

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NATURAL RESOURCES DEFENSE COUNCIL, )  
PRAIRIE RIVERS NETWORK and SIERRA )  
CLUB, )

Petitioners, )

vs. )

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY and DYNEGY MIDWEST )  
GENERATION, INC., )

Respondents. )

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PCB 2013-17 )  
(APPEAL FROM IERAN )  
DECISION GRANTING )  
NPDES PERMIT) )

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STATE OF ILLINOIS  
Pollution Control Board

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on November 19, 2012, I filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, an ENTRY OF APPEARANCE and the AGENCY RECORD.

Respectfully submitted,

LISA MADIGAN,  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: *Rachel R. Medina*  
RACHEL R. MEDINA  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: November 19, 2012

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RETURN TO CLERK'S OFFICE

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STATE OF ILLINOIS  
Pollution Control Board

CERTIFICATE OF SERVICE

I hereby certify that I did on November 19, 2012, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, two copies and a CD of the following instruments entitled NOTICE OF FILING, AGENCY RECORD and ENTRY OF APPEARANCE to the Pollution Control Board and by emailing a copy to the persons listed on the Service List.



RACHEL R. MEDINA  
Assistant Attorney General

This filing is submitted on recycled paper.

## SERVICE LIST

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 190276  
Springfield, IL 62794-9274  
Sent by email to [carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

Ann Alexander  
Meleah Geertsma  
Natural Resources Defense Council  
2 North Riverside Plaza, Suite 2250  
Chicago, IL 60606  
Sent by email to [aalexander@nrdc.org](mailto:aalexander@nrdc.org)

Stephen Bonebrake  
Daniel Deeb  
Amy Antonioli  
SchiffHardin LLP  
233 South Wacker Drive  
Suite 6600  
Chicago, IL 60606  
Sent by email to [aantonioli@schiffhardin.com](mailto:aantonioli@schiffhardin.com)

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ENTRY OF APPEARANCE

On behalf of the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
RACHEL R. MEDINA, Assistant Attorney General of the State of Illinois, hereby enters her  
appearance as attorney of record.

Respectfully submitted,

LISA MADIGAN,  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: *Rachel R. Medina*

RACHEL R. MEDINA  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
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**STATE OF ILLINOIS**  
**Pollution Control Board**

**RECORD**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), in accordance with the procedural rules of the Illinois Pollution Control Board ("Illinois PCB") as set forth in 35 Ill. Adm. Code 105.212 and 105.116, files as its Record in this cause the Illinois EPA's record of National Pollutant Discharge System ("NPDES") Permit number IL0001571, issued to Dynegy Midwest Generation, Inc. ("Dynegy") on September 14, 2012, which is attached and consists of the following documents:

**Permit File Documents**

1. Letter dated February 19, 2004, from Rick Diericx, Director, Operations Environmental Compliance Generation Environmental Health and Safety, Dynegy, to Darin LeCrone, Permits Section, Division of Water Pollution Control ("DWPC"), Bureau of Water ("BOW"), Illinois EPA.
2. Application to renew NPDES Permit No. IL0001571, received on November 3, 2006.
3. Letter dated January 23, 2007, from Rick Diericx to Roger Callaway, Compliance Assurance Section, DWPC.
4. Letter dated April 16, 2007, from Rick Diericx to Permits Section, DWPC.
5. Letter dated April 19, 2007, from Rick Diericx to Alan Keller, Manager, Permits Section, DWPC.

6. Letter dated May 3, 2007, from Rick Diericx to Roger Callaway.
7. Letter dated June 20, 2007, from Rick Diericx to Alan Keller.
8. Letter dated June 26, 2007, from Rick Diericx to Roger Callaway.
9. Letter dated October 25, 2007, from Rick Diericx to Roger Callaway.
10. Letter dated November 1, 2007, from Bruce Yurdin, Manager, Field Operation Section, DWPC.
11. Letter dated December 13, 2007, from Rick Diericx to Roger Callaway.
12. Letter received by Illinois EPA on April 28, 2008, from Rick Diericx to Robert Foster, Office of Emergency Response, Illinois EPA.
13. Letter dated May 5, 2008, from Rick Diericx to Roger Callaway.
14. Letter dated June 3, 2008, from Rick Diericx to Darin LeCrone.
15. Letter dated June 4, 2008, from Charles Corley, Rockford Region Field Operations, DWPC, to James Dodson, Dynege Hennepin Facility, with attached Illinois EPA water compliance inspection report.
16. Letters dated December 18, 2008 and December 17, 2008, from Rick Diericx to Roger Callaway.
17. Letter dated March 20, 2009, from William Buscher, Groundwater Section, Division of Public Water Supplies, to Rick Diericx.
18. Letter dated April 23, 2009, from Rick Diericx to Darin LeCrone.
19. Letter dated July 21, 2009, from Rick Diericx to Roger Callaway.
20. Letter dated August 27, 2009, from Rick Diericx to Darin LeCrone.
21. Water compliance inspection report dated September 28, 2009.
22. Letter dated October 20, 2009, from Rick Diericx to Roger Callaway.
23. Letter dated January 8, 2010, from Alan Keller to Rick Diericx.
24. Letter dated January 21, 2010, from Bruce Yurdin to Mr. Millis, Dynege.
25. Illinois EPA memorandum dated April 12, 2010, from Mark Liska, Permit Section, DWPC, to Bob Mosher, Standards, DWPC.
26. Letter dated April 13, 2010, from Rick Diericx to Roger Callaway.
27. Email dated April 13, 2010, from Harry Chappel, Illinois EPA, to Mark Liska.

28. List of Dynegy permits.
29. Letter dated April 27, 2010, from Rick Diericx to NPDES Public Notice Clerk, with attached Material Safety Data Sheet, letter dated May 1, 2006 from Rick Diericx to Blaine Kinsley, letter dated April 16, 2007 from Rick Diericx to DWPC, letter dated December 3, 2007 from Rick Diericx to Al Keller, letter dated June 3, 2008 from Rick Diericx to Darin LeCrone, letter dated November 24, 2008 from Rick Diericx to Darin LeCrone, and letter dated August 27, 2009 from Rick Diericx to Darin LeCrone.
30. Letter dated June 9, 2010, from Rick Diericx to Roger Callaway.
31. Letter dated July 29, 2010, from Rick Diericx to NPDES Public Notice Clerk, with attachments.
32. Ecological Compliance Assessment Tool form dated August 5, 2010.
33. Letter dated August 9, 2010, from Pat Giordano, Illinois Department of Natural Resources, to Bob Mosher.
34. Letter dated August 30, 2010, from Rick Diericx to Mark Liska.
35. Illinois EPA memorandum dated September 1, 2010, from Bob Mosher to Mark Liska.
36. Permit review dated September 8, 2010, prepared by Mark Liska.
37. Letter dated November 4, 2010, from Rick Diericx to Roger Callaway.
38. Letter dated December 16, 2010, from Rick Diericx to Roger Callaway.
39. Memorandum and letters dated April 7, 2011, from Darin LeCrone to Manager/DWPC/Springfield Region, Army Corps of Engineers Rock Island District, Dynegy, and the U.S. EPA, with attached 15-day public notice and draft permit.
40. Letter dated April 22, 2011, from Rick Diericx to NPDES Public Notice Clerk.
41. 15-day notice review notes dated May 4, 2011, prepared by Mark Liska.
42. Letters dated May 11, 2011, from Darin LeCrone to City of Havana Municipal Clerk, U.S. Fish & Wildlife Service Rock Island Field Office, and Dynegy, with attached 30-day notice and draft permit.
43. Public Notice order form dated May 11, 2011.
44. Public Notice posting acknowledgment by City of Havana dated May 12, 2011.
45. Letter dated June 9, 2011, from Rick Diericx to NPDES Public Notice Clerk.
46. Letter dated June 10, 2011, from Traci Barkley of Prairie Rivers Network and Cynthia Skrukud of the Illinois Chapter of the Sierra Club, to Mark Liska, with attached petition for public hearing.
47. Letter dated June 16, 2011, from Kevin Pierard, U.S. EPA, to Al Keller.

48. Illinois EPA memorandum dated July 7, 2011, from Al Keller to Marcia Willhite, Manager, DWPC.
49. Letter dated August 8, 2011, from Daniel Thompson, Vice President and General Manager, Dynegy, to Al Keller, with attached corporate form of name change.
50. Email dated November 23, 2011, from Phil Morris to Dean Studer, Illinois EPA Hearing Officer, and Mark Liska.
51. Emails dated January 31 and February 2, 2012, between Phil Morris and Bob Mosher.
52. Letter dated March 27, 2012, from Rick Diericx to Roger Callaway.
53. 30-day public notice review notes dated April 4, 2012, prepared by Mark Liska.
54. Letter dated April 26, 2012, from Bruce Yurdin to Joe Naberhaus, Dynegy.
55. Emails dated August 20 and 21, 2012, between Rick Diericx and Mark Liska.
56. Illinois EPA memorandum dated August 22, 2012, from Dean Studer to John Kim, Interim Director, Illinois EPA, with attached Responsiveness Summary.
57. Emails dated September 5, 2012, among Marcia Willhite, Bob Mosher, and Darin LeCrone.
58. Email dated September 13, 2012, from Bob Mosher to Dean Studer, and email dated September 9, 2012, from Dean Studer to Darin LeCrone, Mark Liska, Bob Mosher, and Stephanie Diers, Division of Legal Counsel.
59. Letter dated September 14, 2012, from Al Keller to Dynegy.
60. Letter dated September 14, 2012, from Al Keller to Dynegy, with attached final NPDES Permit No. IL0001571, issued September 14, 2012.

#### Hearing File Documents

61. Hearing notification list.
62. Transcript of informational public hearing held November 8, 2011.
63. Hearing exhibits list, with attached exhibits.




64. Illinois EPA memorandum dated August 22, 2012, from Dean Studer to John Kim.

Respectfully submitted,

LISA MADIGAN,  
Attorney General of the  
State of Illinois,

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

By:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel  
RACHEL R. MEDINA  
#6297171  
500 South Second Street  
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217/782-9031  
Dated: November 19, 2012

**THIS FILING PRINTED ON RECYCLED PAPER**