

**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 13th day of September, 2023, I caused to be filed with the Clerk of the Illinois Pollution Control Board **DYNEGY’S CERTIFICATE OF PUBLICATION**, copies of which are herewith served upon you.

Dated: September 13, 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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*Attorneys for Dynegy*

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**PROOF OF PETITION NOTICE**

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, 415 Ill. Comp. Stat. 5/28.1, and 35 Ill. Admin. Code §§ 104.410 and 104.418, and hereby submits its proof of petition notice for its Amended Petition for and Adjusted Standard from 35 Ill. Admin. Code Parts 201 and 212. Dynegy filed its initial Petition in this matter on August 14, 2023, and filed its Amended Petition on August 28, 2023. Pursuant to 35 Ill. Admin. Code §§ 104.408 and 104.418(a), Dynegy caused the publication of notice of the Amended Petition in the following newspapers:

- The *Taylorville Breeze-Courier* on August 31, 2023
- The *Effingham Daily News* on September 1, 2023
- The *North County News* on September 7, 2023

Pursuant to 35 Ill. Admin. Code § 104.410, certificates of publication issued by the publishers of the above papers are attached as **Exhibits A, B, and C**.

Respectfully submitted,

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

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

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Amy Antonioli  
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*Attorneys for Dynegy*

# **EXHIBIT A**

Attach Copy of Notice herein

# Publisher's Certificate

I, Greg Hoskins,

publisher of the Breeze-Courier

do hereby certify

that I am the publisher of Breeze-Courier

a daily secular newspaper of general circulation regularly published in the City of Taylorville in the County of Christian and State of

Illinois; and I hereby further certify that the notice, a copy of which is attached hereto, in the matter of

Notice of Amended Petition  
by Dynegy

was published once each week for one successive weeks

in said newspaper, the first insertion being on the 31 day of August, A.D. 2023,

and the last insertion being on the 31 day of August, A.D. 2023, and I further

certify that the said Breeze-Courier was regularly published

continuously for more than one year in the City of Taylorville in said County, next preceding

the first publication of said notice, and that I am duly authorized to make proof of matters published in the

said Breeze-Courier.

Given under my hand and seal at Taylorville, Illinois,  
this 31 day of August, A.D. 2023





Electronic Filing: Received, Clerk's Office 09/13/2023

NOTICE of Amended Petition by Dynegy for an Adjusted Standard (AS 2024-004) before the Illinois Pollution Control Board

Dynegy Midwest Generation, LLC, Illinois Power Generating Company, and Kincaid Generation, LLC (collectively, "Dynegy") filed a amended petition for an adjusted standard with the Illinois Pollution Control Board on August 28, 2023 (docket number AS 2024-004). Dynegy operates the following coal-fired power plants: Baldwin Energy Complex located at 10901 Baldwin Road, Baldwin, Randolph County, Illinois 62217; Kincaid Power Station, located on Route 104, approximately four miles west of Kincaid, Christian County, Illinois 62540; and Newton Power Station, located at 6725 North 500th Street, Newton, Jasper County, Illinois 62448. Dynegy seeks an adjusted standard from opacity standards applicable to emissions from Dynegy's coal-fired boilers during periods of startup, malfunction, and breakdown ("SMB") (as codified in 35 Ill. Admin. Code §§ 212.122(a) and 212.123(a), except as allowed by §§ 212.122(b), 212.123(b), or 212.124, and with the requirement to comply with those standards during periods of SMB as governed by § 201.149). For its proposed adjusted standard, Dynegy proposes the following language apply:

1. Pursuant to Section 28.1 of the Environmental Protection Act, the Board grants Dynegy an adjusted standard from the applicable opacity requirements (set forth at 35 Ill. Admin. Code Part 212, Subpart B, and Part 201, Subparts C and I (as amended July 25, 2023)) for 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"). 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.

Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should indicate the docket number for the adjusted standard proceeding, as found in this notice. The hearing request must be mailed to the Clerk, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, or filed electronically through COOL, located on the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

8/31/2023

# **EXHIBIT B**

Certificate of the Publisher

CNHI, LLC certifies that it is the publisher of the Effingham Daily News. The Effingham Daily News is a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in city of Effingham, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

- 1. A notice, a true copy of which is attached was published one (1) time(s) in the Effingham Daily News, namely one time, per week for one successive weeks. The first publication of the notice was made in the newspaper, dated and published on 09/01/2023 and the last publication of the notice was made in the newspaper dated and published on 09/01/2023.
2. This notice was also placed on a statewide public website as required by 715 ILCS 5/2.1

In witness, the Effingham Daily News has signed this certificate by Amy Winter, its publisher, at Effingham, Illinois on 09/01/2023.

Effingham Daily News

By:

[Handwritten signature of Amy Winter]

Amy Winter
Publisher

...Certificate of the Publisher...
Dynevig Michael Generator, LLC, Illinois Power Generating Company and Illinois Generator, LLC (collectively, Dynevig) filed an amended petition for an adjusted standard with the Illinois Pollution Control Board on August 29, 2023 (docket number AG 2024-204). Dynevig operates the following coal-fired power plants: Braidwood Energy Complex located at 15601 Braidwood Road, Madison, Randolph County, Illinois 62217; Kincaid Power Station, located on Route 254, approximately five miles west of Kincaid, Christian County, Illinois 62401; and Newton Power Station, located at 6725 North 200th Street, Newton, Jasper County, Illinois 62444. Dynevig seeks an adjusted standard from capacity standards applicable to emissions from Dynevig coal-fired boilers during periods of startup, malfunction, and breakdown (SMAB) as defined in 35 ILCS Admin. Code 40 212.122(a) and 212.123(a), except as allowed by 35 ILCS 212.122(b), 212.123(b), or 212.124, and with the requirement to comply with these standards during periods of SMAB as provided by 35 ILCS 212.122(a) and 212.123(a). For the proposed adjusted standard, Dynevig proposes the following language apply:
1. Purpose to Section 2.1 of the Environmental Protection Act, the Board grants Dynevig an adjusted standard from the applicable capacity requirements set forth in 35 ILCS Admin. Code Part 212, Subpart B, and Part 201, Subparts C and 1 as amended July 29, 2020, for coal-fired boilers 1 and 2 of the Braidwood Energy Complex, coal-fired boiler 1 of the Kincaid Power Station, and coal-fired boiler 1 of the Newton Power Station (collectively, the Affected Boilers). This adjusted standard will cease to apply to any Affected Boiler after that Affected Boiler is retired or has permanently ceased firing coal.
2. The Adjusted Standard.
During times of startup of an Affected Boiler, or of malfunction or breakdown of an Affected Boiler or the air pollution control equipment serving the Affected Boiler, when average capacity exceeds 20 percent for Newton Affected Boilers or 30 percent for Braidwood or Kincaid Affected Boilers for a consecutive period of compliance with the applicable 20 or 30 percent capacity standard as applicable pursuant to 35 ILCS Admin. Code 40 201.143 and either 3 212.122(b) or 212.123(b) except as allowed by 3 212.122(b) or 212.123(b), may alternatively be demonstrated for that six-month period as follows:
(a) Alternative Averaging Period.
Compliance for that six-month period may be determined based on a three-hour average of capacity, during capacity readings for three six minutes and the immediately preceding 174 minutes.
(b) Recordkeeping and Reporting.
(1) Any person relying on the Alternative Averaging Period in Section 2.1 of the Adjusted Standard shall maintain records of such average capacity calculations and shall report such calculations to Illinois EPA as part of the next quarterly capacity calculations report for the boiler.
(ii) For periods of startup, such report shall include:
(a) The date, time, and location of the startup;
(b) A description of the startup;
(c) The reasons for the startup;
(iii) An indication of whether or not written startup procedures were followed. If any of the startup procedures were not followed, the report shall include any departures from established procedures and any reason the procedures could not be followed;
(iv) A description of any actions taken to minimize the magnitude or duration of capacity that requires utilization of the Alternative Averaging Period in Section 2.1 of the Adjusted Standard;
(v) 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;
(vi) Confirmation of fulfillment of the requirements of Section 2.1 of the Adjusted Standard;
(vii) 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 capacity in excess of 20 or 30 percent, as applicable, or a six-month average before any 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 capacity that requires utilization of the Alternative Averaging Period in Section 2.1 of the Adjusted Standard;
(d) Confirmation of fulfillment of the requirements of Sections 2.1(b)(v) and 2.1 of the Adjusted Standard;
(e) 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 2.1 of the Adjusted Standard to demonstrate compliance with 35 ILCS Admin. Code Part 201 and 212 shall immediately report such incident to the Agency by telephone, facsimile, electronic mail, or such other method as considered 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 2.1 of the 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 practices for maintaining capacity 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.
Any person that seeks a public hearing to be held in the above-referenced adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should indicate the docket number for the adjusted standard proceeding, as found in this notice. The hearing request must be mailed to the Clerk, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, or filed electronically through GCAD, located on the Board's website (www.ipcb.state.il.us).
Public Notice 43851 2/12/23

# **EXHIBIT C**



## Certificate of the Publisher

NORTH COUNTY NEWS, INC. certifies that it is the publisher of the NORTH COUNTY NEWS. NORTH COUNTY NEWS is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Red Bud, County of Randolph, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 times in NORTH COUNTY NEWS, namely one time per week for 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on 9/7/23, and the last publication of the notice was made in the newspaper dated and published on 9/7/23. The notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, the NORTH COUNTY NEWS has signed this certificate by VICTOR L. MOHR, its publisher, at Red Bud, Illinois, on 9/7/23.

NORTH COUNTY NEWS

By: Victor L. Mohr

Publisher

The attached notice relates to the matter of:

Amended Petition  
Dynergy

Printer's fees: \$ 201.48

**NOTICE of Amended Petition by Dynergy for an Adjusted Standard (AS 2024-004)  
before the Illinois Pollution Control Board**

Dynergy Midwest Generation, LLC, Illinois Power Generating Company, and Kincaid Generation, LLC (collectively, "Dynergy") filed an amended petition for an adjusted standard with the Illinois Pollution Control Board on August 28, 2023 (docket number AS 2024-004). Dynergy operates the following coal-fired power plants: Baldwin Energy Complex located at 10901 Baldwin Road, Baldwin, Randolph County, Illinois 62217; Kincaid Power Station, located on Route 104, approximately four miles west of Kincaid, Christian County, Illinois 62540; and Newton Power Station, located at 6725 North 500th Street, Newton, Jasper County, Illinois 62448. Dynergy seeks an adjusted standard from opacity standards applicable to emissions from Dynergy's coal-fired boilers during periods of startup, malfunction, and breakdown ("SMB") (as codified in 35 Ill. Admin. Code §§ 212.122(a) and 212.123(a), except as allowed by §§ 212.122(b), 212.123(b), or 212.124, and with the requirement to comply with those standards during periods of SMB as governed by § 201.149). For its proposed adjusted standard, Dynergy proposes the following language apply:

A.1. Pursuant to Section 28.1 of the Environmental Protection Act, the Board grants Dynergy an adjusted standard from the applicable opacity requirements (set forth at 35 Ill. Admin. Code Part 212, Subpart B, and Part 201, Subparts C and I (as amended July 25, 2023)) for 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"). This adjusted standard will cease to apply to any Affected Unit after that Affected unit is retired or has permanently ceased firing coal.

A.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.2.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.

A.2.b) Recordkeeping and Reporting.

(A.2.b.1.A.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.

(A.2.b.1.A.ii) For periods of startup, such report shall include:

(A.2.b.1.A.ii.a) The date, time, and duration of the startup.

(A.2.b.1.A.ii.b) A description of the startup.

(A.2.b.1.A.ii.c) The reason(s) for the startup.

(A.2.b.1.A.ii.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.

(A.2.b.1.A.ii.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.

(A.2.b.1.A.ii.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.

(A.2.b.1.A.ii.g) Confirmation of fulfillment of the requirements of Section 2.c) of this Adjusted Standard.

(A.2.b.1.A.iii) For periods of malfunction and breakdown, such report shall include:

(A.2.b.1.A.iii.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.

(A.2.b.1.A.iii.b) A description of the incident.

(A.2.b.1.A.iii.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.

(A.2.b.1.A.iii.d) Confirmation of fulfillment of the requirements of Sections 2.b)(iv) and 2.c) of this Adjusted Standard.

(A.2.b.1.A.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.

A.2.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.

(A.2.c.1.A.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.

(A.2.c.1.A.ii) Use good engineering practices and best efforts to minimize the frequency and duration of operation in startup, malfunction and breakdown.

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

Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should indicate the docket number for the adjusted standard proceeding, as found in this notice. The hearing request must be mailed to the Clerk, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, or filed electronically through COOL, located on the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).