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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD APR 17 2006
OF THE STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

DYNEGY MIDWEST GENERATION, INC.)
(HAVANA POWER STATION),)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB 2006-71
(CAAPP Permit Appeal)

ADMINISTRATIVE RECORD

The Respondent, Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorneys in accordance with the Illinois Pollution Control Board's ("Board) Order of February 16, 2006, files its Administrative Record ("Administrative Record") in this cause.

Acting in accordance with its authority under the CAAPP provisions of the Illinois Environmental Protection Act (hereinafter "Act"), 415 ILCS 5/39.5(2004), the Illinois EPA issued a CAAPP permit to Dynegy Midwest Generation, Inc. ("Dynegy") on September 29, 2005. The permit authorized the operation of an electrical power generation facility known as the Havana Power Station. The facility is located at 15260 North State Route 78 in Havana, Illinois. On November 3, 2005, Petitioner filed a petition before the Board challenging certain permit conditions contained within the Clean Air Act Permit Program ("CAAPP") permit issued by the Illinois EPA.

In accordance with the Board's February 16, 2006, Order, a hard copy of the Administrative Record and four copies of the Administrative Record on compact discs are filed with the Board. The Administrative Record consists of, among other things,

Dynegy's permit application materials, various draft permits issued for public comment, correspondence between the Illinois EPA and both Dynegy and the United States Environmental Protection Agency, public comments received during the multiple public comment periods, various construction and operating permits issued to Dynegy, internal agency memorandums, and miscellaneous general reference materials.

Given the considerable amount of paginated materials and the resources required to provide the Administrative Record to the Board and opposing counsel, the Illinois EPA generally did not copy duplicative materials (e.g., general reference and Electric Energy - AUGI model documents) for each of the twenty-one records for the related CAAPP appeals. As the General Reference Material is applicable to all twenty-two appeals, the Illinois EPA has provided one hard copy of the General Reference Materials and four copies of the General Reference Materials on compact discs with the Board for all the related appeals. These documents are listed at the end of this Administrative Record under the heading "General Materials."

Contents of the Administrative Record

Miscellaneous documents pertaining to Draft Permit and Public Notice. **[Pages 1-191]**

Preliminary Responsiveness Summary, dated August 15, 2005. **[Pages 192-235]**

Proposed Permit (USEPA Review) Revised Proposed Permit, dated August 2005. **[Pages 236-451]**

Proposed Permit (USEPA Review) Proposed CAAPP Permit, dated April 4, 2003. **[Pages 452-614]**

Extension Denial Letter notifying that the comments must be postmarked by August 1, 2005. **[Page 615]**

Coal-Fired CAAPP Repreproposed Notification. **[Page 616]**

In the United States District Court for the Southern District of Illinois, United States of America and the State of Illinois, American Bottom Conservancy, Health and Environmental Justice-St. Louis, Inc., Illinois Stewardship Alliance, and Prairie State Rivers Network v. Illinois Power Company and Dynegy Midwest Generation, Inc., Civil Action No. 00-833-MJR, Consent Decree and Order. **[Pages 617-709]**

Draft Revised Proposed Permit, dated July 2005. **[Pages 710-924]**

Coal-Fired Revised Proposed CAAPP Notification. **[Page 925]**

Revised Proposed CAAPP Permit Draft, dated December 2004. **[Pages 926-1086]**

July 19, 2005, Letter. **[Pages 1087-1092]**

August 15, 2005, Letter. **[Pages 1093-1098]**

Final Permit and Calculation Sheet, dated September 2005. **[Pages 1099-1317]**

September 29, 2005, Letter. **[Pages 1318-1324]**

Final Responsiveness Summary. **[Pages 1325-1368]**

Letter from Aric D. Diericx, Air Group Leader, Illinois Power to Donald Sutton, P.E., Manager Permit Section, Illinois EPA, providing Initial CAAPP Application, dated September 6, 1995, and attached application and Letter from Natalie Locke to Donald Sutton revising responsible official, dated October 12, 2002. **[Pages 1369-1718]**

125 804 AAB 03 95 09 0053 - Dynegy Midwest Generation, Inc. **[Pages 1719-1925]**

- * Dynegy Midwest Generation, Inc. Unit Nameplate Ratings, undated. **[Page 1719]**
- * Compliance Certification, dated received September 7, 1995. **[Pages 1720-1726]**
- * Fee Determination for CAAPP Permit, dated received September 7, 1995. **[Pages 1727-1729]**
- * Application for CAAPP Permit, dated received September 7, 1995. **[Pages 1730-1734]**
- * CAAPP Application Completeness Determination and Source Fee Determination, dated October 12, 1995. **[Pages 1735-1740]**
- * Letter from Aric Diericx to Donald Sutton regarding Reconsideration for Fee Amount, dated October 19, 1995, and attachment. **[Pages 1741-1744]**

- * Cost Estimates for NOx Emissions Reduction for All Coal-Fired Utility Boilers, date updated 3/5/97. **[Page 1745]**
- * Letter from Rick Diericx to Illinois EPA regarding NOx Control Project - Havana Power Station, dated June 26, 2001. **[Pages 1746-1747]**
- * Power Plant Initiative - February 2003, dated 2/3/03. **[Pages 1748-1749]**
- * Memorandum from David Kolaz to Renee Cipriano regarding Approval for Public Hearings for Coal-Fired Power Plant Permits, dated June 2, 2003. **[Pages 1750-1751]**
- * Email from Jim Ross, Acting Permit Section Manager, Illinois EPA to Stacey Coburn, USEPA, regarding comments on CAAPP permits, dated 7/10/03 9:10 AM. **[Page 1752]**
- * Letter from Rick Diericx to Jim Ross, Acting Manager - Air Permit Section, regarding Subpart W Budget Permit Applications, dated July 29, 2003, and attachment. **[Pages 1753-1755]**
- * Letter from Rick Diericx to Jim Ross regarding Subpart V Request for Authorization for NOx Averaging for EGUs, dated July 30, 2003, and attachment. **[Pages 1756-1758]**
- * Information concerning Greenhouse Gases, dated 7/31/03. **[Pages 1759-1760]**
- * Handwritten notes of Manish Patel regarding Utility CAAPP meeting with Ameren/Dynegy, dated 9/18/03. 10:30 AM. **[Pages 1761-1762]**
- * Handwritten notes of Laurel Kroack regarding Title V permits, dated November 21, 2003. **[Pages 1763-1764]**
- * Facsimile from Keith Harley to Julie Armitage, dated November 24, 2003. **[Pages 1765-1770]**
- * Note and attachment from Chris Romaine to Dave Kolaz, dated 12/10/03. **[Pages 1771-1778]**
- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM, with handwritten notes. **[Pages 1779-1780]**
- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM. **[Page 1781]**
- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM with handwritten notes of Laurel Kroack. **[Page 1782]**

- * Email from Bruce Nilles to Dave Kolaz, dated 2/3/2004, 9:54 AM with handwritten notes of Chris Romaine. **[Pages 1783-1789]**
- * Handwritten notes of Laurel Kroack beginning “Enviros & Title V Power Plants,” dated 2/3/2004. **[Pages 1790-1791]**
- * Memorandum from Laurel Kroack to Renee Cipriano regarding Title V permits for coal-fired power plants, including Midwest Generation, dated February 4, 2004. **[Pages 1792-1795]**
- * Email from Chris Romaine to Natalie Locke and Steve Whitworth, dated 2/19/2004, 2:41 PM. **[Page 1796]**
- * Handwritten notes of Manish Patel regarding meeting with USEPA on coal-fired power plant CAAPPs dated 2/24/04, 1:30 PM. **[Page 1797]**
- * Handwritten notes of Manish Patel regarding conference call with coal-utility facilities, dated 2/25/04, 1:30 PM. **[Page 1798]**
- * Memorandum from David Kolaz to Renee Cipriano regarding status and time line for Title V Power Plant Issuance, dated April 28, 2004. **[Pages 1799-1800]**
- * Handwritten notes of Laurel Kroack regarding meeting with USEPA concerning power plant permits, dated 5/6/04. **[Pages 1801-1803]**
- * Facsimile from Bill Constantelos to Dave Kolaz, dated May 10, 2004, and attached letter to Renee Cipriano from Fred McCluskey, dated May 10, 2004. **[Pages 1804-1827]**
- * Memorandum from Laurel Kroack to Cheryl Newton regarding Utility Permit Issuance Timeline, dated June 1, 2004. **[Page 1828]**
- * Facsimile from Chris Romaine to Stacey Coburn, USEPA, Region V, dated 6/29/04, providing facsimile from Basil Constantelos to Dave Kolaz, dated May 10, 2004, and attachments. **[Pages 1829-1842]**
- * Facsimile cover sheet from Chris Romaine to Stacey Coburn, dated 6/29/04. **[Page 1843]**
- * Email from Chris Romaine to John Cashman, Ross Cooper, Kunj Patel and Manish Patel, dated 7/24/04, 5:08 AM, with handwritten notes from Chris Romaine. **[Page 1844]**
- * Handwritten notes of Laurel Kroack regarding Title V, dated 8/30/04. **[Pages 1845-1847]**

- * Letter from Bharat Mathur, Acting Regional Administrator, USEPA, to Renee Cipriano, Illinois EPA, dated December 2, 2004. **[Pages 1848-1850]**
- * Email from Chris Romaine to Manish Patel regarding Power Plant CAAPP Permits, dated 12/7/2004, 4:14 AM, and handwritten notes of Manish Patel. **[Page 1851]**
- * Letter from American Bottom Conservancy, et al. to Renee Cipriano regarding procedure to issue Title V permits for coal-fired power plants, dated January 6, 2005. **[Pages 1852-1853]**
- * Letter from Donald Sutton to American Bottom Conservancy, et al., dated January 13, 2005, responding to letter dated January 6, 2005. **[Pages 1854-1865]**
- * Letter from Laurel Kroack, Acting Chief, Bureau of Air, Illinois EPA, to Steve Rothblat, USEPA, dated January 18, 2005. **[Pages 1866-1873]**
- * Handwritten notes of Laurel Kroack regarding utility, title V, dated 1/26/05. **[Pages 1874-1875]**
- * Notes of Laurel Kroack regarding March 21, 2005, call with feds. **[Pages 1876-1877]**
- * Notes of Julie Armitage regarding May 10, 2005, meeting with the feds. **[Pages 1878-1883]**
- * List of Michael Reed, dated June 9, 2005. **[Page 1884]**
- * Draft Instructions, dated June 23, 2005. **[Pages 1885-1895]**
- * Note and attachments from Michael Reed to Chris Romaine, dated July 17, 2005. **[Pages 1896-1907]**
- * Miscellaneous documents regarding request for extension of time to comment on the Preliminary Responsiveness Summary and Draft Revised Proposed Title V Permits. **[Pages 1908-1914]**
- * Handwritten notes of Michael Reed, dated August 1, 2005. **[Pages 1915-1919]**
- * Email from Michael Reed to Julie Armitage regarding new permit condition for 22, dated 8/9/05, 9:42 AM. **[Page 1920]**
- * Notes of Michael Reed regarding feds conference call, dated September 16, 2005. **[Pages 1921-1922]**

* Email exchange between Chris Romaine and Rick Diericx concerning testing of PM emissions, dated 9/20/05. **[Pages 1923-1924]**

* Handwritten notes of Laurel Kroack, dated September 23, 2005. **[Page 1925]**

Model Permit Developments, Summer 2003. **[Pages 1926-2074]**

Miscellaneous Emails Relevant to Havanna. **[Pages 2075-3089]**

Miscellaneous Undated Notes of Illinois EPA Staff. **[Pages 3090-3153]**

Miscellaneous Undated Documents Likely Generated by Illinois EPA. **[Pages 3154-3207]**

Miscellaneous Documents Supplied to USEPA. **[Pages 3208-3384]**

Miscellaneous Lists or Drafting Documents. **[Pages 3385-3655]**

Miscellaneous Drafting Documents - Permits. **[Pages 3656-4387]**

Miscellaneous Opacity Documents. **[Pages 4388-4507]**

FESOP NOx Averaging Permits. **[Pages 4508-4511]**

NSPS Worksheet. **[Page 4512]**

Construction Permits & Miscellaneous Operating Permits. **[Pages 4513-4556]**

Documentation Relative to Proceedings Before the Administrator, USEPA. **[Pages 4557-4904]**

Startups, Combustion Evaluations & Alternative Fuel Memorandums. **[Pages 4905-4912]**

* Memorandum from Michael T. Reed, CAAPP Unit Manager, to Power Plant File regarding Provisions Requiring Detailed Records of Startups After a Certain Timeframe, dated September 23, 2005. **[Pages 4905-4907]**

* Memorandum from Michael Reed to Power Plant File regarding Provisions Requiring Combustion Evaluations, dated September 23, 2005. **[Pages 4908-4909]**

* Memorandum from Chris Romaine, Manager, Utility Unit to Power Plant File regarding Provisions for Burning Materials Other Than Coal in Power Boilers, dated September 28, 2005. **[Pages 4910-4912]**

Comments specific to Havana **[Pages 4913-5318]**

- * Electronic mail from John M. Burke, Dynegy to Kunj Patel, Illinois EPA, providing comments to Dynegy's Havana Power Station Title V Permit, dated October 31, 2002, and attachment. **[Pages 4913-4916]**
- * Electronic mail from John Burke to Kunj Patel providing Havana Draft CAAPP Permit comments, dated April 16, 2003, and attachments. **[Pages 4917-4933]**
- * Letter from James Rogers, Law Clerk, and Bruce Nilles, Staff Attorney, Sierra Club, to Brad Frost, Illinois EPA, providing Comments on Dynegy Title V Permit Application No. 95090053, dated June 19, 2003, and attachments. **[Pages 4934-4943]**
- * Letter from Natalie Lock to Brad Frost regarding Extension of Time for Comments on Draft Public Notice CAAPP Permit Dynegy Midwest Generation - Havana Power Station, dated June 20, 2003. **[Page 4944]**
- * Letter from Natalie Locke to Brad Frost providing Comments on Draft Public Notice CAAPP Permit, dated September 26, 2003, and attachments. **[Pages 4945-5104]**
- * Letter from Rick Diericx to Charles Matoesian providing Comments on Draft Public Notice CAAPP Permits, dated January 17, 2005, and attachments. **[Pages 5105-5303]**
- * Letter from Rick Diericx to Charles Matoesian providing Comments on Draft Public Notice CAAPP Permits, dated July 29, 2005, and attachments. **[Pages 5304-5318]**

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- * Letter from Charles Matoesian to Rick Diericx regarding Request for Extension of Time for Commenting on Proposed Title V Permits Posted on July 19, 2005, dated July 28, 2005. **[Page 5319]**

General Comments **[Pages 5320-6258]**

- * Comments of the Sierra Club and American Bottom Conservancy, Summer 2003. **[Pages 5320-5358]**
- * Letter from Matthew J. Dunn, Division Chief, Environmental Enforcement/Asbestos Litigation Division, Illinois Attorney General's Office, to Charles Matoesian regarding Coal Powered Generation Plants Title V Permit Applications, dated September 29, 2003. **[Pages 5359-5373]**

- * Email from Stacey Coburn to Chris Romaine regarding Enhanced coal-fired boiler CAAPP permits, dated April 12, 2004, 4:53 PM, and handwritten notes of Manish Patel. **[Pages 5374-5376]**
- * Email from Verna Owen to Mr. Holmstead, dated 12/14/2004 12:09:23 PM. **[Pages 5377-5378]**
- * Letter from Paula Becker Wheeler, Assistant Attorney General, Illinois Attorney General's Office, to Charles Matoesian providing comments to Revised Proposed CAAPP Permits for 22 Coal-Fired Power Plants, dated January 14, 2005, and attachments. **[Pages 5379-5764]**
- * Letter from Keith Harley, Attorney at Law, Chicago Legal Clinic, Inc., to Charles Matoesian regarding Revised Proposed CAAPP Permits for Coal-Fired Power Plants, dated January 14, 2005, and attachments. **[Pages 5765-6151]**
- * Letter from Ann Alexander, Environmental Counsel to Attorney General Lisa Madigan, to Charles Matoesian regarding Comments on draft revised proposed CAAPP permits, dated August 1, 2005, and attachments. **[Pages 6152-6258]**

Proceedings in the US District Court. **[Pages 6259-6300]**

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Design of Flexible Air Permits **[Pages 6414-6469]**

September 28, 1982 Bennett Memorandum **[Pages 6470-6472]**

February 15, 1983 Bennett Memorandum **[Pages 6473-6476]**

Limiting PTE in New Source Permitting, June 13, 1989 **[Pages 6477-6488]**

Startup, Shutdown Guidance: January 28, 1993 **[Pages 6489-6491]**

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USEPA Guidance Directed to Ohio EPA [**Pages 6499-6501**]

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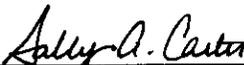
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Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally A. Carter
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

DYNEGY MIDWEST GENERATION, INC.)
(HAVANA POWER STATION),)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB 2006-71
(CAAPP Permit Appeal)

NOTICE

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

Bradley P. Halloran
Hearing Officer
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6600 Sears Tower
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Chicago, Illinois 60606

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **ADMINISTRATIVE RECORD** of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the assigned Hearing Office and the attorney for the Petitioner.

Respectfully submitted by,



Sally Carter
Assistant Counsel

Dated: April 14, 2006
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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CLERK'S OFFICE

APR 17 2006

STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April 2006, I did send, via CMS Courier,

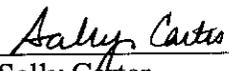
the following instrument entitled **ADMINISTRATIVE RECORD** to:

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

I further hereby certify that on the 12th day of April 2006, I did send, a true and correct copy of the same foregoing instrument, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, Illinois 60601

Sheldon A. Zabel
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Sally Carter
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