

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, LLC,)
BALDWIN ENERGY COMPLEX)
)
Petitioners,)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY)
)
Respondent.)

PCB 15 -138
(NPDES PERMIT APPEAL)

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STATE OF ILLINOIS
DEPARTMENT OF POLLUTION CONTROL
 ORIGINAL

NOTICE OF FILING

PLEASE TAKE NOTICE that on the February 13, 2015, I filed with the Clerk of the Illinois Pollution Control Board the Administrative Record (Pages 001-956) and Index to the Administrative Record on behalf of Respondent, Illinois Environmental Protection Agency. The Administrative Record (Pages 001-956) and Index are attached hereto and hereby served upon persons listed in the attached Service List.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: Nancy J. Tikalsky

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Dated: February 13, 2015

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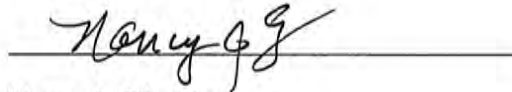
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STATE OF ILLINOIS
Illinois Pollution Control Board

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CERTIFICATE OF SERVICE

I, Nancy J. Tikalsky, an Assistant Attorney General, certify that on the 13th of February, 2015, I caused to be served by U.S. Mail, the foregoing Notice of Filing and Administrative Record (Pages 001-956), to the parties listed on the service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DYNEGY MIDWEST GENERATION, LLC,)
BALDWIN ENERGY COMPLEX)

Petitioners,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY)

Respondent.)

PCB 15 -138
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RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), in accordance with the procedural rules of the Illinois Pollution Control Board ("Illinois PCB") as set forth in 35 Ill. Adm. Code 105.212 and 105.116, files as its Record in this cause the Illinois EPA's record of National Pollutant Discharge System ("NPDES") Permit number IL000043, issued to Dynegy Midwest Generation, LLC ("Dynegy"), Baldwin Energy Complex, on December 12, 2014, which is attached and consists of the following documents:

1. Letter dated October 29, 2009, from Rick Diericx, Director, Operations Environmental Compliance Generation Environmental Health and Safety, Dynegy, to Alan Keller, Manager, Permits Section, Division of Water Pollution Control ("DWPC"), Bureau of Water ("BOW"), Illinois EPA, with attached NPDES permit renewal application. (pp. 1-206)
2. Letter dated May 6, 2010, from Rick Diericx to Alan Keller, with attached material safety sheet. (pp. 207-220)
3. Letter dated May 11, 2010, from Rick Diericx to Darin LeCrone, Manager, Industrial Unit, Permits Section, DWPC. (pp. 221-229)
4. Letter dated August 8, 2011, from Daniel Thompson, Vice President and General Manager, Dynegy, to Alan Keller. (pp. 230-244)
5. Emails on July 7 and September 16 and 19, 2011, between Thomas Davis, Manager, Environmental Projects, Dynegy, and Shu-Mai Tsai, Permit Section, DWPC. (pp. 245-248)
6. Letter dated October 7, 2011, from Rick Diericx to Darin LeCrone, with attached antidegradation assessment. (pp. 249-261)
7. Attendance sheet and materials from Baldwin ash pond meeting, October 13, 2011. (pp. 262-269)

8. Letter dated October 27, 2011, from Rick Diericx to Darin LeCrone, with attached antidegradation sampling results and ash pond discharge flows, pollutant concentrations and pollutant loads. (pp. 270-281)
9. Emails on October 7, 2011, from Thomas Davis to Brian Koch, Permit Section, DWPC, on November 8, 2011, from Brian Koch to Shu-Mei Tsai, on November 8, 2011, from Shu-Mei Tsai to Brian Koch and Darin LeCrone, and on November 8, 2011 from Brian Koch to Shu-Mei Tsai and Darin LeCrone. (pp. 282-283)
10. Emails on November 9, 2011, from Brian Koch to Thomas Davis, on November 11, 2011, from Thomas Davis to Brian Koch, and on November 14, 2011, from Darin LeCrone to Thomas Davis and Brian Koch. (pp. 284-287)
11. Email on November 15, 2011, from Thomas Davis to Darin LeCrone, with attached letter dated November 15, 2011, requesting modification of permit. (pp. 288-293)
12. Emails on November 9, 11, 14 and 15, 2011, between Brian Koch and Thomas Davis. (pp. 294-299)
13. Memorandum dated November 17, 2011, from Brian Koch to Shu-Mei Tsai. (pp. 300-302)
14. Emails on March 8, 2012, between Thomas Davis and Shu-Mei Tsai. (pp. 303-304)
15. Letter dated March 14, 2012, from Rick Diericx to Darin LeCrone, with attached requested material regarding intake structure and cooling pond operation. (pp. 305-428)
16. Industrial NPDES Permit Review Notes, prepared by Shu-Me Tsai, April 24, 2012, with attachments. (pp. 429-447)
17. Emails on April 25 and May 8, 2012, between Brian Koch and Shu-Me Tsai, with attached letter dated July 29, 2011, from Rick Diericx to Darin LeCrone, with attached Material Safety Data Sheet. (pp. 448-461)
18. Emails on May 18, 2012, between Bill Buscher, Groundwater Section, DWPC, and Darin LeCrone, with attached memorandum dated May 16, 2012. (pp. 462-465)
19. Memorandum and letters dated August 10, 2012, from Darin LeCrone to Manager, DWPC/Field Operations Section, Collinsville Region; U.S. EPA Region V, Army Corps of Engineers, St. Louis District; and Dynege, with attached 15-day draft permit/public notice. (pp. 466-487)
20. Email on August 24, 2012, from Mark Ackerman to Shu-Mei Tsai, requesting documents from Dynege. (p. 488)
21. Letter dated August 24, 2012, from Rick Diericx to Darin LeCrone. (pp. 489-494)
22. Letter dated August 27, 2012, from Rick Diericx to Darin LeCrone. (pp. 495-496)
23. Emails on October 5, 2012, from Mark Ackerman, U.S. EPA, to Shu-Mei Tsai, and from Shu-Mei Tsai to Darin LeCrone, with attached guidance on wastewater discharges from flue gas

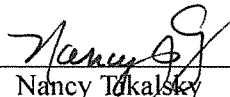
- desulfurization systems and coal combustion residual impoundments at steam electric power plants. (pp. 497-525)
24. Memorandum dated October 16, 2012, from Brian Koch to Shu-Mei Tsai. (pp. 526-528)
 25. Memorandum dated October 24, 2012, from Brian Koch to Shu-Mei Tsai. (pp. 529-532)
 26. Emails on October 23 and 24, 2012, between Brian Koch and Shu-Mei Tsai. (pp. 533-534)
 27. Memorandum dated November 7, 2012, from Brian Koch to Shu-Mei Tsai. (pp. 535-539)
 28. Letter received November 21, 2012, from Kevin Pierard, Chief, NPDES Programs Branch, U.S. EPA Region V, to Darin LeCrone. (pp. 540-543)
 29. Letter dated December 3, 2012, from Rick Diericx to Darin LeCrone, with attached requested application information. (pp. 544-572)
 30. 15-day notice review notes, prepared by Shu-Mei Tsai, January 8, 2013. (pp. 573-576)
 31. Emails on January 8 and 9, 2013, between Jennifer Clarke, Illinois EPA, and Shu-Mei Tsai. (p. 577)
 32. Email on January 16, 2013, from Brian Koch to Shu-Mei Tsai. (p. 578)
 33. Emails on October 23 and 24, 2012, and January 17, 2013, between Brian Koch and Shu-Mei Tsai. (pp. 579-580)
 34. Emails on March 6, 2013, between Thomas Davis and Shu-Mei Tsai, on March 6, 2013, from Darin LeCrone to Thomas Davis and Shu-Mei Tsai, on March 6, 2013, from Thomas Davis to Darin LeCrone and Shu-Mei Tsai, on May 9, 2013, between Brian Koch and Shu-Mei Tsai. (pp. 581-584)
 35. Email on May 13, 2013, from Thomas Davis to Shu-Mei Tsai, with attached letter dated March 14, from Rick Diericx to Darin LeCrone, with attachments. (pp. 585-683)
 36. Letters and memorandum dated June 11, 2013, from Darin LeCrone to U.S. Army Corp of Engineers, St. Louis District; Manager, DWPC/Field Operations Section, Collinsville Region; U.S. EPA Region V; and Dynegy, with attached draft permit and public notice. (pp. 684-708)
 37. Letter dated June 21, 2013, from Rick Diericx to Illinois EPA NPDES PN Clerk. (pp. 709-712)
 38. Emails on June 27 and July 8, 2013, between Brian Koch and Shu-Mei Tsai. (pp. 713-714)
 39. Emails on July 9 and 16, 2013, between Rick Diericx and Shu-Mei Tsai. (p. 715)
 40. 15-day notice review notes dated August 9, 2013, prepared by Shu-Mei Tsai. (pp. 716-718)
 41. Letter dated October 3, 2013, from Rick Diericx to Darin LeCrone. (pp. 719-720)

42. Letters dated November 6, 2013, from Darin LeCrone to U.S. Fish & Wildlife Services, Rock Island Field Office; Municipal Clerk, Baldwin, Illinois; and Dynegy, with attached drafted permit and public notice. (pp. 721-744)
43. Public notice acknowledgment from Village of Baldwin. (p. 745)
44. Letter dated November 25, 2013, from Rick Diericx to Illinois EPA, NPDES PN Clerk. (pp. 746-749)
45. Email on December 9, 2013, from Cindy Skrukrud, Illinois Chapter, Sierra Club, to Shu-Mei Tsai, Alan Keller, and Traci Barkley, Prairie Rivers Network. (pp. 750-910)
46. Email on May 20, 2014, from Brian Koch to Shu-Mei Tsai. (pp. 911-912)
47. 30-day notice review notes dated May 22, 2014, prepared by Shu-Mei Tsai. (pp. 913-917)
48. Emails on June 5, 2014, among Bob Mosher, Manager, Water Quality Standards Section, DWPC, Tsai Shu-Mei, and Brian Koch. (p. 918)
49. Email on June 12, 2014, from Darin LeCrone to Mark Ackerman. (p. 919)
50. Email on July 11, 2014, from Darin LeCrone to Mark Ackerman, with attached emails dated October 23 and 24, 2012 and January 17, 2013, between Brian Koch and Shu-Mei Tsai. (pp. 920-922)
51. Letter dated July 28, 2014, from Kevin Pierard to Darin LeCrone. (pp. 923-924)
52. Emails on August 28 and September 8, 2014, between Jacquelyn, Sr. Environmental Professional – Water and Waste Permitting, Environmental Compliance Group, Dynegy, and Shu-Mei Tsai. (pp. 925-926)
53. Emails on October 20, 2014, from Shu-Mei Tsai to Thomas Davis, on October 20, 2014, from Thomas Davis to Jacquelyn Bush, and on October 20, 2014, between Jacquelyn Bush to Shu-Mei Tsai. (pp. 927-928)
54. Emails on October 20, 21, 27 and 28, 2014, between Brian Koch and Karen Miller, Impact Assessment Section, Illinois Department of Natural Resources, and on October 28, 2014, between Brian Koch and Shu-Mei Tsai. (pp. 929-930)
55. Emails on October 30, 2014, from Karen Miller to Brian Koch and from Brian Koch to Shu-Mei Tsai. (pp. 931-932)
56. Emails on October 30, 2014, between Brian Koch and Karen Miller, with attached letter dated October 30, 2014, from Karen Miller to Brian Koch. (pp. 933-934)
57. Public notice postings, November 7, 2014. (pp. 935-937)
58. Letter dated December 12, 2014, from Alan Keller to Cindy Skrukrud; Thomas Cmar, Matthew Gerhart and Lisa Evans, Earthjustice; Casey Roberts, Sierra Club Environmental Law Program; and Jennifer Duggan, Environmental Integrity Project. (pp. 938-939)
59. Letter dated December 12, 2014, from Alan Keller to Dynegy, with attached NPDES Permit No. IL0000043, issued December 12, 2014 and effective January 1, 2015. (pp. 940-956)

Respectfully submitted,

LISA MADIGAN,
Attorney General of the
State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: 
Nancy Tokalsky
Environmental Bureau
Assistant Attorney General

Dated: February 13, 2015