

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 20 2004

STATE OF ILLINOIS
Pollution Control Board

MIDWEST GENERATION EME, LLC)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 4-185

(Trade Secret

Appeal)

NOTICE

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601


Sheldon A. Zabel
Mary A. Mullin
Schiff Hardin LLP
6600 Sears Tower
Chicago, Illinois 60606

Brad Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

Please take notice that I have today filed with the Office of the Clerk of the Pollution Control Board the APPEARANCE AND ADMINISTRATIVE RECORD OF TRADE SECRET DETERMINATION of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally A. Carter

Assistant Counsel

Division of Legal Counsel

Date: May 19, 2004

Illinois Environmental Protection Agency

1021 North Grand Avenue East

P.O. Box 19276

Springfield, IL 62794-9276

217/782-5544

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v.)	PCB No. 4-185
)	(Trade Secret
ILLINOIS ENVIRONMENTAL)	Appeal)
PROTECTION AGENCY,)	
)	
Respondent.)	

APPEARANCE

The undersigned, as one of its attorneys, hereby
enters her APPEARANCE on behalf of Respondent, Illinois
Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally A. Carter
Assistant Counsel
Division of Legal Counsel

Date: May 19, 2004
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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PROTECTION AGENCY,)	
)	
Respondent.)	

ADMINISTRATIVE RECORD OF TRADE SECRET DETERMINATION

The Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorney, Sally Carter, in accordance with the Board's Order of May 6, 2004, files its Administrative Record of Trade Secret Determination ("Administrative Record") in this cause.

On April 19, 2004, Petitioner filed a petition before the POLLUTION CONTROL BOARD ("Board") seeking an appeal of the Illinois EPA's trade secret determination of March 10, 2004. The Illinois EPA's denial letter identified articles that were deemed not to represent trade secrets from information submitted by the Petitioner, MIDWEST GENERATION EME, LLC, ("Midwest Generation") in response to an information request made pursuant to Section 114 of the federal Clean Air Act (42 U.S.C. § 7414). Pursuant to Section 114, Midwest Generation sent a copy of the response to the Illinois EPA. Specifically, the Illinois EPA denied

trade secret protection for information submitted on November 6, 2003 and received by the Illinois EPA on November 10, 2003, concerning capital projects at its coal-fired electric generating units and information pertaining to the "monthly and annual net generation, the monthly coal heat content, and the monthly net heat rate for each of its coal fired units." Petition at 2.

The original and four (4) copies of this Administrative Record are filed with the Board. Volume I is a copy of information consisting of, among other things, a redacted version of Midwest Generation's response to the USEPA's Section 114 informational request and a redacted version of Midwest Generation's trade secret Statement of Justification, dated January 23, 2004, that the Petitioner believes can be made available to the public without compromising its claimed trade secrets. In addition, Volume I consists of correspondence between the Illinois EPA and Midwest Generation, information available on the United States Department of Energy, Energy Information Administration web pages, various construction and operating permits issued to Midwest Generation and quarterly coal analyses submitted by Midwest Generation to the Illinois EPA. Volume II represents the trade secret copy of information consisting only of Midwest Generation's

response to the USEPA's Section 114 informational request and Midwest Generation's trade secret Statement of Justification. Given the considerable amount of paginated materials and the resources required to provide a total of four (4) copies, the Illinois EPA did not copy the duplicative material twice for both volumes of the record. This Administrative Record specifically consists of the following:

Volume I
Public (redacted) Copy

<u>Document</u>	<u>Page</u>
1. Midwest Generation's November 6, 2003, USEPA's Request for Information Pursuant to Section 114 of the Clean Air Act.	1-173
2. Correspondence, dated January 5, 2004, from Chris Pressnall, Assistant Counsel for Illinois EPA, to Jane Montgomery, Schiff Harden and Waite.	174-175
3. Correspondence, dated January 8, 2004, from Jane Montgomery, Schiff Harden and Waite to Chris Pressnall, Assistant Counsel for Illinois EPA.	176
4. Midwest Generation's trade secret Statement of Justification, dated January 23, 2004.	177-204
5. Denial of Trade Secret Claim letter, dated March 10, 2004, from Chris Pressnall, Assistant Counsel for Illinois EPA to Jane Montgomery, Schiff Harden and Waite.	205-206
6. 56 Federal Register No. 35, pages 7042 and 7043 Thursday, February 21, 1991.	207-208
7. Electronic mail, dated April 12, 2004, from	209-210

Chris Pressnall, Assistant Counsel for Illinois EPA to Annie Mullin, Schiff Harden and Waite, and attached electronic mail, dated April 9, 2004, from Scott Owens, Illinois EPA to Chris Pressnall.

8. Electronic mail, dated March 25, 2004, from Chris Pressnall, Assistant Counsel for Illinois EPA to Annie Mullin, Schiff Harden and Waite, and attached electronic mail, dated March 9, 2004, from Scott Owens, Illinois EPA to Chris Pressnall. 211-212
9. United States Department of Energy, Energy Information Administration ("DOE") web page concerning "Confidentiality of Information on EIA Electric Power Surveys". 213-219
10. Illinois EPA NOx Trading Program Early Reduction Credits web page that includes the facility's ORIS number. 220-222
11. Illinois EPA NOx Trading Program NOx Allowances 2004-2006 web page that includes the facility's ORIS number. 223-226
12. United States Environmental Protection Agency ("USEPA") Emissions Tracking System web page that includes the facility's ORIS number. 227-234
13. DOE's Annual Steam-Electric Plant Operation and Design Data (EIA-767 Data Files) web page. 235-236
14. User guide for DOE's F767 Generator Table. 237
15. Midwest Generation's 2001 generator data from DOE's Web_F767_Generator web page. 238
16. Midwest Generation's 2002 generator data from DOE's Web_F767_Generator web page. 239
17. User guide for DOE's 767 Boiler Fuel. 240-241
18. DOE Form EIA-767 (2003) Steam Electric Plant Operation and Design Report. 242-274

19. Midwest Generation's 2001 boiler net heat rate data from DOE's Web_F767_Boiler_Fuel web page. 275-276
20. Midwest Generation's 2002 boiler net heat rate data from DOE's Web_F767_Boiler_Fuel web page. 277-278
21. DOE Form EIA-906 and EIA-920 Databases. 279
22. The DOE F906nonutilLAYOUT2000.txt. 280
23. DOE Power Plant Database F906 that includes Midwest Generations' generator data and fuel data for 2000. 281-282
24. Letter, dated August 22, 2003, from Basil G. Constantelos, Director, Environmental, Health and Safety for Midwest Generation to Jim Ross, Acting Permit Manager for Illinois EPA, Bureau of Air and attached relevant portions of the Title V Permit Application for the Powerton Electrical Generating Station. 283-454
25. Letter, dated June 20, 2003, from Basil G. Constantelos, Director, Environmental, Health and Safety for Midwest Generation to Donald Sutton, Permit Manager for Illinois EPA, Bureau of Air and attached relevant portions of the Title V Permit Application for the Waukegan Electrical Generating Station. 455-655
26. Letter, dated February 26, 2003, from Basil G. Constantelos, Director, Environmental, Health and Safety for Midwest Generation to Donald Sutton, Permit Manager for Illinois EPA, Bureau of Air and attached relevant portions of the Title V Permit Application for the Crawford Electrical Generating Station. 656-795
27. Letter, dated September 19, 2002, Constantelos, Director, Environmental, Health and Safety for Midwest Generation to Donald Sutton, Permit Manager for Illinois EPA, Bureau of Air and attached relevant portions of the Title V Permit Application for the 796-977

Joliet Electrical Generating Station.

28. Letter, dated May 23, 2003, from Basil G. 978-1245
Constantelos, Director, Environmental,
Health and Safety for Midwest Generation to
Donald Sutton, Permit Manager for Illinois
EPA, Bureau of Air and attached relevant
portions of the Title V Permit Application
for the Will County Electrical Generating
Station.
29. Letter, dated March 27, 2003, from Basil G. 1246-1247
Acting Permit Manager for Illinois EPA,
Bureau of Air.
30. Letter, dated February 14, 2003, from Basil 1248-1319
G. Constantelos, Director, Environmental,
Health and Safety for Midwest Generation to
Donald Sutton, Permit Manager for Illinois
EPA, Bureau of Air and attached relevant
portions of the Title V Permit Application
for the Fisk Electrical Generating Station.
31. Construction Permit Application No. 00040072 1320-1321
for the construction of emission source(s)
and/or air pollution control equipment
consisting of low Nox Burners at Boiler 7
for Midwest Generation's Crawford Station.
32. Construction Permit Application No. 00060077 1322-1323
for the construction of emission source(s)
and/or air pollution control equipment
consisting of low Nox Burners at Boiler 8 for
Midwest Generation's Crawford Station.
33. Operating Permit Application No. 73030816 1324-1329
for the operation of emission source(s)
and/or air pollution control equipment
consisting of the Unit 19 Boiler with
associated electrostatic precipitator at
Midwest Generation's Fisk Station.
34. Construction Permit Application No. 02060043 1330-1331
for the construction of emission source(s)
and/or air pollution control equipment
consisting of low Nox Burners at Boiler 19
for Midwest Generation's Fisk Station.

35. Revised Operating Permit Application No. 1332-1337
73030837 for the operation of emission
source(s) and/or air pollution control
equipment consisting of the Unit 6 boiler
with a separated over-fire air system and
associated electrostatic precipitator at
Midwest Generation's Joliet Station.
36. Operating Permit Application No. 73030838 1338-1345
for the operation of emission source(s)
and/or air pollution control equipment
consisting of boilers 71 and 72 with low NOx
burners and electrostatic precipitators, coal
ash silos A-H and the Unit 7 turbine oil tank
at Midwest Generation's Joliet Station.
37. Revised Operating Permit Application No. 1346-1353
73030839 for the operation of emission
source(s) and/or air pollution control
equipment consisting of the Unit 8 boiler with
low NOx burners and with and associated
electrostatic precipitator at Midwest
Generation's Joliet Station.
38. Construction Permit Application No. 00060099 1354-1357
for the construction of emission source(s)
and/or air pollution control equipment
consisting of low Nox burners for Unit 8
Boiler 81 and 82 at Midwest Generation's
Joliet Station.
39. Construction Permit Application No. 00020057 1358-1361
for the construction of emission source(s)
and/or air pollution control equipment
consisting of low Nox burners and separated
over-fire air systems Boilers 71 and 72 at
Midwest Generation's Joliet Station.
40. Construction Permit Application No. 00040073 1362-1363
for the construction of emission source(s)
and/or air pollution control equipment
consisting of an over-fire air system for
Unit 6 Boiler at Midwest Generation's Joliet
Station.
41. Construction Permit Application No. 00060099 1364-1365

for the construction of emission source(s)
and/or air pollution control equipment
consisting of low Nox burners for Unit
8 Boiler 81 and 82 at Midwest Generation's
Joliet Station.

42. Construction Permit Application No. 02100054 1366-1367
for the construction of emission source(s)
and/or air pollution control equipment
consisting of changes to coal handling
equipment, including replacing five bag houses
BH1-BH5) at Midwest Generation's Joliet
Station.
43. Revised Operating Permit Application No. 1368-1371
76080033 for the operation of emission
source(s) and/or air pollution control
equipment consisting of the boilers 51 and
52 with associated electrostatic
precipitators at Midwest Generation's
Powerton Station.
44. Revised Operating Permit Application No. 1372-1376
82120068 for the operation of emission
source(s) and/or air pollution control
consisting of the Unit 6 boiler with
separated over-fire air system and associated
electrostatic precipitator at Midwest
Generation's Powerton Station.
45. Construction Permit Application No. 01080005 1377-1378
for the construction of emission source(s)
and/or air pollution control equipment
consisting of over fire air system for Boiler
Unit 61 at Midwest Generation's Powerton
Station.
46. Construction Permit Application No. 01080029 1379-1380
for the construction of emission source(s)
and/or air pollution control equipment
consisting of over fire air system on Units
51 and 52 boiler at Midwest Generation's
Powerton Station.
47. Construction Permit Application No. 02020076 1381-1382
for the construction of emission source(s)
and/or air pollution control equipment

consisting of a bench scale mercury control system on either Boiler 51 or 62 at Midwest Generation's Powerton Station.

48. Joint Construction and Operating Permit 1383
Application No. 02070046 to construct and operate emission source(s) and/or air pollution control equipment consisting of a 1,000-gallon gasoline storage tank at Midwest Generation's Powerton Station.
49. Letter, dated May 8, 2003, from Donald Sutton 1384-1391
Permit Manager for Illinois EPA, Bureau of Air to Bob Duey, Waukegan Electric Generating Station, and attached Revised Operating Permit Application Number 73030829 for the operation of emission source(s) and/or air pollution control equipment consisting of the Unit 6 boiler with over fire air system and associated electrostatic precipitator at Midwest Generation's Waukegan Station.
50. Operating Permit Application No. 73030831 for 1392-1399
the operation of emission source(s) and/or air pollution control equipment consisting of Unit 8 boiler with low Nox burners and associated electrostatic precipitators, a turbine oil tank and a coal bunker at Midwest Generation's Waukegan Station.
51. Letter, dated December 15, 1999, from Donald 1400-1407
Sutton, Permit Manager for Illinois EPA, Bureau of Air to Jon Corcoran, Midwest Generation LLC, and attached Revised Operating Permit Application Number 75030155 for the operation of emission source(s) and/or air pollution control equipment consisting of the Unit 7 boiler with associated hot electrostatic precipitator, a turbine oil reservoir and the Unit 7 coal bunker at Midwest Generation's Waukegan Station.
52. Construction Permit Application No. 00070031 1408-1409
for the construction of emission source(s) and/or air pollution control equipment consisting of over fire air system for Boiler

Unit 6, at Midwest Generation's Waukegan electrical generating station.

53. Construction Permit Application No. 01090019 1410
for the construction of emission source(s)
and/or air pollution control equipment
consisting of refurbished and upgraded Hot
Electrostatic Precipitator for Unit 7 at
Midwest Generation's Waukegan Station.
54. Construction Permit Application No. 02100061 1411-1412
for the construction of emission source(s)
and/or air pollution control equipment
consisting of changes to coal handling
equipment, including replacing two bag houses
(BH3, BH4) at Midwest Generation's Waukegan
Station.
55. Letter, dated December 15, 1999, from 1413-1418
Donald Sutton, Permit Manager for Illinois
EPA, Bureau of Air to Jon Corcoran, Midwest
Generation LLC, and attached Revised
Operating Permit Application Number 73030969
for the operation of emission source(s)
and/or air pollution control equipment
consisting of 2 barge unloaders BU-1 and BU-2,
a transfer house, a coal reclaim hopper,
a surge hopper, coal bell R-1, a breaker
building house with bag house BH-5, 5 coal
conveyors, A, C, D, H and U, four coal bunker
rotoclones, C to D transfer and U1 and U2
cyclone exhaust to bag house BH-1, a
stationary vacuum unit VU-1, 6 fuel oil
storage tanks, a coal storage pile, 2 fly ash
silos and unloading spouts with bag filters,
unit 4 precipitator hopper room vent fan
filer VFF-1, unit 1 hopper room bag house,
one propane fired air heater and 1 gasoline
tank at Midwest Generation's Will County
Station.
56. Revised Operating Permit Application No. 1419-1426
73030970 for the operation of emission
source(s) and/or air pollution control
consisting of the Unit 1 boiler with
associated electrostatic precipitator,
Unit 1 coal bunker with rotoclone and

bag house, turbine oil reservoir and a turbine oil storage tank at Midwest Generation's Will County Station.

57. Revised Operating Permit Application No. 73030971 for the operation of emission source(s) and/or air pollution control consisting of the Unit 2 boiler with associated electrostatic precipitator, Unit 2 coal bunker, 1 rotoclone, 1 bag house, turbine oil reservoir LR-2 and turbine oil storage tank LS 3-4 at Midwest Generation's Will County Station. 1427-1433
58. Letter, dated March 27, 2003, from Donald Sutton, Permit Manager for Illinois EPA, Bureau of Air to Craig Lucke, Will County Electric Generating Station, and attached Revised Operating Permit Application Number 73030972 for the operation of emission source(s) and/or air pollution control equipment consisting of the Unit 3 boiler with associated electrostatic precipitator at Midwest Generation's Will County Station. 1434-1442
59. Letter, dated March 27, 2003, from Donald Sutton, Permit Manager for Illinois EPA, Bureau of Air to Craig Lucke, Will County Electric Generating Station, and attached Revised Operating Permit Application Number 73030973 for the operation of emission source(s) and/or air pollution control equipment consisting of the Unit 4 boiler with low Nox burners and associated electrostatic precipitator, a coal bunker, three turbine oil reservoirs and a turbine oil tank at Midwest Generation's Will County Station. 1443-1451
60. Construction Permit Application No. 0008007 for the construction of emission source(s) and/or air pollution control equipment consisting of low NOx burners for Boiler 3 at Midwest Generation's Will County electrical generating station. 1452-1453
61. Letter, dated April 28, 2000, from Basil G. 1454-1474

Constantelos, Director of Environmental Health and Safety for Midwest Generation to David J. Kolaz, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Crawford generating station for the calendar quarter ending March 31, 2000.

62. Letter, dated July 28, 2000, from Basil G. 1475-1483
Constantelos, Director of Environmental Health and Safety for Midwest Generation to David J. Kolaz, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Crawford generating station for the calendar quarter ending June 30, 2000.
63. Letter, dated January 18, 2001, from Basil G. 1484-1492
Constantelos, Director of Environmental Health and Safety for Midwest Generation to Dave Asselmeier, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Crawford generating station for the calendar quarter ending December 31, 2000.
64. Letter, dated July 16, 2001, from Basil G. 1493-1501
Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Crawford generating station for the calendar quarter ending June 30, 2001.
65. Letter, dated October 15, 2001, from Basil G. 1502-1505
Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Crawford generating station for the calendar quarter ending September 30, 2001.
66. Letter, dated January 14, 2002, from Basil G. 1506-1509
Constantelos, Director of Environmental

Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Crawford generating station for the calendar quarter ending December 31, 2001.

67. Letter, dated April 15, 2002, from Basil G. 1510-1518 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Crawford generating station for the calendar quarter ending March 31, [sic] 2002.
68. Letter, dated July 17, 2002, from Basil G. 1519-1527 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Crawford generating station for the second quarter of 2002.
69. Letter, dated January 22, 2003, from Basil G. 1528-1531 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Crawford generating station for the fourth quarter of 2002.
70. Letter, dated July 28, 2000, from Basil G. 1532-1538 Constantelos, Director of Environmental Health and Safety for Midwest Generation to David J. Kolaz, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Fisk generating station for the calendar quarter ending June 30, 2000.
71. Letter, dated July 16, 2001, from Basil G. 1539-1546 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems

Management Section for Illinois EPA Bureau
Air and attached coal analyses for Fisk
generating station for the calendar quarter
ending June 30, 2001.

72. Letter, dated October 15, 2001, from Basil G.1547-1549
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Fisk
generating station for the calendar quarter
ending September 30, 2001.
73. Letter, dated January 14, 2002, from Basil G.1550-1552
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Fisk
generating station for the calendar quarter
ending December 31, 2001.
74. Letter, dated April 15, 2002, from Basil G. 1553-1560
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Fisk
generating station for the calendar quarter
ending March 31 [sic] 2002.
75. Letter, dated July 17, 2002, from Basil G. 1561-1567
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Fisk
generating station for the second quarter of
2002.
76. Letter, dated October 14, 2002, from Basil G.1568-1576
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau

Air and attached coal analyses for Fisk generating station for the third quarter of 2002.

77. Letter, dated January 22, 2003, from Basil G.1577-1578
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Fisk
generating station for the fourth quarter
of 2002.
78. Letter, dated April 28, 2000, from Basil G. 1579-1599
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David J. Kolaz, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Waukegan
generating station for the calendar quarter
ending March 31, 2000.
79. Letter, dated July 28, 2000, from Basil G. 1600-1608
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David J. Kolaz, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Waukegan
generating station for the calendar quarter
ending June 30, 2000.
80. Letter, dated October 20, 2000, from Basil G.1609-1631
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David Asselmeier, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Waukegan
generating station for the calendar quarter
ending September 30, 2000.
81. Letter, dated January 18, 2001, from Basil G.1632-1641
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David Asselmeier, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Waukegan
generating station for the calendar quarter

ending December 31, 2000.

82. Letter, dated April 18, 2001, from Basil G. 1642-1650
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David Asselmeier, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Waukegan
generating station for the calendar quarter
ending March 31, 2001.
83. Letter, dated July 16, 2001, from Basil G. 1651-1661
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Waukegan
generating station for the calendar quarter
ending June 30, 2001.
84. Letter, dated October 15, 2001, from Basil G. 1662-1666
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Waukegan
generating station for the calendar quarter
ending September 30, 2001.
85. Letter, dated January 14, 2002, from Basil G. 1667-1671
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Waukegan
generating station for the calendar quarter
ending December 31, 2001.
86. Letter, dated July 17, 2002, from Basil G. 1672-1680
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Waukegan
generating station for the second quarter of
2002.

87. Letter, dated October 14, 2002, from Basil G.1681-1691 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Waukegan generating station for the third quarter of 2002.
88. Letter, dated January 22, 2003, from Basil G.1692-1698 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Waukegan generating station for the fourth quarter of 2002.
89. Letter, dated April 28, 2000, from Basil G. 1699-1719 Constantelos, Director of Environmental Health and Safety for Midwest Generation to David J. Kolaz, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Powerton generating station for the calendar quarter ending March 31, 2000.
90. Letter, dated July 28, 2000, from Basil G. 1720-1727 Constantelos, Director of Environmental Health and Safety for Midwest Generation to David J. Kolaz, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Powerton generating station for the calendar quarter ending June 30, 2000.
91. Letter, dated October 20, 2000, from Basil G.1728-1750 Constantelos, Director of Environmental Health and Safety for Midwest Generation to David Asselmeier, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Powerton generating station for the calendar quarter ending September 30, 2000.
92. Letter, dated January 18, 2001, from Basil G.1751-1759 Constantelos, Director of Environmental

Health and Safety for Midwest Generation to David Asselmeier, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Powerton generating station for the calendar quarter ending December 31, 2000.

93. Letter, dated April 18, 2001, from Basil G. 1760-1767 Constantelos, Director of Environmental Health and Safety for Midwest Generation to David Asselmeier, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Powerton generating station for the calendar quarter ending March 31, 2001.
94. Letter, dated July 16, 2001, from Basil G. 1768-1773 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Powerton generating station for the calendar quarter ending June 30, 2001.
95. Letter, dated October 15, 2001, from Basil G. 1775-1777 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Powerton generating station for the calendar quarter ending September 30, 2001.
96. Letter, dated January 14, 2002, from Basil G. 1778-1782 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Powerton generating station for the calendar quarter ending December 31, 2001.
97. Letter, dated April 15, 2002, from Basil G. 1783-1791 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems

Management Section for Illinois EPA Bureau
Air and attached coal analyses for Powerton
generating station for the calendar quarter
ending March 31, 2001.

98. Letter, dated July 17, 2002, from Basil G. 1792-1800
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Powerton
generating station for the second quarter of
2002.
99. Letter, dated October 14, 2002, from Basil G. 1801-1810
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Powerton
generating station for the calendar quarter
ending third quarter of 2002.
100. Letter, dated January 22, 2003, from Basil G. 1811-1817
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Powerton
generating station for the fourth quarter of
2002.
101. Letter, dated April 28, 2000, from Basil G. 1818-1838
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David J. Kolaz, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Joliet
generating station for the calendar quarter
ending March 31, 2000.
102. Letter, dated October 20, 2000, from Basil G. 1839-1861
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David Asselmeier, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Joliet

generating station for the calendar quarter ending September 30, 2000.

103. Letter, dated January 18, 2001, from Basil G.1862-1871 Constantelos, Director of Environmental Health and Safety for Midwest Generation to David Asselmeier, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Joliet generating station for the calendar quarter ending December 31, 2000.
104. Letter, dated July, 16, 2001, from Basil G. 1872-1882 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Joliet generating station for the calendar quarter ending June 30, 2001.
105. Letter, dated October 15, 2001, from Basil G.1883-1887 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Joliet generating station for the calendar quarter ending September 30, 2001.
106. Letter, dated January 22, 2003, from Basil G.1888-1894 Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Joliet generating station for the fourth quarter of 2003.
107. Letter, dated April 28, 2000, from Basil G. 1895-1914 Constantelos, Director of Environmental Health and Safety for Midwest Generation to David J. Kolaz, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Will County generating station for the calendar quarter ending March 31, 2000.

108. Letter, dated July 28, 2000, from Basil G. 1915-1924
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David J. Kolaz, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Will County
generating station for the calendar quarter
ending June 30, 2000.
109. Letter, dated April 18, 2001, from Basil G. 1925-1934
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David Asselmeier, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Will County
generating station for the calendar quarter
ending March 31, 2001.
110. Letter, dated October 20, 2000, from Basil G. 1935-1957
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David Asselmeier, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Will County
generating station for the calendar quarter
ending September 30, 2000.
111. Letter, dated July 16, 2001, from Basil G. 1958-1968
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
David Asselmeier, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Will County
generating station for the calendar quarter
ending June 30, 2001.
112. Letter, dated October 15, 2001, from Basil G. 1969-1982
Constantelos, Director of Environmental
Health and Safety for Midwest Generation to
Julie Armitage, Compliance and Systems
Management Section for Illinois EPA Bureau
Air and attached coal analyses for Will County
generating station for the calendar quarter
ending September 30, 2001.
113. Letter, dated April 15, 2002, from Basil G. 1983-1993

Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Will County generating station for the calendar quarter ending March 31, 2001.

114. Letter, dated July 17, 2002, from Basil G. 1994-2003
Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Powerton generating station for the second quarter of 2002.
115. Letter, dated October 14, 2002, from Basil G. 2004-2009
Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Will County generating station for the third quarter of 2002.
116. Letter, dated October 14, 2002, from Basil G. 2010-2019
Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Will County generating station for the third quarter of 2002.
117. Letter, dated January 22, 2003, from Basil G. 2020-2028
Constantelos, Director of Environmental Health and Safety for Midwest Generation to Julie Armitage, Compliance and Systems Management Section for Illinois EPA Bureau Air and attached coal analyses for Will County generating station for the fourth quarter of 2002.
118. *United States of America, et al. v. Duke Energy Corporation*, United States District Court for the Middle District of North 2029-2089

Carolina, Civil No. 1:00CV01262, Complaint.

119. *United States of America, et al. v. Duke Energy Corporation*, United States District Court for the Middle District of North Carolina, Civil No. 1:00CV01262, Memorandum Opinion, dated August 26, 2003. 2090-2174
120. *United States of America, et al. v. Wisconsin Electric Power Company*, United States District Court for the Eastern District of Wisconsin, Civil No. 03-C-0371, Amended Consent Decree. 2175-2257
121. *United States of America, et al. v. Ohio Edison Company, et al.*, United States District Court for the Southeastern District of Ohio, Eastern Division, Case No. 2:99-CV-1181, Opinion and Order, dated August 7, 2003. 2258-2367
122. New Source Review Workshop Manual, Prevention of Significant Deterioration and Nonattainment Area Permitting, October 1990. 2368-2691

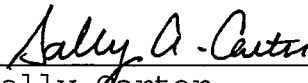
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1. Midwest Generation's November 6, 2003, USEPA's Request for Information Pursuant to Section 114 of the Clean Air Act.	1-173

2. Midwest Generation's trade secret Statement 174-201
of Justification, dated January 23, 2004.

Respectfully submitted,

ILLINIOS ENVIRONMENTAL
PROTECTION AGENCY



Sally Carter
Assistant Counsel
Division of Legal Counsel

Date: May 19, 2004
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217/782-5544

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CERTIFICATE OF SERVICE

I hereby certify that I did on the 19th day of May 2004, send by Federal Express, with postage thereon fully prepaid, a true and correct copy of the following documents entitled NOTICE, APPEARANCE, and ADMINISTRATIVE RECORD OF TRADE SECRET DETERMINATION

To: Sheldon A. Zabel
Mary A. Mullin
Schiff Hardin LLP
6600 Sears Tower
Chicago, Illinois 60606

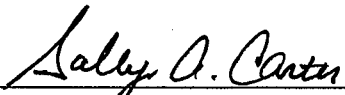
and the original and four copies with postage thereon fully prepaid of the same foregoing instrument(s)

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by Federal Express with postage thereon fully prepaid

To: Brad Halloran

Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601


SALLY A. CARTER

Assistant Counsel