

NOV 23 2015

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
November 23, 2015

DYNEGY MIDWEST GENERATION, LLC.)
(BALDWIN ENERGY COMPLEX),)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTON AGENCY,)
)
Respondent.)

 ORIGINAL

PCB 06-63
(CAAPP Permit Appeal – Air)

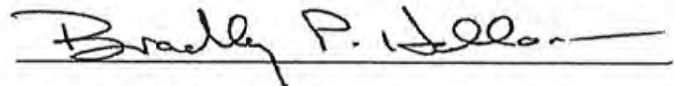
HEARING OFFICER ORDER

On November 19, 2015, all parties participated in a telephonic status conference with the hearing officer. The parties stated that they have negotiated revisions regarding this or other related permit appeals before the Board and continue to make excellent progress on the remaining related appeals. The petitioner stated that it will file an additional waiver of the statutory decision deadline to and including June 16, 2016.

In an effort to assist the Board regarding the status of the above-captioned appeal, the parties are directed to address the attached questions in a filed written response, either jointly or otherwise, on or before December 16, 2015.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on December 21, 2015, at 2:00 p.m. Please note the change of date and time. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.



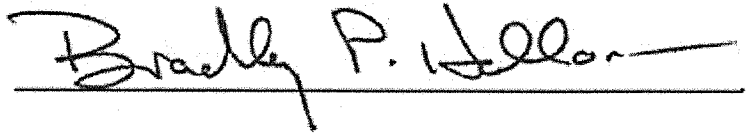
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed and mailed, first class, on November 23, 2015, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on November 23, 2015:

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

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(312) 814-8917

“@”denotes service list was e-mailed.

PCB 2006-063@
Andrew N. Sawula
Schiff Hardin, LLP
6600 Willis Tower
233 South Wacker Drive
Chicago, IL 60606-6473

PCB 2006-063
Division of Legal Counsel
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PCB 2006-063@
Joshua R. More
Schiff Hardin, LLP
6600 Willis Tower
233 South Wacker Drive
Chicago, IL 60606-6473

PCB 2006-063@
Stephen J. Bonebrake
Schiff Hardin, LLP
6600 Willis Tower
233 South Wacker Drive
Chicago, IL 60606-6473

PCB 2006-063@
Kathleen C. Bassi
Schiff Hardin, LLP
6600 Willis Tower
233 South Wacker Drive
Chicago, IL 60606-6473

PCB 2006-063@
Bina Joshi
Schiff Hardin, LLP
6600 Willis Tower
233 S. Wacker Drive
Chicago, IL 60606-6473

PCB 2006-063@
Ryan G. Rudich
Office of the Attorney General
69 W. Washington Street
Suite 1800
Chicago, IL 60602

Attachment to Hearing Officer Order

BOARD QUESTIONS

The Board directs both parties in this case to respond to the following questions:

1. Which permit conditions that were originally challenged have been resolved in settlement negotiations and which ones have not?
2. How are the unresolved permit conditions different from those facilities where the appeal has been resolved, for example, Newton (PCB 06-68)?
3. Has the facility been subject to new operational requirements since this appeal began, for example, state mercury requirements?
4. Do any of those new requirements concern the permit conditions challenged in this appeal? If so, are the new requirements more stringent than the challenged permit conditions?
5. When did the parties to this appeal last meet to discuss settlement?
6. Which party made the last settlement proposal and who is reviewing that proposal? Does the proposal resolve the entire appeal or only one part of the appeal?