

ILLINOIS POLLUTION CONTROL BOARD
April 10, 2018

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

HEARING OFFICER ORDER

The purpose of this order is to reiterate the hearing procedures for hearings that the Board scheduled to occur on April 16, 2018, and April 17, 2018 in Springfield. In addition, the order includes prefiled questions in response to prefiled testimony from the Attorney General and Environmental Law and Policy Center and Sierra Club. Those questions are included as Attachment A

Public Comment

As previously indicated, interested persons who wish to offer oral public comment should email the hearing officer by April 13, 2018. If the commenter is only available on the second day, April 17, 2018, the request to offer oral comment should indicate that availability. Additionally, the Board will place a sign-up sheet at the back of the room on April 16, 2018. Persons who arrive at the room on April 16, 2018, are permitted to sign-up until 5 p.m. CT.

The hearing on April 16, 2018, will begin at 4 p.m. and conclude by 8 p.m., and is dedicated to oral public comment. The time for comment will be limited based on the number of individuals who sign up to speak.

On April 17, 2018, the hearing will begin at 11 a.m. with the testimony of the Attorney General, and then move to the testimony of Environmental Law and Policy Center and Sierra Club. At the conclusion of that testimony, the Board will allow for oral public comment. The hearing on April 17, 2018, will adjourn no later than 4 p.m. CT, and may adjourn earlier, if no additional persons wish to comment.

Parking and Access to the Building

On April 16, 2018, attendees may park in the Illinois Environmental Agency's ("Agency's") employee lot of the building. Attendees must enter on the Converse Street side and will be directed to the hearing room.

On April 17, 2018, attendees may park in the Agency's overflow lot, across from Converse Street. The employee parking is **not** available on April 17, 2018.

Any questions may be directed to the hearing officer.

The Sangamo Room has a capacity of around 100 people, and will not be open to the public until 3 p.m. Overflow, if any, will need to remain outside the building until space is available inside.

Availability of Filings

All filings in this proceeding will be available on the Board's web page at www.ipcb.state.il.us. Participants may file electronically on the Board's web page. Prefiled testimony and prefiled questions must be served on the persons on the service list.

ATTACHMENT A
R18-20
AMENDMENTS TO 35 ILL. ADM. CODE 225.233, MULTI-POLLUTANT STANDARDS

Questions for AGO Witness Andrew Armstrong

1. On page 2 of your testimony, you identify four MPS plants that are “relatively well-controlled for SO₂”. Does anything in the current MPS standards prevent Dynegy or Vistra from shuttering any or all of these plants?
2. Beginning on page 5, you assert that the Board should evaluate the proposed MPS amendments using actual rather than maximum allowable emissions.
 - a. If the Board adopts mass-based emissions caps at some level, should the Board be concerned about actual emissions as long as they remain less than or equal to the MPS caps? Why or why not?
 - b. Has the Board ever adopted regulations predicated upon “actual” annual emissions? If not, why should the Board begin to do so now?
3. Aside from attachments to your testimony that outside parties prepared (*e.g.*, the Newton construction permit), who prepared each attachment? Did you review all of the attachments to your testimony in their entirety?
4. On page 19 of your testimony, you state that failing to reduce mass-based emission limitations when an MPS plant is retired or mothballed (while doing so when a plant is sold) would “encourage greater pollution and, moreover, incentivize retirement over sale.” Please clarify how in your view this approach would encourage greater pollution, and from what baseline emissions could rise to greater levels. Also, explain why the incentive you have identified is inappropriate or otherwise to be avoided.

R18-20**Questions for ELPC & Sierra Club Witness Tamara Dzubay**

1. Aside from attachments to your testimony that outside parties prepared (e.g., parts of Dynegy financial statements), who prepared each attachment? Did you review all of the attachments to your testimony in their entirety?
2. On page 10 of your testimony, you state that, “While the cash flow position of the [MISO] segment is an important financial indicator,” that segment is “not cash flow negative.” What relevance should the Board place on whether (or not) the regulated entity is cash flow negative or positive? Please cite the relevant section(s) of the Act.

IT IS SO ORDERED.



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