

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

MIDWEST GENERATION, LLC,)
WILL COUNTY GENERATING STATION,)
)
 Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

**PCB 2008-009
(CAAPP Permit Appeal)**

**RECEIVED
CLERK'S OFFICE
AUG 16 2007
STATE OF ILLINOIS
Pollution Control Board**

ADMINISTRATIVE RECORD

The Respondent, Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorneys in accordance with the Illinois Pollution Control Board’s Order of July 26, 2007, 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 its Administrative Record (“Administrative Record”) in this cause.

Acting in accordance with its authority under the provisions of the Illinois Environmental Protection Act (hereinafter “Act”), 415 ILCS 5/39(a) (2006), the Illinois EPA issued a construction permit to Midwest Generation, LLC (“Midwest Generation”) on June 15, 2007. The permit authorized the construction of a soda ash (sodium carbonate) handling system and soda ash application system to apply soda ash to the coal as it is delivered from the rail car dumper at the Will County Station located at 529 East 135th Street in Romeoville, Illinois.

On or about July 20, 2007, Petitioner filed a petition before the Board challenging certain permit conditions contained within the construction permit issued by the Illinois

EPA. The Illinois EPA received an electronic version of the appeal on July 23, 2007. Formal notice of the appeal was served on the Illinois EPA on the same date.

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

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. The Administrative Record generally consists of, among other things, Midwest Generation's permit application materials, correspondence between the Illinois EPA and Midwest Generation, and internal agency memorandums.

Contents of the Administrative Record

Completeness Review Worksheet for Construction Permit Fees, date received 3/26/2007.

[Page 1]

Construction Permit, dated June 15, 2007. **[Pages 2-10]**

Calculation Sheet, dated June 15, 2007. **[Page 11]**

Letter from Basil G. Constantelos, Director, Environmental Services, Midwest Generation, to Ed Bakowski, Acting Manager, Permit Section, Illinois EPA, dated March 21, 2007, and attached Will County Station Construction Permit Application. **[Pages 12 - 43]**

Electronic mail correspondence, dated April 24, 2007, from Kunj Patel, DAPC/ Permits Section to Andrea Crapisi, Midwest Generation. **[Page 44]**

Electronic mail correspondence, dated April 24, 2007, from Kunj Patel, DAPC/ Permits Section to Andrea Crapisi, Midwest Generation. **[Page 45]**

Electronic mail correspondence, dated April 27, 2007, from Andrea Crapisi, Midwest Generation to Kunj Patel, DAPC/ Permits Section. **[Page 46]**

Electronic mail correspondence, dated May 7, 2007, from Andrea Crapisi, Midwest Generation to Kunj Patel, DAPC/ Permits Section. **[Page 47]**

Electronic mail correspondence, dated June 11, 2007, from Kunj Patel, DAPC/ Permits Section to Andrea Crapisi, Midwest Generation, together with draft copy of construction permit. **[Pages 48-55]**

Electronic mail correspondence, dated June 11, 2007, from Andrea Crapisi, Midwest Generation to Kunj Patel, DAPC/ Permits Section, together with draft copy of construction permit. **[Pages 56-63]**

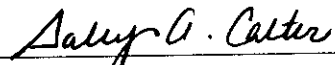
Electronic mail correspondence, dated June 13, 2007, from Andrea Crapisi, Midwest Generation to Kunj Patel, DAPC/ Permits Section, together with Midwest Generation's comments to the draft copy of construction permit. **[Pages 64-72]**

Electronic mail correspondence, dated June 14, 2007, from Kunj Patel, DAPC/ Permits Section to Andrea Crapisi, Midwest Generation, together with copy of the construction permit to be issued. **[Pages 73-80]**

Electronic mail correspondence, dated June 13, 2007, from Andrea Crapisi, Midwest Generation to Kunj Patel, DAPC/ Permits Section, together with Midwest Generation's comments to the draft copy of construction permit. **[Page 81]**

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 14th day of August 2007, I did send, by 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 instruments, 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