

JAN 11 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

V.

Case No. 06-9
Air Permit Appeal

Ms. Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
1000 West Randolph Street
Suite 11-500
Chicago, IL 60601

By: James T. Harrington
One of the Attorneys for AmerenEnergy

James T. Harrington
David L. Rieser
McGuireWoods LLP
77 West Wacker, Suite 4100
Chicago, IL 60601
Telephone: 312/849-8100

JAN 11 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMERENENERGY RESOURCES)
GENERATING COMPANY)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)

Case No. 06-126
Air Permit Appeal

PETITION FOR REVIEW OF DECISION ON
REQUEST FOR REVISION TO STATE AIR OPERATING PERMIT

Now comes the Petitioner AmerenEnergy Resources Generating Company ("AmerenEnergy") by its attorneys James T. Harrington, David L. Rieser and McGuireWoods LLP and petitions for review of the decision of the Illinois Environmental Protection Agency ("IEPA") dated December 9, 2005 regarding the "Request for Revision to State Operating Permit for Edwards Power Plant" ("Request for Revision"), filed on September 9, 2005. In support of this Petition, Petitioner states as follows:

1. Petitioner owns and operates a coal-fired electrical generating unit known as the Edwards Power Plant located at 7800 South Cilco Lane, Bartonville, Peoria County, Illinois.
2. This plant is operated under a state operating permit, I.D. No. 143805AAG, Permit No. 73010724, a true and correct copy of which is attached hereto as Exhibit 1.
3. On September 9, 2005, Petitioner submitted their "Request for Revision to State Operating Permit for Edwards Power Plant" in accordance with Special Condition 9c of the Operating Permit requesting IEPA to allow Petitioner to burn sub-bituminous coal in addition to the existing bituminous coal supply. A true and correct copy of this request is attached as Exhibit 2.
4. By letter dated December 9, 2005 and received by Petitioner on approximately December 13, 2005, IEPA stated, "The Illinois EPA will not be taking action on this request because a Clean Air Act Permit Program (CAAPP) permit was issued to the source on September 29, 2005." IEPA further stated, "This action may be considered a denial for the purpose of appeal to the Pollution Control Board." A true and correct copy of this letter is attached as Exhibit 3.

5. On September 29, 2005, IEPA did post a CAAPP permit for the Edwards Power Plant on the United States Environmental Protection Agency web page dated September 29, 2005 and subsequently said permit was served upon Petitioner.

6. On November 3, 2005, Petitioner filed a "Petition for Review" of said permit with this Board under docket number PCB 06-067.

7. As set forth in that Petition and in Petitioner's Response to Respondent's Motion in Partial Opposition to, and Partial Support of, Petitioner's Request for Stay before the Board, a Petition for Review stays the effect of the CAAPP permit until such time as the Board rules on the Petition for Review and the IEPA implements the decision of the Board. Pending the decision of the Board, the prior state operating permit issued by IEPA for the subject facility remains in full force and effect.

8. Therefore, the IEPA's basis for refusing to take action on the Petitioner's Request for Revision is incorrect, without basis in law and should be reversed with instructions to the IEPA to act on the merits of the Request for Revision.

9. IEPA clearly does not object to Petitioner burning sub-bituminous coal at its Edwards Power Plant because it includes such permission in the Title V Permit as reflected in the Permit denial at issue here.

Wherefore, Petitioner asks this Board to reverse the decision of the IEPA with instructions to act on the merits of Petitioner's Request of Revision.

Dated: January 11, 2006

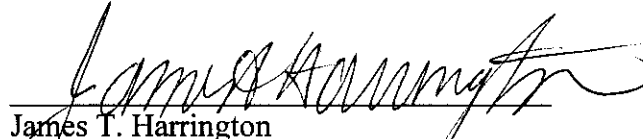
McGuire Woods LLP
77 West Wacker, Suite 4100
Chicago, IL 60601
Telephone: 312/849-8100

Respectfully submitted,

James T. Harrington
James T. Harrington
David L. Rieser

CERTIFICATE OF SERVICE

I, James T. Harrington, one of the attorneys for AmerenEnergy, hereby certify that I served a copy of Petition for Review of Decision on Request for Revision to State Air Operating Permit upon those listed on the attached Notice of Filing on January 11, 2006 via First Class Mail, postage prepaid.



James T. Harrington
One of the Attorneys for AmerenEnergy

McGuireWoods LLP
77 West Wacker, Suite 4100
Chicago, Illinois 60601
Telephone: 312/849-8100



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

P.O. Box 19506, SPRINGFIELD, ILLINOIS 62794-9506

RENEE CIPRIANO, DIRECTOR

2011 rec'd 11/7/2004

RHL
copy

217/782-2113

OPERATING PERMIT - REVISED

PERMITTEE

Ameren Energy Generating Company (CIPS)
Attn: Michael L. Menne, Manager Environmental, Safety and Health
1901 Chouteau Avenue
P.O. Box 66149, MC602
St. Louis, Missouri 63166-6149

Application No.: 73010724

I.D. No.: 143805AAG

Applicant's Designation:

Date Received: June 10, 2004

Subject: E.D. Edwards Station

Date Issued: July 1, 2004

Expiration Date: June 30, 2005

Location: AES Edwards Station, 7800 South Cilco Lane, Bartonville, Peoria County

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of Boiler Nos. 1, 2, and 3 with electrostatic precipitators, low NO_x burner combustion system, flue gas conditioning systems, fuel handling facilities, and fuel storage tanks as described in the above-referenced application. This permit is subject to standard conditions attached hereto and the following special condition(s):

- 1a. The average SO₂ emissions from Boilers 1, 2 and 3 as a group shall not exceed 4.71 lb/mmBtu of actual heat input, on a daily basis, pursuant to 35 IAC 214.561(a).
- b. The average SO₂ emissions from each boiler shall not exceed 6.6 pounds of SO₂ per mmBtu of actual heat input on a daily basis, pursuant to 35 IAC 214.561(b).
- c. SO₂ emissions from Boilers 1, 2 and 3, as a group, shall not exceed 34,613 pounds per hour, on a 24-hour average basis, pursuant to 35 IAC 214.561(c).

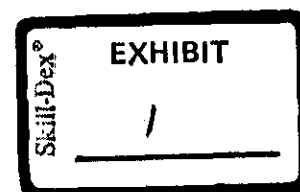
Note: The above limit reflects a site-specific determination of the applicable limit adopted by the Illinois Pollution Control Board in Regulatory Proceeding R02-21.

2. Emissions of particulate matter from the boilers shall not exceed the following limits in any one-hour period:

	<u>Limit (Lb/mmBtu)</u>	<u>Rule</u>
Boiler 1	0.20*	35 IAC 212.203(a)
Boiler 2	0.15*	35 IAC 212.203(a)
Boiler 3	0.10	35 IAC 212.202

- * This limit reflects a site-specific determination of the applicable limit adopted by the Illinois Pollution Control Board in Regulatory Proceeding R82-1.

ROD R. BLAGOJEVICH, GOVERNOR
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3. Except as provided by Conditions 1 and 2, emissions and opacity from the boilers shall comply with the standards of general applicability for existing coal-fired boiler including the new requirements of the NO_x trading Program.
- 4a. The Permittee shall submit a quarterly excess emission report of emissions in excess of those allowed by Title 35 Subtitle B for each boiler as indicated in 35 Ill. Adm. Code 201.405. This report shall be postmarked within forty-five days after the end of each calendar quarter and shall be based on data from the Continuous Emissions Monitor System (CEMS).
 - i. Excess emission and monitor performance reporting shall include the following:
 - A. The starting date and time of the excess emissions;
 - B. The duration of the excess emissions;
 - C. The magnitude of the excess emissions;
 - D. The cause of the excess emissions; if known;
 - E. Corrective actions taken to lessen the emissions; and
 - F. The operating status of the monitoring system including the dates and times of any periods during which it was inoperative.
 - ii. This report shall be effective beginning with the first Quarter, 1995 (January 1st through March 31st, 1995)
 - iii. If there were no excess emissions during the reporting period, the report shall so state and include information about the operating status of the monitoring equipment during that period.
- b. All records produced by the continuous systems shall be retained by the Permittee for a period of not less than two (2) years.
- 5a. Operation in excess of applicable opacity, particulate matter, and carbon monoxide emission standards, is allowed during periods of startup, malfunction, and breakdown.
- b. The Permittee shall keep a record of each startup, including information as to the length of time that such operation exceeded applicable standards and limitations, and a justification for the length of startup.
- c. The Permittee shall notify the Illinois EPA's Regional Office by telephone as soon as possible during normal working hours upon the occurrence of excess emissions due to malfunctions or breakdowns. The Permittee shall comply with all reasonable and safe directives of the Regional Office regarding such malfunctions and breakdowns.

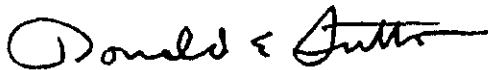
- d. The Permittee shall maintain records of excess emissions during malfunctions and breakdowns. As a minimum, these records shall include:
 - i. The date and duration of the malfunction or breakdown.
 - ii. A full and detailed explanation of the cause for such emissions.
 - iii. The type and quantity of contaminants emitted.
 - iv. The measures used to reduce the quantity of emissions and the duration of the occurrence.
 - v. The steps taken to prevent similar malfunctions or breakdowns and/or to reduce their frequency and severity.
- e. The Permittee shall retain the records required by this special condition for a period of at least two (2) years following an event. These records shall be maintained at a readily accessible location at the plant and shall be made available to representatives of the Illinois EPA during normal working and/or operating hours.
- f. The Permittee shall not continue operation during malfunction or breakdown beyond such time as is necessary to prevent injury to persons or severe damage to equipment or to provide essential services.
- 6a. Organic liquid by-products or waste materials other than those permitted by Condition 6(b) and (c) shall not be burned in Boilers 1, 2, and 3 without written permission from this Illinois EPA.
- b. Waste oils fitting the following description may be burned in the above referenced boilers:
 - i. Lubricating oil from coal mills, coal handling machinery, fan motors, pumps, turbines, and internal combustion engines.
 - ii. Hydraulic fluids.
 - iii. Mineral oil dielectric fluids containing less than two (2) ppm PCBs.
 - iv. Used grease.
- c. Boiler chemical cleaning wastes may be burned in the above referenced boilers.
- d. The Permittee shall analyze, on an annual basis, a representative sample of the materials listed in Condition 6(b) above for arsenic, chromium, cadmium, lead, flash point, total halogens, and heat content.
- e. The Permittee shall analyze, on an annual basis, a representative sample of the materials listed in Condition 6(c) above for pH, flash point, heat content, total halogens, arsenic, barium, mercury, chromium, lead, selenium, and silver.

- f. None of the waste materials described in Conditions 6(b) and (c) shall be hazardous.
- 7a. i. Upon written request by the Illinois EPA, the particulate matter concentrations in the effluent streams of Boiler(s) shall be measured by an approved testing service, during conditions which are representative of full load.
- ii. The following methods and procedures shall be used for testing of emissions, unless another method is approved by the Illinois EPA: Refer to 40 CFR 60, Appendix A for USEPA test methods.
- | | |
|---------------------------|----------------|
| Location of Sample Points | USEPA Method 1 |
| Gas Flow and Velocity | USEPA Method 2 |
| Particulate Matter | USEPA Method 5 |
- b. Prior to carrying out these tests, the Illinois EPA - Air Compliance Section and Illinois EPA - Air Regional Field Office, shall be notified a minimum of thirty (30) days prior to the expected date of these tests and further notified a minimum of five (5) working days prior to the test of the exact date, time, and place of these tests, to enable the Illinois EPA to witness these tests.
- i. Illinois EPA - Air Compliance Section
- Illinois Environmental Protection Agency
Bureau of Air
Compliance & Enforcement Section (MC 40)
P.O. Box 19276
Springfield, Illinois 62794-9276
- ii. Illinois EPA - Air Regional Field Office
- Illinois Environmental Protection Agency
Division of Air Pollution Control
5415 North University
Peoria, Illinois 61614
- c. Three (3) copies of the Final Report(s) for these tests shall be submitted to the Illinois EPA within 14 days of the compiling and finalizing of the test results.
8. The Illinois EPA shall be allowed to sample all coal at the station and shall be furnished replicate coal samples upon request.
- 9a. This permit allows for the burning of sub bituminous coal from Powder River Basin (PRB) in the boilers (not to exceed 120 days) of operational and emissions testing purposes, as described in the Permittee's letter of June 4, 2004, such that the boiler continues to comply with applicable rules and regulations governing air pollution and with the conditions set forth in this operating permit.

- b. i. The Permittee shall notify the Illinois EPA in writing at least fourteen (14) days prior to initial burning of any coal from a new mine. This notification shall be sent to the Illinois EPA's Regional Office and the Illinois EPA's Source Emission Test Specialist and shall include as a minimum: Information regarding fuel analyses, quantities and types of fuel(s) to be burned, planned start time and date, duration of test period, and a description of the test plan. The duration of any test burn shall not exceed 120 days unless the Illinois EPA has approved a longer period.
- ii. Notwithstanding the 120-day period specified above, the Permittee may conduct an evaluation or trial burn of sub bituminous coal from the Powder River Basin until July 30, 2004.
- c. Prior to revising this operating permit to allow for the continued burning of coal from a new mine in significant amount or a specific alternative fuel, the Illinois EPA may require appropriate emission testing to be carried out in accordance with the provisions of Condition 7.

It should be noted that this permit has been revised to address changes in the coal supply to the boilers and reflect current emission standards for the boilers.

If you have any questions on this permit, please contact Kunj Patel at 217/782-2113.



Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:KP:jar

cc: Region 2



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
P.O. BOX 19506
SPRINGFIELD, ILLINOIS 62794-9506

STANDARD CONDITIONS
FOR
OPERATING PERMITS

May, 1993

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

The following conditions are applicable unless superseded by special permit conditions(s).

1. The issuance of this permit does not release the Permittee from compliance with state and federal regulations which are part of the Illinois State Implementation Plan, as well as with other applicable statutes and regulations of the United States or the State of Illinois or with applicable local laws, ordinances and regulations.
2. The Illinois EPA has issued this permit based upon the information submitted by the Permittee in the permit application. Any misinformation, false statement or misrepresentation in the application shall be ground for revocation under 35 Ill. Adm. Code 201.166.
3.
 - a. The Permittee shall not authorize, cause, direct or allow any modification, as defined in 35 Ill. Adm. Code 201.102, of equipment, operations or practices which are reflected in the permit application as submitted unless a new application or request for revision of the existing permit is filed with the Illinois EPA and unless a new permit or revision of the existing permit(s) is issued for such modification.
 - b. This permit only covers emission sources and control equipment while physically present at the indicated plant location(s). Unless the permit specifically provides for equipment relocation, this permit is void for an item of equipment on the day it is removed from the permitted location(s) or if all equipment is removed, notwithstanding the expiration date specified on the permit.
4. The Permittee shall allow any duly authorized agent of the Illinois EPA, upon the presentation of credentials, at reasonable times:
 - a. To enter the Permittee's property where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit;
 - b. To have access to and to copy any records required to be kept under the terms and conditions of this permit;
 - c. To inspect, including during any hours of operation of equipment constructed or operated under this permit, such equipment and any equipment required to be kept, used, operated, calibrated and maintained under this permit;
 - d. To obtain and remove samples of any discharge or emission of pollutants; and
 - e. To enter and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any activity, discharge or emission authorized by this permit.
5. The issuance of this permit:
 - a. Shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are located;

**Directory
Environmental Protection Agency
Bureau of Air**

May 22, 2003

***For assistance in preparing a permit
application, contact the Permit Section:***

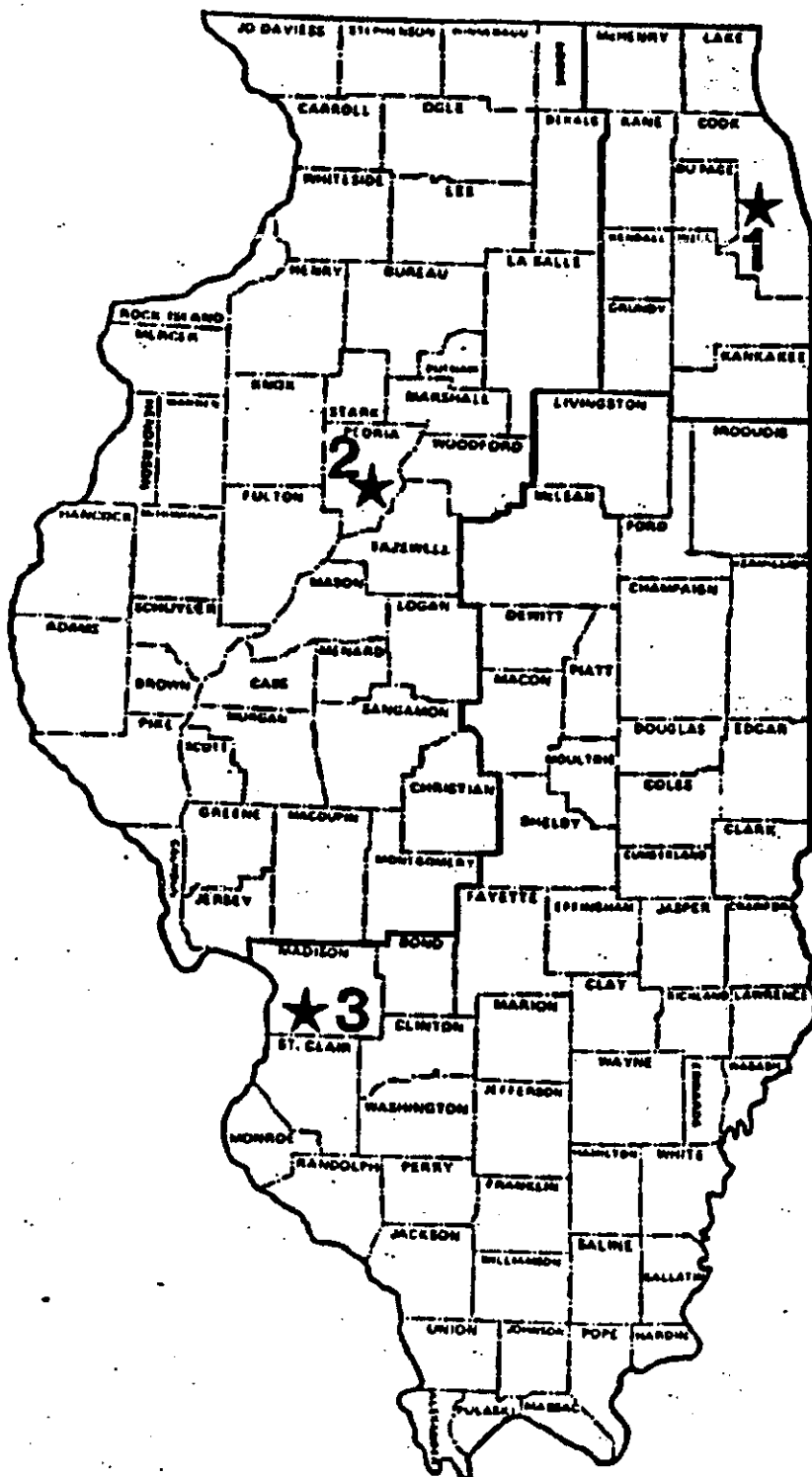
**Illinois EPA
Division of Air Pollution Control
Permit Section
1021 N. Grand Ave E.
P.O. Box 19506
Springfield, Illinois 62794-9506
217/782-2113**

***Or contact a regional office of the Field
Operations Section. The regional
offices and their areas of responsibility
are shown on the map. The addresses
and telephone numbers of the regional
offices are as follows:***

**Illinois EPA
Region 1
Bureau of Air, FOS
9511 West Harrison
Des Plaines, Illinois 60016
847/294-4000**

**Illinois EPA
Region 2
5415 North University
Peoria, Illinois 61614
309/693-5461**

**Illinois EPA
Region 3
2009 Mall Street
Collinsville, Illinois 62234
618/346-5120**



September 9, 2005

Mr. Donald E. Sutton, P. E.
Manager, Permit Section
Illinois Environmental Protection Agency
Division of Air Pollution Control
1021 North Grand Avenue East
Springfield, IL 62702

By Overnight Delivery

Subject: Edwards Power Plant Operating Permit Revision
Facility I. D. No. 143805AAG
Application No. 73010724

Dear Mr. Sutton:

Ameren Services, as affiliated agent for AmerenEnergy Resources Generating Company, hereby requests a revision of the operating permit for Edwards Power Plant, Facility I.D. No. 143805AAG, Application No. 73010724.

In accordance with Special Condition 9c. of the current operating permit, Ameren requests that the operating permit be revised to allow sub-bituminous coal to be burned on a long term basis in Boilers 1, 2 and 3 in addition to the existing bituminous coal supply. The sub-bituminous coal will be mixed with the existing coal supply in varying ratios from approximately 10 to 20 percent sub-bituminous coal and 80 to 90 percent existing coal supply and up to 100 percent sub-bituminous coal.

If you have any questions concerning this request, please contact Steve Whitworth at 314-554-4908.

Sincerely,

Michael L. Menne
Vice President

cc: D. Hayden - IEPA

bcc: G. T. Russell
P. B. Carter
M. A. Davis
J. R. Bush
S. J. Harvey
R. H. LaPlaca
S. C. Whitworth
File: AQ 3.1.16.1





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19506, SPRINGFIELD, ILLINOIS 62794-9506 -- (217) 782-2113

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-2113

December 9, 2005

Certified Mail
7004 2510 0001 8648 0949

Ameren Energy Resources Generating Company
Attn: Michael Menne, Vice President
One Ameren Plaza
1901 Chouteau Avenue
Post Office Box 66149
St. Louis, Missouri 63166-6149

RE: Request for Revision to State Operating Permit for Edwards Power Plant
I.D. No.: 143805AAG
Permit No.: 73010724
Letter Dated: September 9, 2005

The Illinois EPA has received your request on September 14, 2005, which requests a revision to Operating Permit 73010724 to accommodate burning of sub-bituminous coal on a long term basis.

The Illinois EPA will not be taking action on this request because a Clean Air Act Permit Program (CAAPP) permit was issued to the source on September 29, 2005.

First, no action can be taken on the state permit because it was superseded when the CAAPP was issued. Second, the CAAPP provides the flexibility in the coal supply to the boilers that you have requested.

This action may be considered a denial for the purpose of appeal to the Pollution Control Board.

If you have any questions on this, please call Kunj Patel at 217/782-2113.

Donald E. Sutton

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:KMP:psj

cc: Region 2

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