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FEB 11 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
February 11, 2013

MIDWEST GENERATION LLC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)
)

PCB 13-24
(Variance – Air)



ORIGINAL

HEARING REPORT

On January 29, 2013, a hearing in the above-captioned matter was held in the Health Professions Center, Room 1022, Joliet Junior College, 1215 Houbolt Road, Joliet, Illinois. Hearing Officer Bradley P. Halloran presided.

Attorneys' Kathleen C. Bassi and Stephen J. Bonebrake, appeared and participated on behalf of the petitioner, Midwest Generation LLC (Midwest Generation). Attorneys Christopher Foley and Andrew N. Sawula appeared on behalf of Midwest Generation. Attorney Dana Vetterhoffer appeared and participated on behalf of the respondent, Illinois Environmental Protection Agency (Agency).

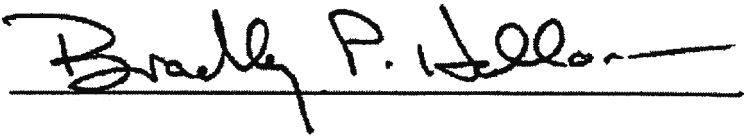
Exhibits

The petitioner offered exhibits into evidence at the hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

Briefing Schedule

A post-hearing briefing schedule was discussed and agreed to at the hearing. As agreed, the petitioner's opening brief must be filed on or before February 18, 2013. The respondent's post-hearing brief must be filed on or before February 28, 2013. Petitioner's reply must be filed on or before March 4, 2013. Public Comment must be filed on or before February 18, 2013. The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to any of these filings and all electronic telefax filings must be received by the Clerk's Office no later than 4:30 p.m. of the due date. The record in this matter is closed on March 4, 2013.

IT IS SO ORDERED.



Bradley P. Halloran

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

PCB 13-24
January 29, 2013 Hearing

Exhibit List

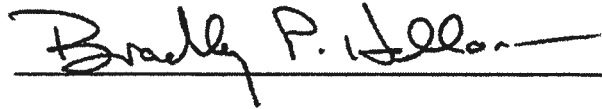
Exhibit	Description	Status
Hearing Officer Exhibit 1	Public Comment Sign-up sheet	Admitted
Petitioner's Exhibit 1	Environmental Protection Agency's 2010 Air Quality Report	Admitted
Petitioner's Exhibit 2	Table listing Air Permits issued to Midwest Generation	Admitted
Petitioner's Exhibit 3	Affidavit of Douglas McFarlan	Admitted
Petitioner's Exhibit 4	Affidavit of William M. Petmecky III	Admitted
Petitioner's Exhibit 5	Affidavit of Fred McClusky	Admitted
Petitioner's Exhibit 6	Excerpts from the BART SIP technical support documents that the Agency submitted to the USEPA	Admitted
Petitioner's Exhibit 7	USEPA's proposed approval of the Illinois BART SIP, January 26, 2012	Admitted
Petitioner's Exhibit 8	Final federal approval of the Illinois BART SIP, July 6, 2012	Admitted
Petitioner's Exhibit 9	Table comparing Midwest Generation's emissions at the proposed 2015 and 2016 rate to presumptive BART levels	Admitted
Petitioner's Exhibit 10	Comprehensive emissions analysis table	Admitted
Petitioner's Exhibit 11	Table of calculations and equations	Admitted
Petitioner's Exhibit 12	Midwest Generation Variance SO2 Emissions chart	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on February 11, 2013, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on February 11, 2013:

John T. Therriault
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph St., Ste. 11-500
 Chicago, Illinois 60601



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