

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE STATE GENERATING)	
COMPANY, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 25 – 11
)	(Permit Appeal – Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board **Illinois Environmental Protection Agency’s Response to Prairie State Generating Company, LLC’s Motion to Clarify** and **Certificate of Service**, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

BY: /s/ Kevin D. Bonin
 KEVIN D. BONIN, #6294877
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General’s Office
 500 South 2nd Street
 Springfield, Illinois 62701
 Ph: (217) 782-5055
 Fax: (217) 524-7740
kevin.bonin@ilag.gov

Service List

For the Petitioner

Robert Middleton
ArentFox Schiff LLP
233 S. Wacker Drive, Suite 6600
Chicago, Illinois 60606
Robert.Middleton@afslaw.com
Via E-Mail

David M. Loring
ArentFox Schiff LLP
233 S. Wacker Drive, Suite 6600
Chicago, Illinois 60606
David.Loring@afslaw.com
Via E-Mail

Paul E. Greenwalt
ArentFox Schiff LLP
233 S. Wacker Drive, Suite 6600
Chicago, Illinois 60606
Paul.Greenwalt@afslaw.com
Via E-Mail

For the Pollution Control Board

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue
P.O. Box 19274
Springfield, Illinois 62794-9274
Carol.Webb@illinois.gov
Via E-Mail

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE STATE GENERATING)	
COMPANY, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 25 – 11
)	(Permit Appeal – Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S RESPONSE TO PRAIRIE STATE GENERATING COMPANY, LLC’S MOTION TO CLARIFY

Respondent Illinois Environmental Protection Agency (“Illinois EPA”) files this response to Prairie State Generating Company, LLC’s Motion to Clarify (“Motion”).

The Illinois EPA generally agrees with Prairie State Generating Company, LLC (“Prairie State”) that the Clean Air Act Permit Program (“CAAPP”) application currently under Illinois EPA review is the same CAAPP application that was deemed administratively complete on May 18, 2011. *See Answer Including Certificate of Record on Appeal*, at 3 (Oct. 4, 2024). The Board’s Opinion and Order (“Board Order”) is premised on the finding that the Illinois EPA must act on the original 2011 CAAPP permit application within the Board’s specified schedule, subject to a requirement that Prairie State update the application. Board Order, at 5-6 (Dec. 5, 2024). Any reading that the order compels Prairie State to submit an altogether new application is erroneous, as the narrative of the Board Order plainly refers to an “updated” application, which was urged by the Illinois EPA to assure that changes in facility operations since the submittal of the original application are current. The Board Order, with respect to the language “updated, complete application,” is merely referencing the need for updated information to the application to assure

completeness of the Illinois EPA's review in the general sense, not the standard of administrative completeness met by the applicant earlier in the permit proceeding. *Id.* at 6.

Accordingly, the Illinois EPA supports the Board clarifying the second paragraph in the narrative of the Board Order to ensure that Prairie State is obligated to submit an updated application and not a new application that would entail an additional administrative completeness review and further delays in the permit proceeding.

In its request for relief, Prairie State requests, *inter alia*, that the Board replace "references to a 'new CAAPP permit application' . . . with references to 'a further update to its 2011 CAAPP permit application'." Motion, at 4. To the extent that any clarification is necessary, the Illinois EPA is generally supportive of granting Prairie State's Motion but would propose the following clarification to the second paragraph in the narrative of the Board Order:

Replacing references to "its new CAAPP permit application" with "an updated CAAPP permit application."

No additional clarification to the Board Order is necessary.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

BY: /s/ Kevin D. Bonin
KEVIN D. BONIN, #6294877
Assistant Attorneys General
Environmental Bureau
Illinois Attorney General's Office
500 South 2nd Street
Springfield, Illinois 62701
Ph: (217) 782-5055
Fax: (217) 524-7740
kevin.bonin@ilag.gov

Dated: April 2, 2025

CERTIFICATE OF SERVICE

I, Cathy Formigoni, certify that on the 2nd day of April, 2025, I caused to be served by Electronic Mail the foregoing **Notice of Filing** and **Illinois Environmental Protection Agency's Response to Prairie State Generating Company, LLC's Motion to Clarify** to the parties listed below:

For the Petitioner

Robert Middleton
ArentFox Schiff LLP
233 S. Wacker Drive, Suite 6600
Chicago, Illinois 60606
Robert.Middleton@afslaw.com
Via E-Mail

David M. Loring
ArentFox Schiff LLP
233 S. Wacker Drive, Suite 6600
Chicago, Illinois 60606
David.Loring@afslaw.com
Via E-Mail

Paul E. Greenwalt
ArentFox Schiff LLP
233 S. Wacker Drive, Suite 6600
Chicago, Illinois 60606
Paul.Greenwalt@afslaw.com
Via E-Mail

For the Pollution Control Board

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov
Via E-Mail

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Cathy Formigoni
CATHY FORMIGONI
Paralegal
500 South 2nd Street
Springfield, Illinois 62701
cathy.formigoni@ilag.gov