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 a MOTION FOR LEAVE TO FILE INSTANTER and REVISED JOINT COMMENT, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
John J. Kim
Managing Attorney
Air Regulatory Unit
Division of Legal Counsel

DATED: January 10, 2007

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	**)**	

MOTION FOR LEAVE TO FILE INSTANTER REVISED JOINT COMMENT

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by one of its attorneys, and pursuant to 35 Ill. Adm. Code 101.500, moves that the Illinois Pollution Control Board ("Board") grant the Illinois EPA leave to file instanter a Revised Joint Comment. In support of its Motion, the Illinois EPA states as follows:

On January 5, 2007, Illinois EPA and Midwest Generation EME, LLC ("MWGen"), filed a Joint Comment in this proceeding. The Joint Comment set forth the background and substance of a new proposed Subpart F to be included with this pending rulemaking. However, due to logistical restraints and the desire to meet the January 5, 2007 filing deadline for post-hearing written comments, Illinois EPA and MWGen were not able to complete discussions on one last issue related to the understanding of those parties.

Specifically, the proposed language in new Subpart F did not include specific deadlines and milestones related to the option of shutting down or installing new control equipment at certain facilities in the State. Following further discussions held on and after the January 5, 2007 filing deadline, Illinois EPA and MWGen now have reached agreement as to the content and form of such provisions. Therefore, Illinois EPA and MWGen are now submitting the revised language of new Subpart F with the Revised Joint Comment being filed concurrently with this

Motion.

In the Revised Joint Comment, Illinois EPA and MWGen request that the Board incorporate the revised language with the remainder of new Subpart F and include that revised new Subpart with the rulemaking in the Board's First Notice. The delay between the deadline of January 5, 2007, and the filing date of this Motion is not so long as to create any prejudice on the part of any affected party, but the failure of the Board to accept and consider this revised language would result in a new Subpart F that would be missing certain key elements.

The Illinois EPA regrets that the revised language that is the subject of the Revised Joint Comment was not submitted in a timely fashion, and asks that the Board take into account the relatively short period of time that has transpired since the filing deadline.

WHEREFORE, for the reasons set forth above, the Illinois EPA respectfully moves that the Board grant leave to file instanter the Revised Joint Comment.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
John J. Kim
Managing Attorney
Air Regulatory Unit
Division of Legal Counsel

DATED: January 10, 2007

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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	**)**	

REVISED JOINT COMMENT

NOW COME Midwest Generation EME, LLC ("MWGen") and the Illinois Environmental Protection Agency ("Illinois EPA"), by and through their respective attorneys, and state as follows:

On January 5, 2007, MWGen and Illinois EPA submitted a Joint Comment to the Illinois Pollution Control Board ("Board"). The Joint Comment included a new Subpart F proposed for inclusion within this pending rulemaking. The comments and information contained within the Joint Comment are incorporated into this Revised Joint Comment.

The Joint Comment set forth the background and substance of a new proposed Subpart F to be included with this pending rulemaking. However, due to logistical restraints and the desire to meet the January 5, 2007 filing deadline for post-hearing written comments, Illinois EPA and MWGen were not able to complete discussions on one last issue related to the understanding of those parties.

Specifically, the proposed language in new Subpart F did not include specific deadlines and milestones related to the option of shutting down or installing new control equipment at certain facilities in the State. Following further discussions held on and after the January 5, 2007 filing deadline, Illinois EPA and MWGen now have reached agreement as to the content and form of such provisions. Therefore, Illinois EPA and MWGen are now submitting the revised

language of new Subpart F with this Revised Joint Comment. The language of new Subpart F is the same as that submitted with the Joint Comment, with the noted exceptions. That language more clearly sets forth the milestones, options and deadlines that are applicable for the Specified Electric Generating Units ("EGUs") referenced in the rule; accordingly, this language will clarify obligations imposed upon an owner or operator of a Specified EGU.

Illinois EPA and MWGen request that the Board incorporate the revised language with the remainder of new Subpart F and include that revised new Subpart with the rulemaking in the Board's First Notice. The failure of the Board to accept and consider this revised language would result in a new Subpart F that would be missing certain key elements.

For all of the foregoing reasons, MWGen and the Illinois EPA request that the PCB include the proposed Subpart F for consideration in and as a part of the CAIR rulemaking.

Dated: January 10, 2007.

Respectfully submitted,

MIDWEST GENERATION EME LLC

By: /s/ Karl A. Karg
One of its Attorneys

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: /s/ John J. Kim
One of its Attorneys

John J. Kim, Managing Attorney
Rachel L. Doctors, Assistant Counsel

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Springfield, Illinois 62794-9276

SUBPART F: COMBINED POLLUTANT STANDARDS

Section 225.600 Purpose

The purpose of this Subpart F is to allow an alternate means of compliance with the emissions standards for mercury in Section 225.230(a) for Specified EGUs through permanent shut-down, installation of ACI, and the application of pollution control technology for NO_x, PM, and SO_2 emissions that also reduce mercury emissions as a co-benefit and to establish permanent emissions standards for those Specified EGUs. Unless otherwise provided for in this Subpart F, owners and operators of those Specified EGUs are not excused from compliance with other applicable requirements of Subparts B, C, D, and E.

Section 225.605 Applicability

a) As an alternative to compliance with the emissions standards of Section 225.230(a), the owner or operator of specified EGUs in this Subpart F located at Fisk, Crawford, Joliet, Powerton, Waukegan, and Will County power plants may elect for all of those EGUs as a group to demonstrate compliance pursuant to this Subpart F, which establishes control requirements and emissions standards for NO_x, PM, SO_2, and mercury. For this purpose, ownership of a Specified EGU is determined based on direct ownership, by holding a majority interest in a company that owns the EGU or EGUs, or by the common ownership of the company that owns the EGU, whether through a parent-subsidiary relationship, as a sister corporation, or as an affiliated corporation with the same parent corporation, provided that the owner or operator has the right or authority to submit a CAAPP application on behalf of the EGU.

b) A Specified EGU is a coal-fired EGU listed in Appendix A, irrespective of any subsequent changes in ownership of the EGU or power plant, changes in the operator, unit designation, or name of unit.

c) The owner or operator of each of the Specified EGUs electing to demonstrate compliance with Section 225.230(a) pursuant to this Subpart must submit an application for a CAAPP permit modification to the Agency, as provided for in Section 225.220, that includes the information specified in Section 225.610 that clearly states the owner's or operator's election to demonstrate compliance with Section 225.230(a) pursuant to this Subpart F.

d) If an owner or operator of one or more Specified EGUs elects to demonstrate compliance with Section 225.230(a) pursuant to this Subpart F, then all Specified EGUs owned or operated in Illinois by the owner or operator as of December 31, 2006, as defined in subsection (a) of this Section, are thereafter subject to the standards and control requirements of this Subpart F. Such EGUs are referred to as a Combined Pollutant Standard ("CPS") group.

e) If an EGU is subject to the requirements of this Section, then the requirements apply to all owners and operators of the EGU, and to the CAIR designated representative for the EGU.

Section 225.610 Notice of Intent

The owner or operator of one or more Specified EGUs that intends to comply with Section 225.230(a) by means of this Subpart F must notify the Agency of its intention on or before December 31, 2007. The following information must accompany the notification:

a) The identification of each EGU that will be complying with Section 225.230(a) pursuant to this Subpart F, with evidence that the owner or operator has identified all Specified EGUs that it owned or operated in Illinois as of December 31, 2006, and which commenced commercial operation on or before December 31, 2004;

b) If an EGU identified in subsection (a) of this Section is also owned or operated by a person different than the owner or operator submitting the notice of intent, a demonstration that the submitter has the right to commit the EGU or authorization from the responsible official for the EGU submitting the application; and

c) A summary of the current control devices installed and operating on each EGU and identification of the additional control devices that will likely be needed for each EGU to comply with emission control requirements of this Subpart F.

Section 225.615 Control Technology Requirements and Emissions Standards for Mercury

a) Control Technology Requirements for Mercury.

1) For each EGU in a CPS group other than an EGU that is addressed by subsection (b) of this Section, the owner or operator of the EGU must install, if not already installed, and properly operate and maintain, by the dates set forth in subsection (a)(2) of this Section, ACI equipment complying with subsections (g), (h), (i), (j), and (k) of this Section, as applicable.

2) By the following dates, for the EGUs listed below, which include hot and cold side ESPs, the owner or operator must install, if not already installed, begin operating ACI equipment or the Agency must be given written notice that the EGU will be shutdown on or before the dates below:

A) Fisk 19, Crawford 7, Crawford 8, Waukegan 7, and Waukegan 8 on or before July 1, 2008; and

B) Powerton 5~~1~~, ~~Powerton 52~~, Powerton 6~~1~~, ~~Powerton 62~~, Will County 3, Will County 4, Joliet ~~6~~71, ~~Joliet 72~~, Joliet ~~7~~81, ~~Joliet 82,~~ and Joliet ~~8~~5 on or before July 1, 2009.

b) Notwithstanding subsection (a) of this Section, the following EGUs are not required to install ACI equipment because they will be permanently shut-down, as addressed by Section 225.630, by the date specified:

1) EGUs that are required to permanently shut-down:

A) On or before December 31, 2007, Waukegan 6~~17~~; and

B) On or before December 31, 2010, Will County 1 and Will County 2.

2) Any other Specified EGU that is permanently shut down by December 31, 2010.

c) Beginning on January 1, 2015, and continuing thereafter, and measured on a rolling 12-month basis (the initial period is January 1, 2015, through December 31, 2015, and, then, for every 12-month period thereafter), each Specified EGU, except Will County 3, shall achieve one of the following emissions standards:

1) An emissions standard of 0.0080 lbs mercury/GWh gross electrical output; or

2) A minimum 90 percent reduction of input mercury.

d) Beginning on January 1, 2016, and continuing thereafter, Will County 3 shall achieve the mercury emissions standards of subsection (c) of this Section measured on a rolling 12-month basis (the initial period is January 1, 2016, through December 31, 2016, and, then, for every 12-month period thereafter).

e) At any time prior to the dates required for compliance in subsections (c) and (d) of this Section, the owner or operator of a Specified EGU, upon notice to the Agency, may elect to comply with the emissions standards of subsection (c) of this Section measured on a rolling 12-month basis for one or more EGUs. Once an EGU is subject to the mercury emissions standards of subsection (c) of this Section, it shall not be subject to the requirements of subsections (g), (h), (i), (j) and (k) of this Section.

f) Compliance with the mercury emissions standards or reduction requirement of this Section must be calculated in accordance with Section 225.230(a) or (b).

g) For each EGU for which injection of halogenated activated carbon is required by subsection (a)(1) of this Section, the owner or operator of the EGU must inject halogenated activated carbon in an optimum manner, which, except as provided in subsection (h) of this Section, is defined as all of the following:

1) The use of an injection system for effective absorption of mercury, considering the configuration of the EGU and its ductwork;

2) The injection of halogenated activated carbon manufactured by Alstom, Norit, or Sorbent Technologies, or the injection of any other halogenated activated carbon or sorbent that the owner or operator of the EGU has demonstrated to have similar or better effectiveness for control of mercury emissions; and

3) The injection of sorbent at the following minimum rates, as applicable:

A) For an EGU firing subbituminous coal, 5.0 lbs per million actual cubic feet or, for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lb mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 2.5 lbs million actual cubic feet;

B) For an EGU firing bituminous coal, 10.0 lbs per million actual cubic feet or, for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lb mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 5.0 lbs million actual cubic feet;

C) For an EGU firing a blend of subbituminous and bituminous coal, a rate that is the weighted average of the above rates, based on the blend of coal being fired; or

D) A rate or rates set lower by the Agency, in writing, than the rate specified in any of subsections (g)(3)(A), (g)(3)(B), or (g)(3)(C) of this Section on a unit-specific basis, provided that the owner or operator of the EGU has demonstrated that such rate or rates are needed so that carbon injection will not increase particulate matter emissions or opacity so as to threaten noncompliance with applicable requirements or particulate matter or opacity.

4) For purposes of subsection (g)(3) of this Section, the flue gas flow rate must be determined for the point sorbent injection; provided that this flow rate may be assumed to be identical to the stack flow rate if the gas temperatures at the point of injection and the stack are normally within 100º F, or the flue gas flow rate may otherwise be calculated from the stack flow rate, corrected for the difference in gas temperatures.

h) The owner or operator of an EGU that seeks to operate an EGU with an activated carbon injection rate or rates that are set on a unit-specific basis pursuant to

subsection (g)(3)(D) of this Section must submit an application to the Agency proposing such rate or rates, and must meet the requirements of subsections (h)(1) and (h)(2) of this Section, subject to the limitations of subsections (h)(3) and (h)(4) of this Section:

1) The application must be submitted as an application for a new or revised federally enforceable operation permit for the EGU, and it must include a summary of relevant mercury emissions data for the EGU, the unit-specific injection rate or rates that are proposed, and detailed information to support the proposed injection rate or rates; and

2) This application must be submitted no later than the date that activated carbon must first be injected. For example, the owner or operator of an EGU that must inject activated carbon pursuant to subsection (a)(1) of this Section must apply for unit-specific injection rate or rates by July 1, 2008. Thereafter, the owner or operator may supplement its application; and

3) Any decision of the Agency denying a permit or granting a permit with conditions that set a lower inject rate or rates may be appealed to the Board pursuant to Section 39 of the Act.

4) The owner or operator of an EGU may operate at the injection rate or rates proposed in its application until a final decision is made on the application including a final decision on any appeal to the Board.

i) During any evaluation of the effectiveness of a listed sorbent, alternative sorbent, or other technique to control mercury emissions, the owner or operator of an EGU need not comply with the requirements of subsection (g) of this Section for any system needed to carry out the evaluation, as further provided as follows:

1) The owner or operator of the EGU must conduct the evaluation in accordance with a formal evaluation program submitted to the Agency at least 30 days prior to commencement of the evaluation;

2) The duration and scope of the evaluation may not exceed the duration and scope reasonably needed to complete the desired evaluation of the alternative control techniques, as initially addressed by the owner or operator in a support document submitted with the evaluation program; and

3) The owner or operator of the EGU must submit a report to the Agency no later 30 days after the conclusion of the evaluation that describes the evaluation conducted and which provides the results of the evaluation; and

4) If the evaluation of the alternative control techniques shows less effective control of mercury emissions from the EGU than was achieved with the

principal control techniques, the owner or operator of the EGU must resume use of the principal control techniques. If the evaluation of the alternative control technique shows comparable effectiveness to the principal control technique, the owner or operator of the EGU may either continue to use the alternative control technique in a manner that is at least as effective as the principal control technique or it may resume use of the principal control techniques. If the evaluation of the control techniques shows more effective control of mercury emissions than the control technique, the owner or operator of the EGU must continue to use the alternative control technique in a manner that is more effective than the principal control technique, so long as it continues to be subject to this Section 225.615.

j) In addition to complying with the applicable recordkeeping and monitoring requirements in Sections 225.240 through 225.290, the owner or operator of an EGU that elects to comply with Section 225.230(a) by means of this Subpart F must also comply with the following additional requirements:

1) For the first 36 months that injection of sorbent is required, it must maintain records of the usage of sorbent, the exhaust gas flow rate from the EGU, and the sorbent feed rate, in pounds per million actual cubic feet of exhaust gas at the injection point, on a weekly average;

2) After the first 36 months that injection of sorbent is required, it must monitor activated sorbent feed rate to the EGU, flue gas temperature at the point sorbent injection, and exhaust gas flow rate from the EGU, automatically recording this data and the sorbent carbon feed rate, in pounds per million actual cubic feet of exhaust gas at the injection point, on an hourly average; and

3) If a blend of bituminous and subbituminous coal is fired in the EGU, it must keep records of the amount of each type of coal burned and the required injection rate for injection of activated carbon, on a weekly basis.

k) In addition to complying with the applicable reporting requirements in Sections 225.240 through 225.290, the owner or operator of an EGU that elects to comply with Section 225.230(a) by means of this Subpart F must also submit quarterly reports for the recordkeeping and monitoring conducted pursuant to subsection (j) of this Section.

Section 225.620 Emissions Standards for NO_x and SO_2

a) Emissions Standards for NO_x and Reporting Requirements.

1) Beginning with calendar year 2012 and continuing in each calendar year thereafter, the CPS group, which includes all Specified EGUs that have

not been permanently shut-down by December 31 before the applicable calendar year, must comply with a CPS group average annual NO_x emissions rate of no more than 0.11 lbs/mmBtu.

2) Beginning with ozone season control period 2012 and continuing in each ozone season control period (May 1 through September 30) thereafter, the CPS group, which includes all Specified EGUs that have not been permanently shut-down by December 31 before the applicable ozone season, must comply with a CPS group average ozone season NO_x emissions rate of no more than 0.11 lbs/mmBtu.

3) The owner or operator of the Specified EGUs in the CPS group must file not later than one year after startup of any selective SNCR on such EGU, a report with the Agency describing the NO_x emissions reductions that the SNCR has been able to achieve.

b) Emissions Standards for SO_2. Beginning in calendar year 2013 and continuing in each calendar year thereafter, the CPS group must comply with the applicable CPS group average annual SO_2 emissions rate listed below:

year	lbs/mmBtu
2013	0.44
2014	0.41
2015	0.28
2016	0.195
2017	0.15
2018	0.13
2019	0.11

c) Compliance with the NO_x and SO_2 emissions standards must be demonstrated in accordance with Sections 225.310, 225.410, and 225.510. The owner or operator of the Specified EGUs must complete the demonstration of compliance pursuant to Section 225.635(c) before March 1 of the following year for annual standards and before November 30 of the particular year for ozone season control periods (May 1 through September 30) standards, by which date a compliance report must be submitted to the Agency.

d) The CPS group average annual SO_2 emission rate, annual NO_x emission rate and ozone season NO_x emission rates shall be determined as follows:

$$ER_{avg} = \sum_{i=1}^{n} (SO_{2i} \text{ or } NO_{xi} \text{ tons}) / \sum_{i=1}^{n} (HI_i)$$

Where:

ER_{avg}	=	average annual or ozone season emission rate in lbs/mmBbtu of all EGUs in the CPS group.
HI_i	=	heat input for the annual or ozone control period of each EGU, in mmBtu.
SO_{2i}	=	actual annual SO_2 tons of each EGU in the CPS group.
NO_{xi}	=	actual annual or ozone season NO_x tons of each EGU in the CPS group.
n	=	number of EGUs that are in the CPS group
i	=	each EGU in the CPS group.

Section 225.625 Control Technology Requirements for NO_x, SO_2, and PM Emissions

a) Control Technology Requirements for NO_x and SO_2. ~~The owner or operator must either permanently shut down or install and properly operate SNCR or other equipment capable of delivering essentially equivalent emissions reductions ("specified NO_x control equipment") on the listed EGUs according to the schedule below:~~

1) On before December 31, 2013, the owner or operator must either permanently shutdown or install and have operational FGD equipment on Waukegan 7:

2) On before December 31, 2014, the owner or operator must either permanently shutdown or install and have operational FGD equipment on Waukegan 8;

3) On before December 31, 2013, the owner or operator must either permanently shutdown or install and have operational FGD equipment on Fisk 19:

4) If Crawford 7 will be operated after December 31, 2018, and not permanently shutdown ~~Permanently shut down Crawford 7 on or before December 31, 2018~~by this date, the owner or operator must~~or install and properly operate the specified NO_x control equipment on this EGU by December 31, 2015~~

A) On or before December 31, 2015, install and have operational SNCR or equipment capable of delivering essentially equivalent NO_x reductions on Crawford 7; and

B) On or before December 31, 2018, install and have operational FGD equipment on Crawford 7;

5) If Crawford 8 will be operated after December 31, 2017 and not permanently shutdown by this date, the owner or operator must:

A) On or before December 31, 2015, install and have operational SNCR or equipment capable of delivering essentially equivalent NO_x emissions reductions on Crawford 8; and

B) On or before December 31, 2017, install and have operational FGD equipment on Crawford 8.

~~2) Permanently shut down Crawford 8 on or before December 31, 2017, or install and properly operate the specified NO_x control equipment on this EGU by December 31, 2015.~~

b) Other Control Technology Requirements for SO_2. ~~On or before December 31, 2018, the o~~Owners or operators of Specified EGUs must either permanently shut-down or install FGD equipment on each~~for the~~ Specified EGU~~s~~ (except Joliet 5), on or before December 31, 2018, unless an earlier date is specified in subsection (a) of this Section~~at the Crawford, Fisk, Joliet (except Joliet 5), Powerton, Waukegan, and Will County power plants~~.

c) Control technology requirements for PM. The owner or operator of the two Specified EGUs listed below that are equipped with a hot-side ESP must either replace the hot-side ESPs with a cold-side ESP, install an appropriately designed fabric filter, or permanently shut-down the EGU by the dates specified below. Hot-side ESP means an ESP on a coal-fired boiler that is installed before the boiler's air-preheater where the operating temperature is typically at least 550º F, as distinguished from a cold-side ESP that is installed after the air pre-heater where the operating temperature is typically no more than 350º F.

1) Waukegan 7 on or before December 31, 2013; and

2) Will County 3 on before December 31, 2015.

d) Beginning on December 31, 2008, and annually thereafter up to and including December 31, 2015, the owner or operator of the Fisk power plant must submit in writing to the Agency a report on any technology or equipment designed to affect air quality that has been considered or explored for the Fisk power plant in the preceding 12 months. This report will not obligate the owner or operator to install any equipment described in the report.

e) Notwithstanding 35 Ill. Adm. Code 201.146(hhh), until an EGU has complied with the applicable requirements of Sections 225.625(a), (b), and (c), the owner or operator of the EGU must obtain a construction permit for any new or modified air pollution control equipment that it proposes to construct for control of emissions of mercury, NO_x, PM, or SO_2.

Section 225.630 Permanent Shut-Downs

a) The owner or operator of the following EGUs must permanently shut-down the EGU by the dates specified:

1) Waukegan 6~~17~~ on or before December 31, 2007; and

2) Will County 1 and Will County 2 on or before December 31, 2010.

b) No later than 8 months before the date that a Specified EGU will be permanently shut-down, the owner or operator must submit a report to the Agency that includes a description of the actions that have already been taken to allow the shut-down of the EGU and a description of the future actions that must be accomplished to complete the shut-down of the EGU, with the anticipated schedule for those actions and the anticipated date of permanent shut-down of the unit.

c) No later than six months before a Specified EGU will be permanently shut-down, the owner or operator shall apply for revisions to the operating permits for the EGU to include provisions that terminate the authorization to operate the unit on that date.

d) If after applying for or obtaining a construction permit to install required control equipment, the owner or operator decides to permanently shut-down a Specified EGU rather than install the required control technology, the owner or operator must immediately notify the Agency in writing and thereafter submit the information required by subsections (b) and (c) of this Section.

e) Failure to permanently shut-down a Specified EGU by the required date shall be considered separate violations of the applicable emissions standards and control technology requirements of this Subpart F for NO_x, PM, SO_2, and mercury.

Section 225.635 Requirements for CAIR SO_2, CAIR NO_x, and CAIR NO_x Ozone Season Allowances

a) The following requirements apply to the owner, the operator and the designated representative with respect to CAIR SO_2, CAIR NO_x, and CAIR NO_x Ozone Season allowances:

1) The owner, operator, and CAIR designated representative of Specified EGUs in a CPS group is permitted to sell, trade, or transfer SO_2 and NO_x emissions allowances of any vintage owned, allocated to, or earned by the Specified EGUs (the "CPS Allowances") to its affiliated Homer City, Pennsylvania generating station (“Homer City Station”) for as long as the Homer City Station needs the CPS Allowances for compliance.

2) When and if the Homer City Station no longer requires all of the CPS Allowances, the owner, operator, or CAIR designated representative of Specified EGUs in CPS group may sell any and all remaining CPS Allowances, without restriction, to any person or entity located anywhere, except that the owner or operator may not directly sell, trade, or transfer CPS Allowances to a CAIR NO_x or CAIR SO_2 unit located in Ohio, Indiana, Illinois, Wisconsin, Michigan, Kentucky, Missouri, Iowa, Minnesota, or Texas.

3) In no event shall this subsection (a) require or be interpreted to require any restriction whatsoever on the sale, trade, or exchange of the CPS Allowances by persons or entities who have acquired the CPS Allowances from the owner, operator, or CAIR designated representative of Specified EGUs in a CPS group.

b) The owner, operator, and CAIR designated representative of EGUs in a CPS group comprised of is prohibited from purchasing or using CAIR SO_2, CAIR NO_x, and CAIR NO_x Ozone Season allowances for the purposes of meeting the SO_2 and NO_x emissions standards set forth in Section 225.620.

c) Before March 1, 2010, and continuing each year thereafter, the CAIR designated representative of the EGUs in a CPS group must submit a report to the Agency that demonstrates compliance with the requirements of this Section 225.635 for the previous calendar year and ozone season control period (May 1 through September 30), and includes identification of any CAIR allowances that have been used for compliance with the CAIR trading programs as set forth in Subparts C, D, and E, and any CAIR allowances that were sold, gifted, used, exchanged, or traded. A final report must be submitted to the Agency by August 31 of each year, providing either verification that the actions described in the initial report have taken place, or, if such actions have not taken place, an explanation of the changes that have occurred and the reasons for such changes.

Section 225.640 Clean Air Act Requirements

The SO_2 emissions rates set forth in this Subpart F shall be deemed to be best available retrofit technology ("BART") under the Visibility Protection provisions of the CAA, 42 U.S.C. 7491, reasonably available control technology ("RACT") and reasonably available control measures ("RACM") for achieving fine particulate matter ("$PM_{2.5}$") requirements under NAAQS in effect on the effective date of this Subpart F, as required by the CAA, 42 U.S.C. 7502. The Agency may use the SO_2 and NO_x emissions reductions required under this Subpart F in developing attainment demonstrations and demonstrating reasonable further progress for $PM_{2.5}$ and 8 hour ozone standards, as required under the CAA. Furthermore, in developing rules, regulations, or state implementation plans designed to comply with $PM_{2.5}$ and 8 hour ozone NAAQS, the Agency, taking into account all emission reduction efforts and other appropriate factors, will use best efforts to seek SO_2 and NO_x emissions rates from other EGUs that are equal to or less than

the rates applicable to the CPS Group and will seek SO_2 and NO_x reductions from other sources before seeking additional emissions reductions from any EGU in the CPS Group.

225.Appendix A Specified EGUs for Purposes of Subpart F (Midwest Generation's Coal-Fired Boilers as of July 1, 2006)

Plant	Permit Number	Boiler	Permit designation	Subpart F Designation
Crawford	031600AIN	7	Unit 7 Boiler BLR1	Crawford 7
		8	Unit 8 Boiler BLR2	Crawford 8
Fisk	031600AMI	19	Unit 19 Boiler BLR19	Fisk 19
Joliet	197809AAO	71	Unit 7 Boiler BLR71	Joliet 7
		72	Unit 7 Boiler BLR72	Joliet 7
		81	Unit 8 Boiler BLR81	Joliet 8
		82	Unit 8 Boiler BLR82	Joliet 8
		5	Unit 6 Boiler BLR5	Joliet 6
Powerton	179801AAA	51	Unit 5 Boiler BLR 51	Powerton 5
		52	Unit 5 Boiler BLR 52	Powerton 5
		61	Unit 6 Boiler BLR 61	Powerton 6
		62	Unit 6 Boiler BLR 62	Powerton 6
Waukegan	097190AAC	17	Unit 6 Boiler BLR17	Waukegan 6
		7	Unit 7 Boiler BLR7	Waukegan 7
		8	Unit 8 Boiler BLR8	Waukegan 8
Will County	197810AAK	1	Unit 1 Boiler BLR1	Will County 1
		2	Unit 2 Boiler BLR2	Will County 2
		3	Unit 3 Boiler BLR3	Will County 3
		4	Unit 4 Boiler BLR4	Will County 4

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

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached MOTION FOR LEAVE TO FILE INSTANTER and REVISED JOINT COMMENT 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

_____
John J. Kim
Managing Attorney
Air Regulatory Unit
Division of Legal Counsel

Dated: January 10, 2007

1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

SERVICE LIST
R06-26

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