

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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OCT 04 2007

STATE OF ILLINOIS
Pollution Control Board

MIDWEST GENERATION, LLC,
FISK GENERATING STATION,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB No. 2008-018
(Air Permit Appeal)

To: John Therriault, Assistant 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
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 **APPEARANCES, MOTION TO FILE ADMINISTRATIVE RECORD INSTANTER 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: October 2, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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FISK GENERATING STATION,)

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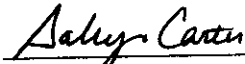
STATE OF ILLINOIS
Pollution Control Board

APPEARANCE

The undersigned, as one of its attorneys, hereby enters her APPEARANCE on behalf of Respondent, Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally Carter
Assistant Counsel
Division of Legal Counsel

Date: October 2, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

Please sign.

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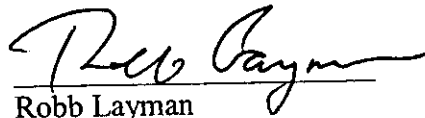
**STATE OF ILLINOIS
Pollution Control Board**

APPEARANCE

The undersigned, as one of its attorneys, hereby enters his APPEARANCE on behalf of Respondent, Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Robb Layman
Assistant Counsel
Division of Legal Counsel

Date: October 2, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

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**STATE OF ILLINOIS
Pollution Control Board**

MOTION TO FILE ADMINISTRATIVE RECORD INSTANTER

NOW COMES the Respondent, Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorneys and moves the Illinois Pollution Control Board ("Board") to accept the filing of the Administrative Record in this cause instanter. In support of this motion, the Respondent states as follows:

1. On or about August 23, 2007, attorneys for the Petitioner, Midwest Generation, L.L.C. ("Midwest Generation") filed a Petition for Review ("Petition") with the Board seeking an appeal of the Illinois EPA's permitting decision.
2. The Illinois EPA received an electronic copy of the appeal on August 23, 2007. Formal notice of the appeal was served on the Illinois EPA on August 28, 2007.
3. In accordance with the Board's procedural requirements set forth in 35 Ill. Adm. Code 105.116, the Illinois EPA's Administrative Record of the permit application is to be filed within 30 days of service of a petition.

4. Due to the press of other legal matters, as well as a previously scheduled vacation for the undersigned attorney, the Illinois EPA was unavoidably delayed in assembling the Administrative Record.

5. Petitioner will suffer no hardship by the granting of this Motion.

WHEREFORE, the Illinois EPA respectfully requests that the Board accept the filing of the Administrative Record instanter or otherwise order such relief as may be deemed appropriate.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally A. Carter
Assistant Counsel

Date: October 2, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

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ADMINISTRATIVE RECORD

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. 07050006 that was granted by the Illinois EPA to Midwest Generation on July 19, 2007, for the construction of a sorbent injection system to control mercury for the Unit 19 boiler at the Fisk Generating Station located in Chicago, Illinois.

2. On or about August 23, 2007, Petitioner filed a petition with the Board seeking an appeal of the Illinois EPA's permitting decision. The Illinois EPA received an electronic copy of the appeal on August 23, 2007. Formal notice of the appeal was served on the Illinois EPA on August 28, 2007.

3. On September 6, 2007, 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 September 24, 2007.

4. By the accompanying motion seeking filing instanter, 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.

5. This Administrative Record is compromised 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 communication is as follows:

Contents of the Administrative Record

Cover letter, dated May 2, 2007, addressed to Ed Bakowski, Acting Manager, Division of Air Pollution Control ("DAPC")/Permits Section., from Basil G. Constantelos, Director, Environmental Services, Midwest Generation, including attached Construction Permit Application. **[Pages 1 – 102]**

Electronic mail correspondence, dated July 2, 2007 through July 3, 2007, between Kunj Patel, Utilities Unit, DAPC Permits Section and Andrea Crapisi, Midwest Generation, concerning draft permit together with attached copy of draft permit. **[Pages 103 – 107]**

Electronic mail, dated July 5, 2007, from Andrea Crapisi, Midwest Generation, to Kunj Patel, Utilities Unit, DAPC Permits Section. **[Page 108]**

Electronic mail correspondence, dated July 5, 2007 through July 10, 2007, between Kunj Patel, Utilities Unit, DAPC Permits Section and Andrea Crapisi, Midwest Generation, concerning draft permit together with attached copy of draft permit. **[Pages 109 - 114]**

Electronic mail, dated July 17, 2007, from Andrea Crapisi, Midwest Generation, to Kunj Patel, Utilities Unit, DAPC Permits Section. **[Page 115]**

Notice of Overpayment of Construction Permit Application Fee, dated July 19, 2007,
with accompanying Completeness Review Worksheet. [Pages 116 - 117]

Review Notes for construction permit application, dated July 19, 2007. [Pages 118 –
119]

File copy of issued construction permit, dated July 19, 2007. [Pages 120 – 125]

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally A. Carter
Assistant Counsel

Date: October 2, 2007
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 2nd day of October 2007, I did send, by first class mail, postage prepaid, one (1) original and four (4) copies of the following instruments entitled

APPEARANCES, MOTION TO FILE ADMINISTRATIVE RECORD

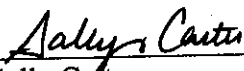
INSTANTER and ADMINISTRATIVE RECORD to:

John Therriault, Assistant 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
Schiff Hardin, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606



Sally Carter
Assistant Counsel