

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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MAY 24 2006

STATE OF ILLINOIS
Pollution Control Board

MIDWEST GENERATION, LLC,)
WILL COUNTY GENERATING STATION)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB No. 2006-156
(Permit Appeal - Air)

NOTICE

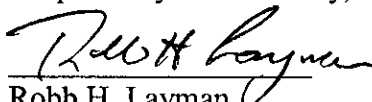
To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

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

Sheldon A. Zabel
Kathleen C. Bassi
Stephen J. Bonebrake
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 one original and four duplicate copies of the **ADMINISTRATIVE RECORD** of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the assigned Hearing Officer and the attorneys for the Petitioner.

Respectfully submitted by,


Robb H. Layman
Assistant Counsel

Dated: May 19, 2006
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 524-9137

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OF THE STATE OF ILLINOIS**

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WILL COUNTY GENERATING STATION)
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ADMINISTRATIVE RECORD OF PERMIT APPLICATION

The Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorneys and pursuant to the procedural requirements of the Illinois Pollution Control Board ("Board") set forth at 35 Ill. Adm. Code 105.212 and 105.116, files the Administrative Record of Permit Application ("Administrative Record") in this cause.

1. This matter originates from a state construction permit, Construction Permit No. 06020009, that was granted by the Illinois EPA to Midwest Generation on March 3, 2006, for the construction of new wet dust extractor control devices for the Unit 3 and Unit 4 coal bunkers at the Will County Generating Station located in Romeoville, Illinois.

2. On or about April 7, 2006, Petitioner filed a petition with the Board seeking an appeal of the Illinois EPA's permitting decision. The Illinois EPA received an electronic mail version of the appeal on the same date. Formal notice of the appeal was served on the Illinois EPA on April 11, 2006.

3. On April 20, 2006, the Board accepted the case for hearing and, consistent with the Board's procedural rules, directed the Illinois EPA to file its Administrative Record by May 8, 2006.

4. On May 2, 2006, the undersigned attorney filed a Motion of Extension of Time to File Administrative Record ("Motion") with the Board, seeking an extension of the filing date for filing the Administrative Record to May 22, 2006. The assigned Hearing Officer orally granted the Motion at the telephonic status conference held on May 11, 2006.

5. The Illinois EPA herewith files five copies (i.e., a signed original and four (4) duplicate copies) of the Administrative Record in accordance with 35 Ill. Adm. Code 101.302(h)(2). One copy is being served on the Petitioner and one copy with the assigned Hearing Officer.

6. This Administrative Record is comprised of non-privileged documents and communications, as made known and available to the undersigned attorney through other Illinois EPA personnel, that was relied upon by the Illinois EPA's Division of Air Pollution Control/Permits Section in the issuance of the subject construction permit. A general description and referenced page numbers of those documents and/or communications is as follows:

<u>Document reference</u>	<u>Page</u>
A. Cover letter, dated February 1, 2006, addressed to Donald Sutton, Manager, Division of Air Pollution Control ("DAPC")/Permits Section, from Basil G. Constantelos, Director, Environmental Services, Midwest Generation, including attached Construction Permit Application.	1-92
B. Completeness Review Worksheet.	93
C. Facsimile transmittal sheet, dated February 27, 2006, from Andrea Crapisi, Midwest Generation, to Manish Patel,	94-109

<u>Document reference</u>	<u>Page</u>
DAPC/Permits Section, together with attached cover letter and revisions to construction permit application.	
D. Electronic mail correspondence, dated February 27, 2006, between Manish Patel, DAPC/Permits Section, and Andrea Crapisi, Midwest Generation, relating to revised permit application materials.	110
E. Electronic mail correspondence, dated March 1, 2006, between Manish Patel, DAPC/Permits Section, and Andrea Crapisi, Midwest Generation, relating to timing of permit review.	111-112
F. Electronic mail correspondence, dated March 2, 2006, between Manish Patel, DAPC/Permits Section, and Andrea Crapisi, Midwest Generation, together with attachment containing comments to draft construction permit.	113-122
G. Electronic mail correspondence, dated March 2 2006, between Manish Patel, DAPC/Permits Section, and Andrea Crapisi, Midwest Generation, regarding method of notification of permit action.	123
H. Electronic mail, dated March 3, 2006, from Christopher Romaine, Manager, Utilities Unit, DAPC/Permits Section, to Andrea Crapisi, Midwest Generation, together with attached copy of issued construction permit.	124-134
I. Electronic mail correspondence, dated March 3, 2006, between Christopher Romaine, Manager, Utilities Unit, DAPC/Permits Section, and Bill Constantelos, Director, Environmental Services, Midwest Generation, concerning request to remove certain conditions from the issued permit.	135
J. Electronic mail correspondence, dated March 3, 2006, from Christopher Romaine, Manager, Utilities Unit, DAPC/Permits Section, to Andrea Crapisi, Midwest Generation, concerning an earlier facsimile of the issued construction permit.	136
K. Facsimile transmittal sheets, dated March 3, 2006, from Christopher Romaine, Manager, Utilities Unit, DAPC/Permits Section, to Andrea Crapisi, Midwest Generation, and attached copy of the issued construction permit.	137-151

CERTIFICATE OF SERVICE

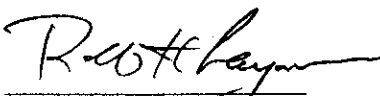
I hereby certify that on the 19th day of May 2006, I did send, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, the following instrument entitled **ADMINISTRATIVE RECORD** to:

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
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, Illinois 60601

Sheldon A. Zabel
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