

ILLINOIS POLLUTION CONTROL BOARD
February 5, 2008

DYNEGY MIDWEST GENERATION, INC.)
)
Petitioner,)
)
v.) PCB 09-48
) (Variance - Air)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by G.T. Girard):

On January 9, 2009, Dynegy Midwest Generation, Inc. (Dynegy) filed a petition requesting a variance from the Board's air regulations limiting emission of mercury. Specifically, Dynegy seeks relief from the multi-pollutant standard (MPS) in Sections 225.233(c)(1)(A), 225.233(c)(2), 225.210(b) and (d), and 225.233(c)(5). Dynegy requested the variance for its Baldwin Unit 3 coal-fired power plant in Randolph County. Dynegy has waived hearing. The Board identifies several informational deficiencies in the petition and directs Dynegy to file an amended petition to provide the additional information.

The Board finds that petitioners have not provided all of the information required by the Board's procedural rules for the contents of a petition for variance extension. *See* 35 Ill. Adm. Code 104.204, 104.210. The Board identifies, and directs petitioners to remedy, the following informational deficiencies:

1. Dynegy provided a map as Exhibit 1 to the petition from the Agency's "Illinois Annual Air Quality Report 2006" with the superimposed locations of Dynegy's power stations. Would Dynegy please indicate the nearest monitoring station as well as the nearest downwind monitoring station maintained by the Agency that are used for monitoring mercury emissions for each of Dynegy's power stations and identify the specific stations by name and location? *See* 35 Ill. Adm. Code 104.204(b)(2).
2. The petition on page 3 states, "SO₂ is currently generally controlled through the use of low sulfur coal." If possible, would you please quantify the amount and type of coal used at each power station (Baldwin Unit 3, Havana Unit 6, and Hennepin Unit 2) and indicate if that amount and type is expected to change during the proposed variance period. *See* 35 Ill. Adm. Code 104.204(b)(6).
3. The "End Date" in the Sargent & Lundy calculations is March 6, 2010. Pet. Exh. 6. The proposed ending date for the variance is March 31, 2010. Would Dynegy please indicate an estimate for how many days the multi-day outage would last for


the installation of the ACI system, dry scrubber, and new fabric filter system at Baldwin Unit 3. If it is less than 15 days, would you please calculate the additional potential mercury contribution to the 126.83-pound figure in Exh. 6 for the additional days Baldwin Unit 3 would be operating without the ACI system. *See* 35 Ill. Adm. Code 104.204(c).

4. Dynege estimates Baldwin Unit 3 would need 4 million pounds of sorbent at \$1 per pound for the time period from July 1, 2009 through March 31, 2010. Pet. at 12-13. Under the proposed alternative, Dynege estimates Havana Unit 6 and Hennepin Unit 2 would use 2.5 million fewer pounds of sorbent than at Baldwin. Pet at 15. Adding on the cost saved from not dismantling and relocating the ACI system as well as not losing revenue from a multi-day outage in 2009, how much over \$2.5 million would Dynege estimate the total expected savings might be under the proposed variance? *See* 35 Ill. Adm. Code 104.204(d).

Before this proceeding can continue, petitioners must remedy these informational deficiencies by filing an amended petition. The amended petition “need not repeat the entire unchanged portion of the original filing provided that a sufficient portion of the original filing is repeated so that the context of the amendment is made clear.” 35 Ill. Adm. Code 104.226(c). The Board allows petitioners until March 9, 2009, to file the amended petition. Failure to timely file the amended petition will subject this matter to dismissal. *See* 35 Ill. Adm. Code 104.230. The 120-day statutory period for the Board to decide this case will recommence upon the filing of the amended petition. *See* 35 Ill. Adm. Code 104.232(a)(2).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 5, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board