

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 2024-004
PETITION OF DYNEGY)
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard – Air)
35 Ill. Admin. Code Parts 201 and 212)

NOTICE OF FILING

To:

Don Brown
Carol Webb
Pollution Control Board
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601-3218

Charles E. Matoesian
Dana Vetterhoffer
Audrey L. Walling
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on this day, the 28th day of August, 2023, I caused to be filed with the Clerk of the Illinois Pollution Control Board the **AMENDED PETITION OF DYNEGY FOR ADJUSTED STANDARD FROM 35 Ill. Adm. Code Parts 201 and 212**, 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 its Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 28th day of August, 2023: I have electronically served a true and correct copy of the Amended Petition of Dynegy for Adjusted Standard from 35 Ill. Adm. Code Parts 201 and 212 by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the following persons:

Don Brown
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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*

Attorney for Dynegy

Dated: August 28, 2023

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AMENDED PETITION FOR ADJUSTED STANDARD

NOW COMES Dynegy Midwest Generation, LLC, Illinois Power Generating Company, and Kincaid Generation, LLC (collectively, “Dynegy”) by and through its attorneys, ArentFox Schiff LLP, pursuant to Section 28.1 of the Illinois Environmental Protection Act (the “Act”), 415 Ill. Comp. Stat. 5/28.1, and 35 Ill. Admin. Code § 104.418(a), and hereby amends its Petition to the Illinois Pollution Control Board (the “Board”) to grant it an adjusted standard from the Illinois regulatory opacity standards applicable to Dynegy’s coal-fired boilers during periods of startup, malfunction, and breakdown (the “Proposed AS”).

Dynegy is amending its Petition by inserting additional language into the Proposed AS. New language is indicated by underscoring below. The remainder of Dynegy’s Petition is unchanged and, pursuant to 35 Ill. Admin. Code § 104.418(d), is not repeated here. Dynegy will publish notice of this Amended Petition pursuant to 35 Ill. Admin. Code §§ 104.408 and 104.418(a).

Amended Proposed AS Language:

Dynegy proposes the following adjusted standard for the Affected Units:

1. Pursuant to Section 28.1 of the Environmental Protection Act, the Board grants Dynegy an adjusted standard from the opacity requirements applicable to coal-fired boilers 1 and 2 at the Baldwin Energy Complex, coal-fired boilers 1 and 2 at the Kincaid Power Station, and coal-fired boiler 1 at the Newton Power Station (collectively, the “Affected Units”) during periods of startup, malfunction and breakdown as set forth at 35 Ill. Admin. Code Part 212, Subpart B, and Part 201, Subparts C and I (as amended July 25, 2023). This adjusted standard will cease to apply to any Affected Unit after that Affected Unit is retired or has permanently ceased firing coal.

2. The Adjusted Standard.

During times of startup of an Affected Unit, or of malfunction or breakdown of an Affected Unit or the air pollution control equipment serving the Affected Unit, when average opacity exceeds 20 percent (for Newton Affected Units) or 30 percent (for Baldwin or Kincaid Affected Units) for a six-minute period, compliance with the applicable 20 or 30 percent opacity standard (as applicable pursuant to 35 Ill. Admin. Code § 201.149 and either § 212.122(a) (except as allowed by § 212.122(b) or 212.124) or § 212.123(a) (except as allowed by § 212.123(b) or 212.124)) may alternatively be demonstrated for that six-minute period as follows.

a) Alternative Averaging Period.

Compliance for that six-minute period may be determined based on a three-hour average of opacity, utilizing opacity readings for those six minutes and the immediately preceding 174 minutes.

b) Recordkeeping and Reporting.

(i) Any person relying on the Alternative Averaging Period in Section 2.a) of this Adjusted Standard shall maintain records of such average opacity calculations and shall report such calculations to Illinois EPA as part of the next quarterly excess emissions report for the source.

(ii) For periods of startup, such report shall include:

(a) The date, time, and duration of the startup.

(b) A description of the startup.

(c) The reason(s) for the startup.

(d) An indication of whether or not written startup procedures were followed. If any written startup procedures were not followed, the report shall include any departures from established procedures and any reason the procedures could not be followed.

(e) A description of any actions taken to minimize the magnitude or duration of opacity that requires utilization of the Alternative Averaging Period in Section 2.a) of this Adjusted Standard.

(f) An explanation whether similar incidents could be prevented in the future and, if so, a description of the

actions taken or to be taken to prevent similar incidents in the future.

- (g) Confirmation of fulfillment of the requirements of Section 2.c) of this Adjusted Standard.
- (iii) For periods of malfunction and breakdown, such report shall include:
 - (a) The date, time, duration (i.e., the length of time during which operation continued with opacity in excess of 20 or 30 percent, as applicable, on a six-minute average basis) until corrective actions were taken or the boiler was taken out of service.
 - (b) A description of the incident.
 - (c) Any corrective actions used to reduce the magnitude or duration of opacity that requires utilization of the Alternative Averaging Period in Section 2.a) of this Adjusted Standard.
 - (d) Confirmation of fulfillment of the requirements of Sections 2.b)(iv) and 2.c) of this Adjusted Standard.
- (iv) Any person who causes or allows the continued operation of a coal-fired boiler during a malfunction or breakdown of the coal-fired boiler or related air pollution control equipment when such continued operation would require reliance on the Alternative Averaging Period in Section 2.a) of this Adjusted Standard to demonstrate compliance with 35 Ill. Admin. Code Part 201 and 212 shall immediately report such incident to the Agency by telephone, facsimile, electronic mail, or such other method as constitutes the fastest available alternative, except if otherwise provided in the operating permit. Thereafter, any such person shall comply with all reasonable directives of the Agency with respect to the incident.

c) Work Practices

Any person relying on the Alternative Averaging Period in Section 2.a) of this Adjusted Standard must comply with the following Work Practices.

- (i) Operate the coal-fired boiler and related air pollution control equipment in a manner consistent with good engineering

practice for minimizing opacity during such startup, malfunction or breakdown.

- (ii) Use good engineering practices and best efforts to minimize the frequency and duration of operation in startup, malfunction and breakdown.

3. The Adjusted Standard is effective as of the date of this order.

* * *

WHEREFORE, for the reasons set forth above and in its initial Petition, Dynegy respectfully requests that the Board grant its Amended Petition for Adjusted Standard from the requirements of the Illinois opacity standard applicable to Dynegy's Affected Units during periods of SMB, as codified at 35 Ill. Admin. Code Part 212, Subpart B, and Part 201, Subparts C and I.

Respectfully submitted,

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

By: /s/ Samuel A. Rasche
One of its Attorneys

Dated: August 14, 2023

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