

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB, NATURAL RESOURCES)	
DEFENSE COUNCIL, PRAIRIE RIVERS)	
NETWORK, and ENVIRONMENTAL LAW &)	
POLICY CENTER,)	
)	
)	
Petitioners,)	
)	
v.)	No. 15-189
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY and MIDWEST GENERATION, LLC,)	
)	
)	
Respondents.)	

NOTICE OF FILING

TO: Service List

PLEASE TAKE NOTICE that on August 26, 2016, I caused to be filed with the Clerk of the Illinois Pollution Control Board via the "COOL" System the attached Certificate of Service of Respondent's Responses to Intervenor's Interrogatories to Respondent.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
ex. rel. LISA MADIGAN, Attorney General
of the State of Illinois

By: /s/ Angad S. Nagra
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Respondents.)	

RESPONDENT'S RESPONSES TO INTERVENORS' INTERROGATORIES TO RESPONDENT

Respondent, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, hereby responds to the Interrogatories propounded by Petitioners, SIERRA CLUB, NATURAL RESOURCES DEFENSE COUNCIL, PRAIRIE RIVERS NETWORK, and the ENVIRONMENTAL LAW & POLICY CENTER, as follows:

GENERAL OBJECTIONS TO INTERROGATORIES

Respondent states these general objections and hereby incorporates them as objections to each and every one of the Interrogatories propounded by Intervenors.

1. Respondent has not completed its investigation and discovery in this proceeding, nor its preparation for a hearing. Accordingly, all responses below are based only upon such information and documents that are presently available and specifically known to Respondent. As discovery progresses, Respondent reserves the right to supplement its responses to Intervenors' Interrogatories to Respondent ("Interrogatories").

2. Respondent objects to the Interrogatories to the extent that Intervenors seek information that is not relevant to the subject matter involved in the pending proceeding. Respondent does not concede the relevancy of any information sought or discovered in responding to the Interrogatories.

3. Respondent objects to the Interrogatories to the extent that they are oppressive, vague, ambiguous, unduly broad and burdensome, or seek information not in the possession, custody, or control of Respondent, and expressly notes that several of the following responses may be based on incomplete information.

4. Respondent objects to the Interrogatories to the extent that they require the drawing of legal conclusions or the acceptance of factual premises.

5. Respondent objects to the Interrogatories to the extent that they are not reasonably limited in time and scope and not reasonably calculated to lead to relevant information.

6. Respondent objects to the Interrogatories to the extent that they purport to impose upon Respondent any obligations greater than those required by the Illinois Rules of Civil Procedure, Illinois Pollution Control Board regulations, and/or other applicable law.

7. Respondent objects to the Interrogatories to the extent that they call for disclosure or production of information or material protected from disclosure by the attorney-client privilege, attorney work-product doctrine, the deliberative process privilege, or any other privilege, immunity, or grounds that protect information from disclosure. Any inadvertent disclosure of any such information or material is not to be deemed a waiver of any such privilege or protection.

* * *

Subject to these General Objections, Respondent further responds as follows:

RESPONSES AND OBJECTIONS TO INTERROGATORIES

1. Identify all persons that you might call as a witness at the IPCB hearing.

RESPONSE: Respondent specifically objects to this Interrogatory as being premature and reiterates that it has not yet completed its preparation for a hearing. Notwithstanding the general and specific objections to this Interrogatory herein, and without waiving them, Respondent states that it has identified the individuals listed below as witnesses it may call in this matter. Additionally, Respondent reserves the right to call rebuttal witnesses at a hearing as necessary. Respondent specifically notes that it reserves the right to supplement its response to this Interrogatory as additional information becomes available.

Jamie Rabins
Illinois EPA Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 785-4140

Darin LeCrone, P.E.
Illinois EPA Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 785-4140

2. Identify each person who has or may have information or knowledge relating to IEPA's review of the thermal discharges.

RESPONSE: In addition to the general objections to this Interrogatory herein, Respondent specifically objects to this Interrogatory in its entirety, on the grounds that it calls for the disclosure or production of information or material protected from disclosure by the predecisional deliberative process privilege. In addition, Respondent objects to this

Interrogatory as being overly broad, as calling for information that is not relevant to the subject matter involved in the pending proceeding, and as not reasonably calculated to lead to relevant information. Notwithstanding the general and specific objections to this Interrogatory herein, and without waiving them, Respondent states that the members of Illinois EPA management who have or may have information or knowledge relating IEPA's review of the thermal discharges as defined for these interrogatories are: Al Keller, Scott Twait, Jamie Rabins, Darin LeCrone.

3. Identify each person who has or may have information or knowledge relating to IEPA's review of the cooling water intake structures.

RESPONSE: In addition to the general objections to this Interrogatory herein, Respondent specifically objects to this Interrogatory in its entirety, on the grounds that it calls for the disclosure or production of information or material protected from disclosure by the predecisional deliberative process privilege. In addition, Respondent objects to this Interrogatory as being overly broad, as calling for information that is not relevant to the subject matter involved in the pending proceeding, and as not reasonably calculated to lead to relevant information. Notwithstanding the general and specific objections to this Interrogatory herein, and without waiving them, Respondent states that the members of Illinois EPA who have or may have information or knowledge relating IEPA's review of the cooling water intake structures as defined for these interrogatories are: Al Keller, Scott Twait, Jamie Rabins, Darin LeCrone.

4. Identify all documents that you might use as exhibits at the IPCB hearing.

RESPONSE: Respondent specifically objects to this Interrogatory as being premature and reiterates that it has not yet completed its preparation for a hearing. Notwithstanding the general and specific objections to this Interrogatory herein, and without waiving them, Respondent states

that it has not identified any specific exhibits at this time, but generally directs Petitioner to the administrative record filed in this proceeding, and to those documents identified by the this Respondent and by Midwest Generation in their respective Cross Motions for Summary Judgment, and Replies in Support of Summary Judgment filed in this matter. Respondent specifically notes that it reserves the right to supplement its response to this Interrogatory as additional information becomes available.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Angad S. Nagra

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CERTIFICATE OF SERVICE

I, Angad Nagra, sent the above Respondent's Responses to Intervenor's Interrogatories to Respondent Illinois Environmental Protection Agency, on this day 26th, August, 2016, and served the following individuals via mail and electronic mail:

Brad Halloran, Hearing Officer
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