

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

SOUTHERN ILLINOIS POWER	)	
COOPERATIVE	)	
	)	
Petitioner,	)	
	)	PCB 06-61
v.	)	(CAAPP Permit Appeal – Air)
	)	
ILLINOIS ENVIROMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

PLEASE TAKE NOTICE that I have filed with the Illinois Pollution Control Board the Joint Response to Board Questions, a copy of which is hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY,

by LISA MADIGAN, Attorney  
General of the State of Illinois

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Dated: August 18, 2017

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**CERTIFICATE OF SERVICE**

I, JAMES GIGNAC, an attorney, do certify that I caused the JOINT RESPONSES TO BOARD QUESTIONS in this matter to be served upon the persons listed in the attached Service List by email for those who have consented to email service and by U.S. Mail for all others.

/s/ James P. Gignac

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JAMES P. GIGNAC

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	)	(CAAPP Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**JOINT RESPONSE TO BOARD QUESTIONS**

Pursuant to the Hearing Officer Order dated July 25, 2017, Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by Lisa Madigan, Attorney General of the State of Illinois, and Petitioner, SOUTHERN ILLINOIS POWER COOPERATIVE, by and through its attorneys, hereby submit the following joint response to the Illinois Pollution Control Board's ("Board") questions in the above-referenced case.

**INTRODUCTION**

The Hearing Officer's Order directed the parties to elaborate on the progress that is being made to resolve the above-referenced appeal by responding to a set of three questions relating to the status of settlement discussions and appeal resolution. Below, the parties first provide brief background on the docket, followed by the parties' joint responses to the questions posed by the Board.

**I. Background on PCB 06-61**

PCB 06-61 is the appeal of the 2005 Clean Air Act Permitting Program ("CAAPP") permit for the Southern Illinois Power Cooperative ("SIPC") facility. As described in more detail below, Illinois EPA has implemented a process to resolve the 2005 CAAPP permit appeals for coal-fired power plants that includes this docket.

**II. The Parties Answers to Board Questions 1-3**

Board Question 1: Have discussions specific to the permit at issue in this appeal taken place outside of Hearing Officer status calls? Are the parties actively working to resolve this particular appeal at the same time as they are actively working on other similar appeals, or is progress being made in a sequential manner, *i.e.*, resolving appeals one at a time before moving on to others? If sequential, where does this case fall in the sequence and when do the parties expect to focus in earnest on resolving it?

Answer: The Illinois EPA has jointly negotiated with owners of Illinois coal plants to address common issues in their respective permit appeals. As a result, the parties have reached consensus regarding many of the contested conditions in the SIPC permit. However, before the permitting documents in the various outstanding appeal cases can be released for public comment and review by the U.S. Environmental Protection Agency (“USEPA”), there is a set of conditions and permitting edits unique to each facility that must be addressed by Illinois EPA permitting staff and the respective permittee. Also, beginning in 2016, Illinois EPA is preparing additional edits for each CAAPP permit—to be released for review simultaneously with appeal resolution edits—that bring the permits fully up-to-date with all applicable requirements.

Illinois EPA and the permittees are generally working in a sequential manner. Where appropriate, edits or changes from one CAAPP permit are carried forward to another to create efficiencies on the next one. Again, however, each facility has unique aspects about its configuration, emission units, operations, and/or applicable requirements that necessitate individual attention in the permitting documents. The parties are hopeful that the SIPC permit will be ready for public comment and review in 2017 (followed sometime thereafter by a motion

to the Board to remand the permit, the issuance of permit modifications, and a motion for voluntary dismissal).

Board Question 2: Have any settlement proposals been made since the parties last responded to specific Board questions that would completely resolve this appeal? If so, who made that proposal and when did they make it? What is the status of negotiations over any such proposals?

Answer: The parties are engaged in a systematic discussion on permit conditions for each of the outstanding appeals. The process will ultimately generate a set of permit changes that are acceptable to the parties and that must then be prepared for public notice and comment and USEPA review.

Board Question 3: Is there any anticipated time frame when the parties expect to resolve this appeal?

Answer: The parties are working toward the goal of the Illinois EPA releasing the SIPC permit for public comment in 2017 and issuing appeal resolution modifications in 2018. Petitioner anticipates that, shortly after issuance of the modifications and expiration of any permit challenge periods, it will move to dismiss the appeal.

### **CONCLUSION**

The parties continue to work diligently to resolve these complex permit appeals and to achieve the common goal of effective, up-to-date operating permits for all Illinois coal plants, and will continue to participate in periodic status conferences with the Hearing Officer.

Respectfully submitted,

SOUTHERN ILLINOIS POWER  
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