

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 **FIRST COMMENT IN RESPONSE TO ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S COMMENTS** on behalf Dynegy Midwest Generation, LLC; Illinois Midwest Generation, LLC; Power Generating Company; and Kincaid Generation, LLC (collectively, “Dynegy”) and Midwest Generation, LLC; and a **CERTIFICATE OF SERVICE**, which are attached and copies of which are herewith served upon you.

Dated: December 1, 2023

Respectfully submitted,

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

Midwest Generation, LLC

/s/ Samuel A. Rasche
One of their Attorneys

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Attorneys for Dynegy and Midwest Generation

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FIRST COMMENT IN RESPONSE TO
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Dynegy Midwest Generation, LLC; Illinois Power Generating Company; and Kincaid Generation, LLC (collectively, “Dynegy”) and Midwest Generation, LLC (“MWG”) (collectively, the “Companies”) by their attorneys, ArentFox Schiff LLP, hereby submit to the Illinois Pollution Control Board (“Board”) their First Comment in Response to Illinois Environmental Protection Agency’s (“IEPA”) Comments.

On October 23, 2023, IEPA submitted public comments (“IEPA’s Comments”) requesting that the Companies provide additional data and analyses, which IEPA stated it requires in order to evaluate the environmental impacts of the Companies’ proposal (and other companies’ and groups’ proposals) in this subdocket and to submit a State Implementation Plan (“SIP”) that the United States Environmental Protection Agency may approve. On November 1, 2023, the Hearing Officer directed the proponents, including the Companies, to provide an initial response to IEPA’s Comments by December 1, 2023. Hearing Transcript, PCB R 23-18 (Nov. 1, 2023).

The Companies have held telephonic and virtual meetings with IEPA to discuss the specific data and analyses that IEPA is seeking. The Companies and IEPA plan to hold one or more additional virtual meetings in order to ensure the Companies' productions are responsive to IEPA's requests.

As part of the Companies' discussions with IEPA, the Companies have requested certain information, including documents and data, from IEPA pursuant to the Freedom of Information Act ("FOIA"). This information is integral to preparation of the Companies' response to IEPA's Comments. To date, IEPA has provided some of the information sought and continues to search for and retrieve additional information.

The Companies are working diligently to complete their response to IEPA's Comments as quickly as possible in order to avoid any undue delay in promulgating the proposed rule in this sub-docket. The timing of the Companies' response is contingent on the timing and substance of additional discussions with IEPA and IEPA's FOIA responses. The Companies currently anticipate submitting a final response to IEPA's Comments by the end of January 2024.

Respectfully submitted,

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

and

Midwest Generation, LLC

/s/ Samuel A. Rasche
One of their Attorneys

Dated: December 1, 2023

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Attorneys for Dynegy and Midwest Generation

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 1st Day of December, 2023:

I have electronically served true and correct copies of the First Post-Hearing Comment of Dynegy and Midwest Generation, LLC 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: December 1, 2023

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