1657]**
- * Note and attachment from Chris Romaine to Dave Kolaz, dated 12/10/03. **[Pages 1658-1665]**
- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM, with handwritten notes. **[Pages 1666-1667]**
- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM. **[Page 1668]**
- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM with handwritten notes of Laurel Kroack. **[Page 1669]**

- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM with handwritten notes of Chris Romaine. **[Pages 1670-1676]**
- * Handwritten notes of Laurel Kroack beginning “Enviros & Title V Power Plants,” dated 2/3/2004. **[Pages 1677-1678]**
- * Memorandum from Laurel Kroack to Renee Cipriano regarding Title V permits for coal-fired power plants, including Midwest Generation, dated February 4, 2004. **[Pages 1679-1682]**
- * Email from Chris Romaine to Natalie Locke and Steve Whitworth, dated 2/19/2004, 2:41 PM. **[Page 1683]**
- * Handwritten notes of Manish Patel regarding meeting with USEPA on coal-fired power plant CAAPPs dated 2/24/04, 1:30 PM. **[Page 1684]**
- * Handwritten notes of Manish Patel regarding conference call with coal-utility facilities, dated 2/25/04, 1:30 PM. **[Page 1685]**
- * Memorandum from David Kolaz to Renee Cipriano regarding status and time line for Title V Power Plant Issuance, dated April 28, 2004. **[Pages 1686-1687]**
- * Handwritten notes of Laurel Kroack regarding meeting with USEPA concerning power plant permits, dated 5/6/04. **[Pages 1688-1690]**
- * 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 1691-1714]**
- * Memorandum from Laurel Kroack to Cheryl Newton regarding Utility Permit Issuance Timeline, dated June 1, 2004. **[Page 1715]**
- * 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 1716-1729]**
- * Facsimile cover sheet from Chris Romaine to Stacey Coburn, dated 6/29/04. **[Page 1730]**
- * 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 1731]**
- * Handwritten notes of Laurel Kroack regarding Title V, dated 8/30/04. **[Pages 1732-1734]**

- * Letter from Bharat Mathur, Acting Regional Administrator, USEPA, to Renee Cipriano, Illinois EPA, dated December 2, 2004. **[Pages 1735-1737]**
 - * 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 1738]**
 - * 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 1739-1740]**
 - * Letter from Donald Sutton to American Bottom Conservancy, et al., dated January 13, 2005, responding to letter dated January 6, 2005. **[Pages 1741-1752]**
 - * Letter from Laurel Kroack, Acting Chief, Bureau of Air, Illinois EPA, to Steve Rothblat, USEPA, dated January 18, 2005. **[Pages 1753-1759]**
 - * Handwritten notes of Laurel Kroack regarding utility, title V, dated 1/26/05. **[Pages 1760-1761]**
 - * Notes of Laurel Kroack regarding March 21, 2005, call with feds. **[Pages 1762-1763]**
 - * Notes of Julie Armitage regarding May 10, 2005, meeting with the feds. **[Pages 1764-1769]**
 - * List of Michael Reed, dated June 9, 2005. **[Page 1770]**
 - * Draft Instructions, dated June 23, 2005. **[Pages 1771-1781]**
 - * Note and attachments from Michael Reed to Chris Romaine, dated July 17, 2005. **[Pages 1782-1793]**
 - * Miscellaneous documents regarding request for extension of time to comment on the Preliminary Responsiveness Summary and Draft Revised Proposed Title V Permits. **[Pages 1794-1800]**
 - * Handwritten notes of Michael Reed, dated August 1, 2005. **[Pages 1801-1805]**
 - * Notes of Michael Reed regarding feds conference call, dated September 16, 2005. **[Pages 1806-1807]**
 - * Handwritten notes of Laurel Kroack, dated September 23, 2005. **[Page 1808]**
- Model Permit Developments, Summer 2003. **[Pages 1809-1957]**

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Documentation Relative to Proceedings Before the Administrator, USEPA. **[Pages 3564-3911]**

Startup, Combustion Evaluations & Alternative Fuel Memorandums. **[Pages 3912-3919]**

- * 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 3912-3914]**
- * Memorandum from Michael Reed to Power Plant File regarding Provisions Requiring Combustion Evaluations, dated September 23, 2005. **[Pages 3915-3916]**
- * 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 3917-3919]**

Comments Specific to Kincaid. **[Pages 3920-3935]**

- * Letter from Pamela F. Faggert, Vice President and Chief Environmental Officer, Dominion, to Ross Cooper, Illinois EPA, regarding Comments on Draft Title V Permit for Kincaid Generating Station, dated September 26, 2003. **[Pages 3920-3922]**

- * Electronic mail from Anu Singh, P.E., Senior Environmental Compliance Engineer, Dominion-Kincaid Generation, to Roston Cooper, providing Comments on Draft CAAPP for Kincaid, dated September 26, 2003, 9:32 AM, and attachment. **[Pages 3923-3927]**
- * Electronic mail from Stacey Coburn, USEPA, to Roston Cooper, providing comments on proposed CAAPP permit for Kincaid Generation, dated November 24, 2003, 4:25 PM. **[Page 3928]**
- * Letter from Pamela Faggert to Charles Matoesian, Illinois EPA, regarding Comments on Draft Title V Permit for Kincaid Generation, LLC, dated January 14, 2005. **[Pages 3929-3933]**
- * Letter from Pamela Faggert to Charles Matoesian, regarding Comments on Draft Title V Permit for Kincaid Generation, LLC, dated August 1, 2005. **[Pages 3934-3935]**

General Comments. [Pages 3936-4876]

- * Comments of the Sierra Club and American Bottom Conservancy, Summer 2003. **[Pages 3936-3973]**
- * 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 3974-3988]**
- * 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 3989-3991]**
- * Email from Verna Owen to Mr. Holmstead, dated 12/14/2004 12:09:23 PM. **[Pages 3992-3993]**
- * 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 3994-4378]**
- * 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 4379-4763]**
- * 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 4764-4876]**

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September 28, 1982 Bennett Memorandum [Pages 5087-5089]

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Limiting PTE in New Source Permitting, June 13, 1989 [Pages 5095-5106]

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Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Sally A. Carter
Assistant Counsel

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APR 18 2006

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April 2006, I did send, via ~~CMS Court~~ **STATE OF ILLINOIS
Pollution Control Board**

the following instrument entitled **ADMINISTRATIVE RECORD** to:

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

I further hereby certify that on the 12th day of April 2006, I did send, 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

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