

**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 SHARENE SHEALEY** and a **CERTIFICATE OF SERVICE**, which are attached and copies of which are herewith served upon you.

Dated: August 28, 2023

Respectfully submitted,

Midwest 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 Sharene Shealey 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](mailto: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 SHARENE SHEALEY**

1. My name is Sharene Shealey, and I am presenting testimony in this matter on behalf of Midwest Generation, LLC (hereinafter “MWG” or “Midwest Generation”). I am Director, Environmental, for MWG’s parent company, NRG Energy. As part of my duties, I am responsible for permitting and regulatory development and compliance for air, water, and waste issues at MWG’s generating stations.

2. I am presenting this testimony in support of the joint proposal that MWG submitted together with Dynegy Midwest Generation, LLC, Illinois Power Generating Company, and Kincaid Generation, LLC (collectively, Dynegy (collectively, “Dynegy”) 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 Sharene Shealey (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. Midwest Generation, LLC’s Responses to Questions Received at Hearing (Mar. 1, 2023), R2023-18 (“March 1, 2023 Responses to Questions”).
- d. Midwest Generation, LLC’s Supplemental Response To Questions Received At Hearing (Mar. 7, 2023), R2023-18 (“Supplemental Response to Questions”).
- e. Declaration of Sharene Shealey, Exhibit 9 to the Statement of Reasons of Dynegy 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, MWG originally submitted a proposal (through my R2023-18 Prefiled Testimony) that focused solely on MWG’s coal-fired boilers. MWG later submitted a joint proposal together with Dynegy (set forth in the Joint Post-Hearing Comment of Dynegy and Midwest Generation, P.C. #14 (Mar. 7, 2023) (“Joint Comment”)) that was substantively identical to its original proposal, with the exception that MWG’s original proposal did not reference Dynegy’s coal-fired boilers or the Illinois 20% opacity standard. 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 MWG’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 MWG's original proposal.

- b. The closing paragraph to the Supplemental Response to Questions includes the following two sentences: "MWG selected a 3-hour averaging period in order to align with its CAM Plan. That Plan puts an outside limit on authorized opacity exceedance, in contrast to the current regulations and Powerton's CAAPP permit." The intent of that sentence was to state that setting any limit on opacity during startup, malfunction and breakdown ("SMB") (in the Joint Proposal, an alternative emission limitation that applies on a three-hour averaging period) is more stringent than the Illinois State Implementation Plan ("SIP") and the SMB authorizations in Powerton's Clean Air Act Permit Program permit. This was more clearly expressed in the closing paragraph of MWG's March 1, 2023 Responses to Questions.
- c. In Paragraph 5 of my R2023-18 Prefiled Testimony, I stated that MWG plans to cease operation of the Powerton coal-fired boilers on or before January 1, 2030. I note that, as stated in my Declaration, MWG now currently plans to cease operating and retire the Powerton coal-fired boilers on or before December 31, 2028.
- d. 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.

- e. Finally, I note that MWG and Dynegy 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