BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
PROPOSED NEW CAIR SO_2, CAIR NO_X	)	
ANNUAL AND CAIR NO_X OZONE SEASON	)	R06-26
TRADING PROGRAMS, 35 ILL. ADM.	)	(Rulemaking- Air)
CODE 225, CONTROL OF EMISSIONS	)	
FROM LARGE COMBUSTION SOURCES,	)	
SUBPARTS A, C, D and E	)	

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the POST-HEARING COMMENTS, of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
Rachel L. Doctors
Assistant Counsel
Division of Legal Counsel

DATED: October 27, 2006

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
PROPOSED NEW CAIR SO_2, CAIR NO_X	)	
ANNUAL AND CAIR NO_X OZONE SEASON	)	R06-26
TRADING PROGRAMS, 35 ILL. ADM.	)	(Rulemaking- Air)
CODE 225, CONTROL OF EMISSIONS	)	
FROM LARGE COMBUSTION SOURCES,	)	
SUBPARTS A, C, D and E	)	

POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (Illinois EPA), by one of its attorneys, Rachel L. Doctors, and hereby submits comments in the above rulemaking proceeding. Illinois EPA appreciates the efforts of the Illinois Pollution Control Board (Board) in this rulemaking regarding the request to add 35 Ill. Adm. Code Part 225 to reduce intra- and interstate transport of sulfur dioxide (SO_2) and nitrogen oxides (NO_x) emissions from fossil fuel-fired electric generating units (affected units), on an annual basis (January 1 though December 31) and NO_x on an ozone season basis (May 1 through September 30) of each calendar year, through the adoption of the Clean Air Interstate Rule (CAIR) SO_2 trading program, the CAIR NO_x Annual trading program, and the CAIR NO_x Ozone Season trading program that establish specific allocations for NO_x and retirement ratios for SO_2 allowances established under the CAIR. Though Illinois EPA responded to most every issue raised at the first hearing in this matter on the record during those proceedings, some outstanding issues remain to be addressed in these post-hearing comments.

RESPONSES TO QUESTIONS RAISED DURING THE OCTOBER 10-12, 2006 HEARING

Question 1: *In light of the questions asked concerning the emissions of green-house gases and NOx emissions from fluidized boilers, does Illinois EPA still consider that this type of unit should receive allowances from the CASA?*

Response: Illinois EPA currently allows the allocation of Clean Air Set-Aside (CASA) allowances for Fluidized Bed (FB) coal combustion projects that commenced construction on or after January 1, 2001. The selection of this date was in recognition of the state's only FB boiler affected by the rule, i.e., Southern Illinois Power Company's (SIPCO) unit 123. Providing CASA allowances for unit 123 acknowledges the installation of a clean coal technology category boiler and encourages the maximum use of this boiler going forward. Of greatest importance is that the ability to receive CASA allowances will motivate SIPCO to use the existing Selective Non-Catalytic Reduction (SNCR) NO_x control device on the FB boiler more often than it otherwise would absent the CASA allowance incentive. This is because the number of CASA allowances available increases as the amount of NO_x emitted decreases.

The inclusion of FB boilers in the Clean Technology category was based on research indicating that FB boilers emit lower amounts of both SO_2 and NO_x in comparison to pulverized coal fired boilers. The State's existing coal-fired boiler units affected by the proposed rule are 58 pulverized coal fired units, and only one FB boiler.

Illinois EPA has recently received information indicating that the emissions of greenhouse gas emissions from FB boilers may be of concern. We are researching the emissions of nitrous oxide and carbon dioxide from FB boilers in comparison to pulverized coal fired boilers. The emissions of nitrous oxide from FB boilers are of particular concern. Upon completion of the research into this matter, Illinois EPA will evaluate the need to revise the proposed rule and will take the necessary and appropriate actions as soon as possible.

Question 2: *Why doesn't Illinois EPA give incentives to install controls under the consent decrees?*

Response: Illinois EPA has reviewed all existing and relevant court orders or consent decrees that were in place on or before May 30, 2006, the date of filing this proposed rule. Illinois EPA determined that only one consent decree exists that is relevant to the rulemaking, namely, the existing consent decree for Dynegy. Illinois EPA reviewed the Dynegy consent decree requirements and made a determination regarding how these requirements should interact with the requirements of the proposed CAIR. Illinois EPA selected the May 30, 2006 date for use in the rule to distinguish between sources subject to an existing consent decree or court order in which Illinois EPA had reviewed the requirements, and sources that may become subject to a future consent decree or court order, in which Illinois EPA, obviously, has had no chance to review the requirements and determine whether use of the CASA is appropriate. Further, parties to any future consent decree or court order that is entered into after the effective date of the proposed rule can take into consideration the impact and affect of the rule on the consent decree

or court order; such consideration was obviously not possible at the time of the entry of the Dynegy consent decree.

The existing consent decree for Dynegy requires the installation of SO_2 and NO_x controls, establishes SO_2 and NO_x emissions caps, and contains restrictions on the use of SO_2 and NO_x allowances. It is contrary to the purpose of the CASA to provide CASA allowances for the installation of pollution controls already required under an existing consent decree. The proposed rule does allow the allocation of CASA allowances for emissions reductions beyond the requirements of the consent order. This provides an incentive for Dynegy to control to the greatest extent possible and beyond the level required in the consent decree.

Since Illinois EPA cannot predict what consent decrees or court orders may occur in the future (i.e., after May 30, 2006), or the terms and requirements therein, it did not prejudge whether such consent decrees or court orders would contain similar requirements and terms to that of the Dynegy consent order. Illinois EPA cannot accurately forecast the entirety of the issues and is not willing to prejudge the outcome of any such actions. Instead, Illinois EPA, and hence the proposed rule, leaves the use of the CASA up to those parties involved in the discussions and settlement of such matters. During the course of review and settlement it can be decided if use of the CASA is appropriate. Illinois EPA anticipates that it would be an active party to any such settlement discussions.

Installation of controls agreed to in Supplemental Environmental Projects (SEPs) similarly lack the need for an incentive and were likewise excluded from use of the CASA.

Illinois EPA is not aware of any consent decrees, court orders or SEPs for sources affected by the proposed rule that have been entered into or agreed to from May 30, 2006 to the present. Therefore the status has not changed since the May 30, 2006 filing date, and revising this date to a more current or prospective date would have no effect, provided that the status of existing consent decrees, court orders or SEPs remains unchanged up to the effective date of the proposed rule.

Question 3: *Is Section 225.460(d) intended to exclude the use of the CASA by companies opting into the MPS?*

Response: Section 225.460(d) appears to exclude the use of the CASA by sources opting into the multi-pollutant standard (MPS) of the proposed Illinois mercury rule. As stated during the hearing, this is not the intent of Illinois EPA. Illinois EPA will interpret the decision by companies opting into the MPS as a voluntary decision, not required, and hence not excluded from the CASA. As questions at hearing have raised an ambiguity about the current wording of this subsection, Illinois EPA will be amending this subsection to clarify its intent in the upcoming motion to amend.

Question 4: *Why are SEPs excluded from the CASA?*

Response: As noted above, Illinois EPA takes the position that SEPs should be excluded from eligibility for CASA allowances since a party that agrees to undertake a SEP typically does

so in the context of resolving issues raised in an enforcement proceeding. However, contrary to remedies in a consent decree that may be directly related to the underlying allegations of noncompliance, SEPs may involve projects or activities that are unrelated to such allegations.

Question 5: *How is Illinois EPA going to implement the CASA? Will there be forms? Who will review the CASA applications? What is the timing of the distribution of the excess allowances to oversubscribed CASA project categories (tipping)?*

Response: How the CASA will be implemented has not yet been specifically determined. It is expected that Illinois EPA's Bureau of Air Compliance Unit will oversee the CAIR trading program, including the CASA applications and tracking CAIR NO_x allowances for CASA projects. It also has not yet been determined whether forms will be provided by Illinois EPA. With respect to tipping, the distribution of unallocated allowances will occur as described in the amended provisions of Sections 225.475 and 225.575 as found in the Motion to Amend. Illinois EPA has filed a motion to withdraw the Motion to Amend so that a more comprehensive motion may be filed later that will include additional proposed amendments; however, the amended provisions of Sections 225.475 and 225.575 are expected to be carried over into the new motion to amend without any significant changes. The process will be that first all applications will be reviewed. Then the number of allowances that are approved for projects will be compared to the available number of allowances. Allowances will be allocated pro-rata by project category. If there is overflow, it will be determined after that point. Then any unfilled requests will receive allowances, pro-rata.

Question 6: *How is gross electrical output measured? What is the timing for installation of the system? How will Illinois EPA ensure that it receives consistent and uniform data?*

Response: There are a number of different ways of measuring gross electrical output or hourly gross load aside from a wattmeter, e.g., current and voltage transformers. Measurement of generated power by these methods is quite accurate, and is more accurate than measurements of heat input. As testified to at hearing, USEPA already requires that existing affected sources have systems or devices for measuring hourly gross load, and that the data be submitted to the Clean Air Markets Division (CAMD). New sources and/or units that are subject to "Standards of Performance for New Stationary Sources" are required to report data collected by a wattmeter pursuant to 40 CFR § 60.49a. Units that are not subject to "Standards of Performance for New Stationary Sources" are required to report data from the device or system for measuring gross load pursuant to 40 CFR § 75.53(e)(1)(I). Hence, it is not anticipated that sources subject to CAIR would need to install new equipment for this purpose. Illinois EPA is working with CAMD to determine what systems may be used for compliance with 40 CFR §75.53 (measuring maximum gross load and reporting via the continuous emissions monitoring systems (CEMS)) and expects to include any needed clarification to its proposal in its upcoming Motion to Amend.

Question 7: *Are Illinois EPA's decisions concerning whether a source is out of compliance with the Subpart subject to appeal pursuant to Sections 225.455(b) and 225.555(b)? Are these final administrative decisions? What is Illinois EPA's position whether this is punitive? Is there a penalty, if so what is Illinois EPA's authority for asserting that it is a finding of noncompliance?*

Response: Illinois EPA plans to submit revised language in Sections 225.455(b) and 225.555(b) that will seek to clarify the position that the provision is not intended to be punitive in nature, including the likely deletion of the phrase: "a finding of noncompliance." Also, it should be noted that Illinois EPA has not included any language in either of those Sections that set forth specific appeal procedures or rights. It is not anticipated that appeal procedures or rights will be added in any future proposed amendments to the rule. Thus, given the lack of such specific language, questions about appealability and procedures for appeal of any decisions issued by Illinois EPA pursuant to the proposed rule would likely fall under the provisions of the Illinois Administrative Procedure Act.

Question 8: *What effect will the SO_2 and NO_x lawsuits have on Illinois EPA's proposed CAIR rule?*

Response: The effect that the lawsuits have on Illinois EPA's proposed rule will depend on the final decisions that will be reached by the court. As has been discussed, Illinois EPA's proposal does not establish any of the three CAIR trading programs (SO_2 annual, NO_x annual, and NO_x seasonal). The proposal merely enables the State to require electrical generating units to participate in these trading programs by holding allowances sufficient to cover emissions for the designated pollutant and control period. Hence, if the court invalidates provisions of the CAIR SO_2 trading program, Illinois EPA could not implement those provisions and would need to propose amendments to rules already adopted by the Board consistent with the court's decision and/or any revisions that USEPA made to the federal CAIR trading program. A similar result would occur if the court invalidated provisions of the CAIR NO_x annual or seasonal trading programs. If one of the trading programs is invalidated by the court, the other trading programs can proceed.

Question 9: *A number of questions were asked pertaining to whether the definitions in the CAIR rule are similar to ones used in the NO_x SIP call or in 35 Ill. Adm. Code 211, specifically, CAIR authorized account representative, CAIR designated representative, coal-fired, co-generation, combustion turbine, common stack, electric generating unit, fossil fuel, fossil fuel-fired generator, oil-fired and repowering.*

Response: As the NO_x SIP call definitions do not apply to Illinois EPA's proposal or to the CAIR trading programs as promulgated by USEPA, no relationship or consistency needs to be established between those definitions. Only three of the above terms appear in part 211: combustion turbine, fossil fuel, and repowering. With respect to those definitions, they are identical to those in the CAIR rule, but different from the ones included in Part 211. However, language at the beginning of Section 211.130 which provides, "Unless otherwise defined in this Section....," states that the definitions in Section 211.130 apply. Only in situations where a term is not defined does a definition from Part 211 or 40 CFR § 96.102, 202 or 302 apply. Finally, with respect to the definition of "repowering" in Part 211, this definition as been expressly limited for use with 35 Ill. Adm. Code 217, Subpart W.

Question 10: *In rules proposed by other states implementing the CAIR trading programs, what set-asides have been proposed or adopted?*

Response: Illinois EPA contacted 25 states, plus the District of Columbia, regarding the status of each respective state's proposal, and specifically the size of Energy Efficiency/Renewable Energy (EE/RE) set-asides and new unit set-asides (NUSA), as well as the basis for allocations to existing units. Fourteen of these states followed the model rule for the NUSA, while Illinois and three other states (Florida, Wisconsin, and New Jersey) proposed rules with a NUSA larger than the NUSA in the model rule. The largest of the NUSAs are proposed by Wisconsin and New Jersey at 7% and 10%, respectively. Two states, Georgia and South Carolina, included a NUSA smaller than the model rule. With respect to the EE/RE set-asides, Illinois and eight other states (Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Virginia, New Jersey) plus the District of Columbia, have proposed rules incorporating EE/RE set-asides. The size and the basis for allocation vary from state to state. One state, Minnesota, has proposed an EE/RE set-aside larger than Illinois, of 15%. Some of the remaining fifteen states may include an EE/RE set-aside, but have not made a final decision yet. Finally, Illinois and five other states (Alabama, Connecticut, Arkansas, Wisconsin, and New Jersey) have proposed to allocate allowances based on electrical output.

Question 11: *Was there ever a Federal Implementation Plan (FIP) letter received?*

Response: No. On April 28, 2006, and effective June 27, 2006, USEPA promulgated the federal implementation plans for all jurisdictions covered by CAIR. 71 *Fed. Reg.* 25328.

Question 12: *What effect will the FIP have on Illinois EPA's proposed CAIR rule?*

Response: As was discussed in Illinois EPA's motion to expedite hearings filed on May 30, 2006, until the provisions of a state's State Implementation Plan (SIP) are approved by USEPA, the provisions of the FIP stand in place of a state's provisions. The first action of consequence that USEPA will take under the FIP will be making NO_x allocations on July 30, 2007, for the 2009 control period. Such allocations will be recorded on September 30, 2007. Similarly, USEPA will make NO_x allocations on July 30, 2008, for the 2010 control period that will be recorded on September 30, 2008. If state-determined NO_x allocations are approved earlier than these recordation deadlines, USEPA will use the state-determined allocations. *71 Fed. Reg.*. 25352.

However, as was testified to at the Springfield hearing, it has been the practice of the CAMD of USEPA to wait for a state's allocations to be approved rather than to proceed according to the deadlines set forth in the applicable federal regulations. This is no guarantee that in this instance that CAMD will wait until Illinois' allocations are approved by USEPA before proceeding. However, it is Illinois EPA's expectation that if its CAIR SIP is submitted by May 2007, it will be approved prior to September 2007 and the FIP will have no effect in Illinois.

Question 13: *Where did the requirement for the monitoring plan come from? Where in the proposal does it require that a monitoring plan be developed?*

Response: Monitoring plans are required pursuant to 40 CFR § 75.53.

Question 14*: Was Illinois EPA Ex. 15, entitled "Draft Report: State Set-Aside Programs for Energy Efficiency and Renewable Energy Projects Under the NOx Budget Trading Program: A Review of Programs in Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, and Ohio," ever published as a final report?*

Response: No, Illinois EPA contacted USEPA and this report has never been published as a final report.

Question 15: *What is the vintage of allowance that would be allocated from Illinois EPA's account when it notifies USEPA of an allocation to a project sponsor? How does Illinois EPA's proposal treat vintage years of CASA*? *Will Illinois EPA distribute allowances pro-rata by vintage year?*

Response: While USEPA distributes allowances from Illinois EPA's account on a first-in-first-out basis (FIFO), Illinois EPA can specify the vintage of allowances that go to sources under the CASA. Illinois EPA will address the issue of pro-rata allocation by vintage year in its forthcoming Motion to Amend the Regulatory proposal. The current regulatory proposal is silent on how different vintage years will be handled in the same allocation stream. Illinois EPA will also address this issue in the forthcoming Motion to Amend the Regulatory proposal.

It is important to note that unlike the NO_x SIP Call trading program, there are no flow control provisions that could reduce the value of allowance that are issued for a prior control period. Flow control worked as follows: an allowance with a vintage of 2004 may only be able to offset 0.5 tons of emissions in 2006. This is only an example and is not intended to represent any flow control that was, in fact, applied to the NO_x SIP Call trading program. As there is no flow control under the CAIR NOx Trading programs, there are fewer circumstances that would change the economic value of an allowance based on its vintage year. Such circumstances could include allowances issued prior to 2012, because of Illinois' MPS provisions and allowances with a vintage prior to the control period for which they may be used for compliance.

Question 16: *Illinois EPA was asked why the proposal included federal appeal rights and to provide an example of those appeal rights.*

Response: The proposal includes a reference to this section of the federal rule because under the NO_x SIP Call, some affected sources had asked what reviewing body would hear appeals of decisions made by USEPA pertaining to deductions of allowances from compliance accounts. 40 CFR § 78.1 specifies which USEPA actions can be appealed.

Question 17: *A request was made that subsections 225.435(b)(1) and (b)(2) and subsections 225.535(b)(1) and (b)(2) be clarified to state that sources have the choice of whether heat input or gross electrical output is submitted for determining allocations for the initial control periods.*

Response: Illinois EPA will clarify its intent that affected electrical generating units have a choice as to whether heat input or gross electrical output is used by Illinois EPA when making its initial allocations. The amendments will be included in Illinois EPA forthcoming Motion to Amend.

Question 18: *Is there an inaccurate statement in the Technical Support Document (TSD) that states that limestone injection is not used in Illinois?*

Response: Page 50 of the TSD appears to have an error in the last sentence on the page: "Blending coal or coal waste with limestone has not yet been used on any existing Illinois EGU, but permit applications have been received for two boilers to use this technology." This statement should be read as: "Blending coal or coal waste with limestone has not been utilized to a great extent with Illinois EGUs other than SIPCO's Marion Unit 123. However, Illinois EPA has received permit applications for two additional boilers to use this technology (Enviropower and Indeck)."

Question 19: *Who has the ability to enforce the Governor's Sustainable Energy plan? Is Illinois EPA on the Energy Council? Who bears the responsibility to enforce the Energy Plan?*

Response: These questions are being researched and answers will be provided at the first available opportunity.

Question 20: *Will any dates in the rule need to be changed in light of 40 CFR § 51.123(o) or (q), or because the rule will not be adopted prior to January 1, 2007?*

Response: Yes, Illinois EPA began addressing the date issues in its Motion to Amend that is now the subject of a Motion to Withdraw. Illinois EPA is in discussions with USEPA concerning the dates in Sections 225.430 through 225.450, and Sections 225.530 through 225.550. As part of its forthcoming Motion to Amend, Illinois EPA expects to provide revised dates.

Question 21: *Isn't the definition of "project sponsor" too broad in that it allows an individual or other entity to apply for CASA allowances who has not been involved in financing or implementing project?*

Response: Illinois EPA is considering this issue and expects that a revised definition for "project sponsor" will be included in the Motion to Amend.

Question 22: *Is the term "commence construction" defined in the rule?*

Response: The proposal did not include a definition for "commence construction." Illinois EPA is considering this issue and expects that a definition for the term will be included in the Motion to Amend.

Question 23: *Why have over-fired air projects (OFA) been excluded from receiving allowances from the CASA?*

Response: Careful consideration was given to which project types would be eligible for CASA allowances during the regulatory development phase. It was determined that OFA should not be an eligible project for the CASA because OFA is expected to be a common measure

employed by sources in the trading program without the need for incentives, it is already a widely employed control measure in Illinois due to the previous NOx trading program, and allowing OFA to be considered for allowances from the CASA would greatly reduce the incentive for sources to install the more costly controls, e.g., SNCR and Selective Catalytic Reduction (SCR). The CASA is of a finite size, and over-subscription of CASA categories results in prorating the number of allowances allocated to each project, resulting in all projects, including the more expensive projects, being eligible for a fraction of the allowances for which they qualify. The purpose of the CASA, with respect to the pollution control upgrade category, is to defray costs and provide an incentive to install controls of a few selected project types, such as SCR, that are comparatively much more expensive than OFA. Illinois EPA also took into account that the more costly controls generally result in the greatest reductions in emissions. In considering costs, Illinois EPA contemplated both the initial capital costs and ongoing operating and maintenance costs of potential control measures.

Question 24: *Does the reference to dates in the rule that pre-date the effective date of the rule create a regulation that is retroactive in effect?*

Response: Several provisions in the proposed rule cite or refer to years prior to the expected effective year of the rule, i.e., 2007. However, the mere reference to antecedent years does not cause the rule to be considered retroactive in nature. The Illinois Supreme Court has set forth the guidelines for determining whether an amended statute is retroactive in nature. Those guidelines are applicable to the present rulemaking, since construing regulations promulgated by an administrative agency calls for the use of the same rules used in construction of statutes.[1] The first rule of construction is to see if the legislature, or in this case the Board, has clearly indicated what the temporal reach of an amended statute should be. If such expression of intent has been given, then it must be put into effect. However, if there is no indication of what the reach of a statute should be, then a reviewing body must determine whether applying the statute would have a retroactive impact. A retroactive impact is one that would impair rights a party possessed when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed. If there is no retroactive impact as described, then the amended law may be applied. Further, a statute does not operate retrospectively merely because it is applied in a case arising from conduct antedating the statute's enactment or upsets expectations based in prior law. Rather, a reviewing court must ask whether the new provision attaches new legal consequences to events completed before its enactment.[2]

Applying those guidelines to the proposed rule, the mere reference to earlier years for purposes of calculations, etc., does not lead to a retroactive impact. Specifically in the case of carving out the Dynegy consent decree as was discussed *supra*, there is no retroactive impact since there is no impairment of any rights possessed by Dynegy at the time of the consent decree's execution, there is no increased liability on the part of Dynegy, and there are no new duties imposed upon Dynegy. Since the CASA allowances are a new regulatory provision that did not exist at the time of the Dynegy consent decree, Dynegy would be in no better or worse a position if the

[1] *Lipman v. Board of Review of the Department of Labor*, 123 Ill. App. 3d 176, 180, 462 N.E.2d 798, 800 (1st Dist. 1984).
[2] *Commonwealth Edison Company v. Will County Collector*, 196 Ill.2d 27, 38-39, 749 N.E.2d 964, 971-972 (2001).

CASA provisions as proposed are put into effect as compared to the position if no CASA provisions were effective.

Question 25: Can Illinois EPA provide the input data used for the IPM modeling?

Response: Illinois EPA is in the process of locating and compiling that information. It will be made available to the Board and interested parties as soon as possible.

Respectfully submitted,

By:_____
Rachel L. Doctors
Assistant Counsel
Air Regulatory Unit
Division of Legal Counsel

Dated: October 27, 2006

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

STATE OF ILLINOIS)
) **SS**
COUNTY OF SANGAMON)
)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached POST-HEARING COMMENTS upon the following person:

Dorothy Gunn
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601-3218

and mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

_____
Rachel L. Doctors
Assistant Counsel
Division of Legal Counsel

Dated: October 27, 2006

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)

SERVICE LIST
R06-26

John Knittle, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph St., Suite 11-500 Chicago, IL 60601-3218	Matthew J. Dunn, Division Chief Office of Attorney General Environmental Bureau 188 W. Randolph, 20th Floor Chicago, IL 60601
Virginia Yang, Deputy Legal Counsel Illinois Dept. of Natural Resources One Natural Resources Way Springfield, IL 62702-1271	Keith I. Harley Chicago Legal Clinic 205 West Monroe Street, 4th Floor Chicago, IL 60606
James T. Harrington David L. Rieser Jeremy R. Hojnicki McGuire Woods LLP 77 West Wacker, Suite 4100 Chicago, IL 60601	William A. Murray Special Assistant Corporation Counsel Office of Public Utilities 800 East Monroe Springfield, IL 62757
S. David Farris Environmental, Health and Safety Manager Office of Public Utilities 201 East Lake Shore Drive Springfield, IL 62757	Faith E. Bugel Environmental Law and Policy Center 35 East Wacker Drive, Suite 1300 Chicago, IL 60601
Kathleen C. Bassi Sheldon A. Zabel Stephen J. Bonebrake Schiff Hardin LLP 6600 Sears Tower 233 South Wacker Drive Chicago, IL 60606	Katherine D. Hodge N. LaDonna Driver Hodge Dwyer Zeman 3150 Roland Avenue Springfield, IL 62705-5776
Bruce Nilles Sierra Club 122 W. Washington Ave., Suite 830 Madison, WI 53703	Sasha M. Reyes Steven J. Murawski One Prudential Plaza, Suite 3500 130 E. Randolph Dr. Chicago, IL 60601
Daniel McDevitt Midwest Generation 440 S. LaSalle St., Suite 3500 Chicago, IL 60605	