

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
AMENDMENTS TO ) R18-20  
 ) (Rulemaking – Air)  
35 ILL. ADM. CODE 225.233, )  
MULTI-POLLUTANT STANDARDS (MPS) )

**NOTICE**

TO: Don Brown  
Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601-3218

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S PREFILED QUESTIONS, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Gina Roccaforte  
Gina Roccaforte  
Assistant Counsel  
Division of Legal Counsel

DATED: January 2, 2018

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**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S  
PREFILED QUESTIONS**

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, and submits the following questions based upon the testimony submitted by James Gignac, on behalf of the Illinois Attorney General’s Office, and Rick Diericx and Dean Ellis, on behalf of Dynegy Midwest Generation, LLC, Illinois Power Generating Company, Illinois Power Generating, LLC, and Electric Energy, Inc. (collectively, “Dynegy”).

**Questions for James Gignac**

1. On page 8 of your testimony, you state in part, “Using this tool, the People created a query...” and “Based on the spreadsheet, the People created a series of tables...” Please identify in each of these instances the person who in fact performed the referenced action.
2. In your testimony, are you claiming that the Board lacks the authority under the Environmental Protection Act to adopt the Agency’s proposed rule amendments, including its proposed mass-based emission limits?
3. In your testimony, you question Illinois EPA’s use of allowable emissions. Are you aware that the Illinois EPA is required to rely on allowable emissions to demonstrate to the United States Environmental Protection Agency (“USEPA”) that there is no backsliding under the Clean Air Act?
4. On pages 14-15 of your testimony, you cite “average capacity factor[s] achieved by the coal plant sector in the U.S. in recent years,” in 2014 and 2007. Those numbers reflect the average capacity factors for the entire coal sector throughout the country, not the average capacity factors for facilities in Illinois or for Dynegy’s facilities in Illinois, correct?
5. Have you conducted any analysis demonstrating that the Illinois EPA’s proposed mass emission limits would hinder attainment or maintenance of the Sulfur Dioxide National Ambient Air Quality Standard? If so, please provide the Illinois EPA a copy of your analysis and associated modeling.

Questions for Rick Diericx and Dean Ellis

1. On page 3 of Mr. Gignac's prefiled testimony, he states, "At the time the MPS was promulgated, Ameren, Dynegy, Illinois EPA, and the Board agreed that the MPS was both technically feasible and economically reasonable." What has changed since 2006 in terms of the economics of power generation as it relates to the MPS?
2. On page 8 of Mr. Gignac's prefiled testimony, he describes a query performed using the USEPA Air Markets Program Data tool, and on page 15, discusses capacity factors. Both rely on 2016 data. Was 2016 a representative year for operations of the Dynegy and original Ameren fleets?
3. Mr. Gignac's prefiled testimony suggests that Dynegy should just run all its cleanest plants at the maximum possible capacity. What factors besides emissions come into play in determining which plants run?
4. On page 18 of Mr. Gignac's prefiled testimony, he posits a scenario in which Dynegy could run "the cleanest plants with pollution controls as much as possible and then [run] less clean plants until reaching the maximum allowable rate." Is this scenario realistic from Dynegy's standpoint? If not, why not?
5. In Tables 3 and 4 provided within Mr. Gignac's prefiled testimony (page 10), he asserts that the Dynegy group emits at a rate below the current MPS rate. What factors have caused Dynegy to control emissions to a greater extent than the MPS regulations require?
6. On page 13 of Mr. Gignac's prefiled testimony, he claims, "the point of this rulemaking appears to be Dynegy's desire to...allow it to operate more polluting plants like E.D. Edwards, Joppa, and Newton more intensively..." Does Dynegy intend to operate less well-controlled plants as Mr. Gignac asserts?
7. What is Dynegy's highest annual capacity factor over the past ten years? Is there anything that restricts Dynegy from going above that capacity factor for its fleet?
8. The Illinois Attorney General's Office proposes simply combining the two MPS groups and determining an appropriate average rate-based emission standard. Would this allow Dynegy the operational flexibility it needs?

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Gina Roccaforte  
Gina Roccaforte  
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DATED: January 2, 2018

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