

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:

AMENDMENTS TO 35 ILL. ADM.
CODE PARTS 201, 202, AND 212

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R2023-018A
(Rulemaking – Air)

NOTICE OF FILING

To: Attached Service List

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the **PREFILED DIRECT TESTIMONY OF CYNTHIA VODOPIVEC** and a **CERTIFICATE OF SERVICE**, which are attached and copies of which are herewith served upon you.

Dated: August 28, 2023

Respectfully submitted,

Dynegy Midwest Generation, LLC; Illinois
Power Generating Company; and Kincaid
Generation, LLC

/s/ Samuel A. Rasche
One of their Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 28th day of August, 2023:

I have electronically served true and correct copies of the Prefiled Direct Testimony of Cynthia Vodopivec by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon each person listed in the attached service list.

My e-mail address is sam.rasche@afslaw.com.

The number of pages in the e-mail transmission is 8.

The e-mail transmission took place before 5:00 p.m.

/s/ Samuel A. Rasche

Samuel A. Rasche

Dated: August 28, 2023

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R2023-018(A)
(Rulemaking – Air)

PREFILED DIRECT TESTIMONY OF CYNTHIA VODOPIVEC

1. My name is Cynthia Vodopivec, and I am presenting testimony in this matter on behalf of Dynegy Midwest Generation, LLC; Illinois Power Generating Company; and Kincaid Generation, LLC (collectively and individually referred to as “Dynegy”). I am Senior Vice President, Environmental Health and Safety at Dynegy. As part of my duties, I oversee permitting and regulatory development and compliance for air, water, and waste issues at Dynegy’s Illinois generating stations.

2. I am presenting this testimony in support of Dynegy and Midwest Generation, LLC’s (“MWG” or “Midwest Generation”) joint proposal for a narrowly tailored amendment to 35 Ill. Adm. Code Part 212 to establish alternative emission limitations for their remaining coal-fired boilers during periods of startup, malfunction, and breakdown (hereinafter, the “Joint Proposal”), which was filed in this subdocket on August 7, 2023, as the “Statement of Reasons of Dynegy and Midwest Generation.”

3. In support of the Joint Proposal, I am incorporating by reference into this testimony the following documents, which were filed in this docket or in the main docket, R2023-18, and are available on the Pollution Control Board’s website:

- a. Dynegy’s Prefiled Testimony of Cynthia Vodopivec (Feb. 6, 2023), R2023-18 (“R2023-18 Prefiled Testimony”).

- b. My February 16, 2023 testimony in the main docket, as reflected in the Transcript of February 16, 2023 Hearing (Feb. 21, 2023), R2023-18 (“February 16, 2023 Testimony”).
- c. Dynege’s Responses to Questions Received at Hearing (Mar. 1, 2023), R2023-18 (“Responses to Questions”).
- d. Declaration of Cynthia Vodopivec, Exhibit 8 to the Statement of Reasons of Dynege and Midwest Generation (Aug. 7, 2023), R2023-18(A) (“Declaration”).

4. My incorporation by reference of the documents identified in Paragraph 3 is subject to the following clarifications:

- a. In R2023-18, Dynege originally submitted a proposal (through my R2023-18 Prefiled Testimony) that focused solely on Dynege’s coal-fired boilers. Dynege later submitted a joint proposal together with MWG (set forth in the Joint Post-Hearing Comment of Dynege and Midwest Generation, P.C. #14 (Mar. 7, 2023) (“Joint Comment”)) that was substantively identical to its original proposal, with the exception that Dynege’s original proposal did not reference MWG’s coal-fired boilers. The Joint Proposal in this sub-docket is identical to the proposal in the Joint Comment, just with updated section numbering. As such, my prior testimony and Dynege’s Responses to Questions in R2023-18 are directly relevant to, and support, the Joint Proposal. However, to be clear, by incorporating by reference my R2023-18 Prefiled Testimony and my February 16, 2023 Testimony, I am not proposing to revert to Dynege’s original proposal.

- b. Footnotes 1-3 of my R2023-18 Prefiled Testimony each referenced having submitted “an application for minor modifications to the Baldwin CAAPP Permit.” My intention was for each footnote to refer to the respective applications for minor modifications for each of the three stations. For clarity, following are corrected footnotes:
- i. Footnote 1: “After permit issuance, Dynegy submitted applications for minor modifications to the Baldwin CAAPP Permit. IEPA has not acted on the applications. Dynegy complies with the proposed minor modifications, pursuant to 415 ILCS 5/39.5(14)(a)(vi). Those modifications are not reflected in the pdf of the permit attached as an exhibit, but they are not related to the permit conditions I discuss in my testimony.”
 - ii. Footnote 2: “After permit issuance, Dynegy submitted an application for minor modifications to the Kincaid CAAPP Permit. IEPA has not acted on the application. Dynegy complies with the proposed minor modifications, pursuant to 415 ILCS 5/39.5(14)(a)(vi). Those modifications are not reflected in the pdf of the permit attached as an exhibit, but they are not related to the permit conditions I discuss in my testimony.”
 - iii. Footnote 3: “After permit issuance, Dynegy submitted applications for minor modifications to the Newton CAAPP Permit. IEPA has not acted on the applications. Dynegy complies with the proposed minor modifications, pursuant to 415 ILCS 5/39.5(14)(a)(vi). Those modifications are not reflected in the pdf of the permit attached as an exhibit, but they are not related to the permit conditions I discuss in my testimony.”

- c. All documents incorporated by reference herein other than the Declaration predate the effective date of the Board's 2023 revisions to Part 212. As such, references in those documents to the then-current Part 212 regulations may not reflect the current State regulations, but they continue to accurately reflect the current Illinois SIP.
- d. Finally, I note that Dynegy and MWG submitted a technical support document ("TSD") together with their Statement of Reasons in the sub-docket. Those documents provide additional support for the State's Clean Air Act Section 110(l) demonstration. The TSD concludes that the Joint Proposal will not affect the emissions of any pollutant, will not negatively impact act quality in relation to any National Ambient Air Quality Standard, and will not negatively affect compliance with any other Clean Air Act requirement.

Dated: August 28, 2023