

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:

ILLINOIS POWER GENERATING
COMPANY

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 2024-043

(Petition for review – Alternative
Source Demonstration)

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
Don.brown@illinois.gov
Carol.webb@illinois.gov

Mallory Meade
Samuel Henderson
Assistant Attorneys General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
mallory.meade@ilag.gov
samuel.henderson@ilag.gov

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached Certificate of Service and Subpoenas for the Depositions of Heather Mullenax, Lauren Hunt, and Lynn Dunaway, copies of which are herewith served upon you.

Dated: May 1, 2024

Respectfully submitted,

/s/ Samuel A. Rasche

ARENTFOX SCHIFF LLP
Samuel A. Rasche
233 South Wacker Drive, Suite 7100
Sam.rasche@afslaw.com

*Attorney for Illinois Power Generating
Company*

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 1st Day of May, 2024:

I have electronically served true and correct copies of this Notice of Filing, Certificate of Service, and the attached Subpoenas for Depositions of Heather Mullenax, Lauren Hunt, and Lynn Dunaway by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the following persons:

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

Mallory Meade
Samuel Henderson
Assistant Attorneys General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
mallory.meade@ilag.gov
samuel.henderson@ilag.gov

My e-mail address is Sam.Rasche@afslaw.com.

The number of pages in the e-mail transmission is 9.

The e-mail transmission took place before 5:00 p.m.

 /s/ Samuel A. Rasche

Samuel A. Rasche

Dated: May 1, 2024

Samuel A. Rasche
ARENTFOX SCHIFF LLP
233 South Wacker Drive, Suite 7100
Chicago, Illinois 60606
(312) 258-5500
Sam.Rasche@afslaw.com

Before the Illinois Pollution Control Board

ILLINOIS POWER GENERATING)	
COMPANY,)	
)	
Petitioner,)	PCB 2024-043
)	(Petition for review - Alternative
v.)	Source Demonstration)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

SUBPOENA

TO: Heather Mullenax
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2022)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give testimony at the deposition in the above-captioned matter at 9:00 a.m. on May 30, 2024, at 133 South 4th Street, Springfield, IL 62701.

You are also ordered to bring with you, to the extent not already provided to Petitioner, documents relevant to the matter under consideration and designated herein, including:

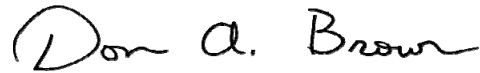
1. Any documents containing or referring to notes taken during any meetings, phone calls, or discussions related to the review of the Alternative Source Demonstration for the Newton Power Plant Primary Ash Pond submitted by Illinois Power Generating Company to the Illinois Environmental Protection Agency on October 6, 2023 (the "Newton ASD"), including but not limited to

responsive information contained in the notebook pages partially shown in the document labeled Document 24 in Administrative Record filed in the above captioned proceeding.

2. Any documents containing or referring to correspondence between Illinois Environmental Protection Agency employees, agents, representatives, or other third persons discussing the review of and non-concurrence with the Newton ASD.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101802.

ENTER:



Don A. Brown, Clerk
Illinois Pollution Control Board

Date: May 1, 2024

I, Bina Joshi, do hereby certify that I have served on the date of May 1, 2024, the attached subpoena to Heather Mullenax by serving a copy electronically upon Mallory Meade (mallory.meade@ilag.gov) and Samuel Henderson (samuel.henderson@ilag.gov), Counsel for the Illinois Environmental Protection Agency.

/s/ Bina Joshi

Bina Joshi

Before the Illinois Pollution Control Board

ILLINOIS POWER GENERATING)	
COMPANY,)	
)	
Petitioner,)	PCB 2024-043
)	(Petition for review - Alternative
v.)	Source Demonstration)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

SUBPOENA

TO: Lauren Hunt
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2022)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give testimony at the deposition in the above-captioned matter at 2:00 p.m. on May 30, 2024, at 133 South 4th Street, Springfield, IL 62701.

You are also ordered to bring with you, to the extent not already provided to Petitioner, documents relevant to the matter under consideration and designated herein, including:

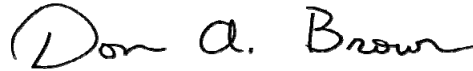
1. Any documents containing or referring to notes taken during any meetings, phone calls, or discussions related to the review of the Alternative Source Demonstration for the Newton Power Plant Primary Ash Pond submitted by Illinois Power Generating Company to the Illinois Environmental Protection Agency on October 6, 2023 (the "Newton ASD"), including but not limited to

responsive information contained in the notes taken during meetings or phone calls held on October 19 and October 31, 2023, referred to in documents identified as Document 14 and Document 23 in the Administrative Record filed in the above captioned proceeding.

2. Any documents containing or referring to correspondence between Illinois Environmental Protection Agency employees, agents, representatives, or other third persons discussing the review of and non-concurrence with the Newton ASD.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101802.

ENTER:



Don A. Brown, Clerk
Illinois Pollution Control Board

Date: May 1, 2024

I, Bina Joshi, do hereby certify that I have served on the date of May 1, 2024, the attached subpoena to Lauren Hunt by serving a copy electronically upon Mallory Meade (mallory.meade@ilag.gov) and Samuel Henderson (samuel.henderson@ilag.gov), Counsel for the Illinois Environmental Protection Agency.

/s/ Bina Joshi

Bina Joshi

Before the Illinois Pollution Control Board

ILLINOIS POWER GENERATING)	
COMPANY,)	
)	
Petitioner,)	PCB 2024-043
)	(Petition for review - Alternative
v.)	Source Demonstration)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

SUBPOENA

TO: Lynn Dunaway
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2022)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give testimony at the deposition in the above-captioned matter at 10:00 a.m. on May 31, 2024, at 133 South 4th Street, Springfield, IL 62701.

You are also ordered to bring with you, to the extent not already provided to Petitioner, documents relevant to the matter under consideration and designated herein, including:

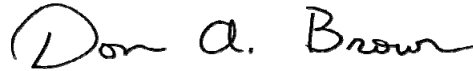
1. Any documents containing or referring to notes taken during any meetings, phone calls, or discussions related to the review of the Alternative Source Demonstration for the Newton Power Plant Primary Ash Pond submitted by Illinois Power Generating Company to the Illinois Environmental Protection Agency on October 6, 2023 (the "Newton ASD"), including but not limited to

responsive information contained in the notes taken during meetings or phone calls held on October 19 and October 31, 2023, referred to in documents identified as Document 14 and Document 23 in the Administrative Record filed in the above captioned proceeding.

2. Any documents containing or referring to correspondence between Illinois Environmental Protection Agency employees, agents, representatives, or other third persons discussing the review of and non-concurrence with the Newton ASD.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101802.

ENTER:



Don A. Brown, Clerk
Illinois Pollution Control Board

Date: May 1, 2024

I, Bina Joshi, do hereby certify that I have served on the date of May 1, 2024, the attached subpoena to Lynn Dunaway by serving a copy electronically upon Mallory Meade (mallory.meade@ilag.gov) and Samuel Henderson (samuel.henderson@ilag.gov), Counsel for the Illinois Environmental Protection Agency.

/s/ Bina Joshi

Bina Joshi