

ILLINOIS POLLUTION CONTROL BOARD
May 24, 2006

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED NEW 35 ILL. ADM. CODE 225) R06-25
CONTROL OF EMISSIONS FROM LARGE) (Rulemaking - Air)
COMBUSTION SOURCES (MERCURY))

HEARING OFFICER ORDER

On May 24, 2006, a pre-hearing phone conference was held to attempt to identify and limit issues of disagreement among the participants to promote efficient use of hearing time. 35 Ill. Adm. Code 102.404(b) and 102.406(c). In attendance were the Illinois Environmental Protection Agency (Agency), and representatives for: (1) Ameren Energy Generating Company, AmerenEnergy Generating Company, and Electric Energy Inc.; (2) Dynegy and Midwest Generation; (3) Kincaid Generation, L.L.C.; (4) Illinois Environmental Regulatory Group; (5) Environment Illinois and Illinois Public Interest Research Group; and (6) Environmental Law & Policy Center.

During the prehearing conference, several issues were discussed including numerous motions to file *instanter* and additional prefilng deadlines. This hearing officer order will summarize rulings made on issue.

Motions to File Prefiled Questions *Instanter*

On May 22, 2006, Ameren Energy Generating Company, Amerenenergy Resources Generating Company and Electric Energy, Inc. filed a motion to file questions *instanter*. In addition, on May 22, 2006, Dynegy Midwest Generation, and Midwest Generation filed a motion to file questions *instanter*. Kincaid Generation, L.L.C. also filed a motion to file questions *instanter* on May 22, 2006. Those motions are granted.

Motion to File Amended Testimony *Instanter*

On May 23, 2006, the Agency filed a motion to file *instanter* testimony of Dr. James E. Staudt. This is the Agency's second amendment of Dr. Staudt's testimony. The motion is hereby granted.

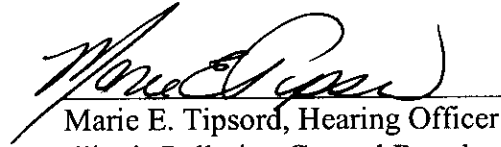
Prefiling of Questions for Dr. Staudt

After discussion with those present, it was agreed that questions for Dr. Staudt will be prefiled on June 2, 2006, and it is so ordered.

Prefiled Questions

Persons who do not prefile questions will be allowed to ask questions of the Agency's witnesses. Further, any participant who prefiles questions may ask additional questions and they may amend or withdraw any prefiled question. The hearing officer will allow any and all present to ask any question as long as the question is relevant and not repetitive (*see* 35 Ill. Adm. Code 102.426).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Marie E. Tipsord", is written over a horizontal line.

Marie E. Tipsord, Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-4925
tipsorm@ipcb.state.il.us