

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

**AMENDMENTS TO 35 ILL.ADM.CODE 225:
CONTROL OF EMISSIONS FROM LARGE
COMBUSTION SOURCES (MERCURY
MONITORING)**

**R09-10
(Rulemaking – Air)**

NOTICE OF FILING

To:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

Persons included on the
ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **MOTION TO FILE MIDWEST GENERATION'S RESPONSE TO THE AGENCY'S POST-HEARING COMMENTS INSTANTER** and **MIDWEST GENERATION'S RESPONSE TO THE AGENCY'S POST-HEARING COMMENTS.**


Kathleen C. Bassi

Dated: March 11, 2009

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AMENDMENTS TO 35 ILL.ADM.CODE 225:)	R09-10
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COMBUSTION SOURCES (MERCURY)	
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**MOTION TO FILE MIDWEST GENERATION’S RESPONSE
TO THE AGENCY’S POST-HEARING COMMENTS INSTANTER**

NOW COMES Participant in this rulemaking, MIDWEST GENERATION, LLC, by and through its attorneys, SCHIFF HARDIN LLP, and, pursuant to 35 Ill.Adm.Code § 101.500, requests that the Board allow it to file the attached Midwest Generation’s Response to the Agency’s Post-Hearing Comments instanter. In support of this Motion, Midwest Generation states as follows:

1. Midwest Generation filed its Post-Hearing Comments in this rulemaking on March 5, 2009.
2. In its Post-Hearing Comments, Midwest Generation suggested that the Board amend Section 225.294(j)(2) so that it would correctly correspond to an amendment proposed for Section 225.294(g)(4) as set forth in the Illinois Environmental Protection Agency’s (“Agency”) compilation of changes to the initial proposal (“Revised Proposal”), filed with the Board February 19, 2009. MWG Comments, p. 4.
3. The Agency filed its Post-Hearing Comments on March 6, 2009.

4. In its Post-Hearing Comments, the Agency responded to Midwest Generation's suggested amendment to Section 225.294(j)(2) by suggesting different language and by adding amendments to Section 225.294(j)(1) as well. Agency Comments, 16th page.

5. Accepting and considering Midwest Generation's Response to the Agency's Post-Hearing Comments will not delay the Board's decision in this matter and will provide the Board with a statement of Midwest Generation's support of the Agency's proposed changes to Sections 225.294(j)(1) and (2).

WHEREFORE, for the reasons set forth above, Midwest Generation respectfully requests that the Board grant its Motion to File Midwest Generation's Response to the Agency's Post-Hearing Comments Instanter.

Respectfully submitted,

MIDWEST GENERATION, LLC

by: 
one of its attorneys

Dated: March 11, 2009

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
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AMENDMENTS TO 35 ILL.ADM.CODE 225:) **R09-10**
CONTROL OF EMISSIONS FROM LARGE) **(Rulemaking – Air)**
COMBUSTION SOURCES (MERCURY)
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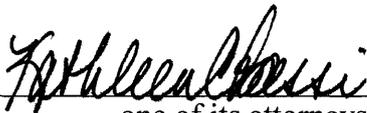
MIDWEST GENERATION'S RESPONSE
TO THE AGENCY'S POST-HEARING COMMENTS

NOW COMES Participant in this rulemaking, MIDWEST GENERATION, LLC, by and through its attorneys, SCHIFF HARDIN LLP, and offers the following comments in response to certain of the Illinois Environmental Protection Agency's Post-Hearing Comments to the February 10, 2009, Hearing on the Proposal for Amending 35 Ill.Adm.Code 225 (the "Agency's Post-Hearing Comments"), filed with the Board on March 6, 2009.

In its Post-Hearing Comments, filed March 5, 2009, Midwest Generation suggested an amendment to Section 225.294(j)(2) to correspond with an amendment to Section 225.294(g)(4) deleting the temperature correction factor for units that do not have hot-side electrostatic precipitators. MWG Comments, p. 4. In response to this comment in the Agency's Post-Hearing Comments, the Agency suggested slightly different amendatory language and also proposed to amend Section 225.294(j)(1). Agency Comments, 16th page. The Agency's proposed language is acceptable to Midwest Generation, and Midwest Generation encourages the Board to adopt the amendatory language proposed by the Agency for both of these sections.

Respectfully submitted,

MIDWEST GENERATION, LLC

by: 
one of its attorneys

Dated: March 11, 2009

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 11th day of March, 2009, I have served electronically the attached **MOTION TO FILE MIDWEST GENERATION'S RESPONSE TO THE AGENCY'S POST-HEARING COMMENTS INSTANTER** and **MIDWEST GENERATION'S RESPONSE TO THE AGENCY'S POST-HEARING COMMENTS** upon the following persons:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

and electronically and by first class mail, postage affixed upon persons included on the **ATTACHED SERVICE LIST**.


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(R09-10)

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