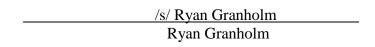
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
AMENDMENTS TO)	R18-20
35 ILL. ADM. CODE 225.233,)	(Rulemaking – Air)
MULTI-POLLUTANT STANDARDS (MPS))	

NOTICE OF FILING

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **PREFILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, copies of which are herewith served upon you.



Dated: March 2, 2018

Ryan Granholm SCHIFF HARDIN LLP 233 South Wacker Drive Suite 7100 Chicago, Illinois 60606 312-258-5500

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
AMENDMENTS TO)	R18-20
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MULTI-POLLUTANT STANDARDS (MPS))	

PREFILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOW COME Dynegy Midwest Generation, LLC, Illinois Power Generating Company, Illinois Power Resources Generating, LLC and Electric Energy, Inc. (collectively, "Dynegy"), by their attorneys, Schiff Hardin LLP, and hereby submit prefiled questions for the Illinois Environmental Protection Agency ("IEPA"). Dynegy requests that the Hearing Officer allow follow-up questioning to be asked at hearing based on the answers provided.

- 1. What is the difference between a "potential environmental justice community" and an "environmental justice community?"
 - a. Are there any specific emission standards or emission reduction requirements applicable to a source because it is in a potential environmental justice community or an environmental justice community?
 - b. Are the National Ambient Air Quality Standard ("NAAQS") lower in potential environmental justice communities or environmental justice communities as compared to other areas?
- 2. Is the Hennepin Power Station located in either an "environmental justice community" or a "potential environmental justice community?"
 - a. Is the Hennepin Power Station subject to any emission standards solely because it is located in either a potential environmental justice community or an environmental justice community?
- 3. The MPS is used by the State to ensure compliance with the Clean Air Act's Regional Haze Program, correct?
- 4. The total anticipated SO₂ emissions set forth in the Regional Haze State Implementation Plan from the MPS Groups is 55,953 tons annually, correct?

- a. In other words, IEPA anticipates that under the current MPS the MPS Groups will not emit more than 55,953 tons of SO₂ annually, correct?
- b. So, any proposed cap below 55,953 tons per year of SO₂ will ensure compliance with the State's Regional Haze SIP, correct?
- c. Could the MPS units emit more than 55,953 tons of SO₂ annually and still be in compliance with the MPS SO₂ emission limits?
- 5. Has the Illinois Attorney General presented any evidence demonstrating to the IEPA that a SO₂ annual emissions cap lower than 55,000 tons is necessary for the State to ensure compliance with any Clean Air Act requirement?
- 6. Has the Illinois Attorney General presented any evidence demonstrating to the IEPA that a NO_X annual emissions cap lower than 25,000 tons is necessary for the State to ensure compliance with any Clean Air Act requirement?
- 7. Has the Illinois Attorney General presented any evidence demonstrating to the IEPA that the proposed annual emissions caps of 55,000 tons for SO₂ and 25,000 tons for NO_X are not approvable by U.S. EPA?
- 8. Has the Illinois Attorney General presented any evidence demonstrating to the IEPA that the proposed annual emissions caps of 55,000 tons for SO₂ and 25,000 tons for NO_X will adversely affect any NAAQS?
- 9. Do you agree that NAAQS are set to protect human health, welfare, and the environment with an adequate margin of safety?
 - a. Do you agree that NAAQS are intended to provide protection for the population as a whole, including at-risk groups, such as children and the elderly?
- 10. To ensure compliance with the SO₂ NAAQS, IEPA monitors and models statewide emissions, correct?
 - a. In connection with evaluating maintenance or attainment of the SO₂ NAAQS, IEPA's model evaluated the impact of over 91,000 tons per year of SO₂ emissions from the MPS units, right?
 - b. In other words, IEPA's modeling demonstrates that levels of SO₂ in ambient air would be within acceptable levels even if emissions from the MPS units were around 91,000 tons of SO₂ annually, correct?
- 11. Which restricts the total annual emissions Dynegy is lawfully allowed to emit from the two MPS Groups more, the current MPS annual rate-based limits for SO2 and NOx or the proposed annual emissions caps of 55,000 tons for SO₂ and 25,000 tons for NO_X?
- 12. Is an annual SO₂ emissions cap of 55,000 tons at least as protective of air quality in Illinois as the current MPS SO₂ emission rates?

- a. Is an SO₂ emissions cap of 49,000 tons per year necessary to protect air quality in Illinois to at least the same extent as the current MPS rules?
- b. Has Illinois EPA identified any regulatory requirement that justifies setting the SO₂ emissions cap at 49,000 tons as opposed to 55,000 tons?
- 13. Is the Illinois EPA recommending that the proposed annual NO_X emissions cap be reduced from 25,000 tons?
 - a. If not, why not?

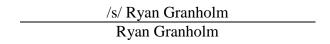
CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 2nd day of March, 2018, I have electronically served the attached **PREFILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, upon all parties on the attached service list.

My e-mail address is rgranholm@schiffhardin.com;

The number of pages in the e-mail transmission is 6.

The e-mail transmission took place before 5:00 p.m.



Joshua More Amy Antoniolli Ryan Granholm Caitlin Ajax SCHIFF HARDIN LLP 233 South Wacker Drive Suite 7100 Chicago, Illinois 60606 312-258-5500

SERVICE LIST			
Don Brown, Assistant Clerk	Antonette Palumbo		
Don.brown@illinois.gov	Antonette.palumbo@illinois.gov		
Mark Powell, Hearing Officer	Dana Vetterhoffer		
Mark.Powell@illinois.gov	<u>Dana.vetterhoffer@illinois.gov</u>		
Marie Tipsord, Hearing Officer	Gina Roccaforte		
Marie.Tipsord@illinois.gov	Gina.roccaforte@illinois.gov		
Illinois Pollution Control Board	Division of Legal Counsel		
James R. Thompson Center	Illinois Environmental Protection Agency		
Suite 11-500	1021 North Grand Avenue, East		
100 West Randolph	P.O. Box 19276		
Chicago, Illinois 60601	Springfield, Illinois 62794-9276		
Eric Lohrenz	Andrew Armstrong		
Eric.lohrenz@illinois.gov	aarmstrong@atg.state.il.us		
Office of General Counsel	Office of the Attorney General		
Illinois Department of Natural Resources	500 South Second Street		
One Natural Resources Way	Springfield, IL 62706		
Springfield IL 62702-1271			
~pg = 02/02 12/1			
James Gignac	Katy Khayat		
jgignac@atg.state.il.us	Katy.Khayyat@illinois.gov		
Stephen Sylvester, Assistant Attorney General	Department of Commerce and Economic		
ssylvester@atg.state.il.us	Opportunity		
Matthew Dunn	Small Business Office		
mdunn@atg.state.il.us	500 East Monroe Street		
69 West Washington Street, Suite 1800	Springfield, IL 62701		
Chicago, IL 60602			
enviro@atg.state.il.us			
Jean-Luc Kreitner	Greg Wannier, Staff Attorney		
jkreitner@elpc.org	Greg.wannier@sierraclub.org		
Justin Vickers	Sierra Club Environmental Law Program		
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<u>_</u>	Katherine D. Hodge		
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	*		
1004 Mohawk	4340 Acer Grove Drive		
jvickers@elpc.org 35 East Wacker Drive, Suite 1600 Chicago, IL 60601 Faith Bugel fbugel@gmail.com Interested Party	2101 Webster Street, Suite 3100 Oakland, CA 94612 Katherine D. Hodge HeplerBroom LLC khodge@heplerbroom.com		