

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

**MIDWEST GENERATION, LLC,
POWERTON GENERATING STATION,**

Petitioner,

v.

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,**

Respondent.

**PCB No. 2008-023
(Air Permit Appeal)**

**RECEIVED
CLERK'S OFFICE**

OCT 04 2007

**STATE OF ILLINOIS
Pollution Control Board**

To: John Therriault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

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
Kathleen C. Bassi
Stephen J. Bonebrake
Schiff Hardin, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **APPEARANCES and 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: October 2, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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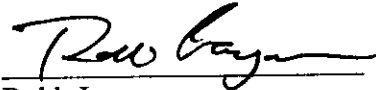
STATE OF ILLINOIS
Pollution Control Board

APPEARANCE

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Robb Layman
Assistant Counsel
Division of Legal Counsel

Date: October 2, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

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ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Sally Carter

Sally Carter
Assistant Counsel
Division of Legal Counsel

Date: October 2, 2007
Illinois Environmental Protection Agency
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Pollution Control Board

ADMINISTRATIVE RECORD

The Respondent, Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorneys and pursuant to the procedural requirements of the Illinois Pollution Control Board ("Board") set forth at 35 Ill. Adm. Code 105.212 and 105.116, files the Administrative Record of Permit Application ("Administrative Record") in this cause.

1. This matter originates from a state construction permit, Construction Permit No. 07060012, that was granted by the Illinois EPA to Midwest Generation on August 8, 2007, for the construction of a sorbent injection system to control mercury for the Unit 5 and Unit 6 boilers at the Powerton Generating Station located in Pekin, Illinois.
2. On or about September 6, 2007, Petitioner filed a petition with the Board seeking an appeal of the Illinois EPA's permitting decision. The Illinois EPA received an electronic copy of the appeal on September 5, 2007. Formal notice of the appeal was served on the Illinois EPA on September 10, 2007.

3. On September 20, 2007, the Board accepted the case for hearing and, consistent with the Board's procedural rules, directed the Illinois EPA to file its Administrative Record by October 8, 2007.

4. The Illinois EPA herewith files five copies (i.e., a signed original and four (4) duplicate copies) of the Administrative Record in accordance with 35 Ill. Adm. Code 101.302(h)(2). One copy is being served on the Petitioner and one copy with the assigned Hearing Officer.

5. This Administrative Record is comprised of non-privileged documents and communications, as made known and available to the undersigned attorney through other Illinois EPA personnel, that was relied upon by the Illinois EPA's Division of Air Pollution Control/ Permits Section in the issuance of the subject construction permit. A general description and referenced page numbers of those documents and/or communication is as follows:

Contents of the Administrative Record

Cover letter, dated May 31, 2007, addressed to Ed Bakowski, Acting Manager, Division of Air Pollution Control ("DAPC")/Permits Section., from Basil G. Constantelos, Director, Environmental Services, Midwest Generation, including attached Construction Permit Application. **[Pages 1 – 124]**

Electronic mail correspondence, dated July 2, 2007 through July 3, 2007, between Kunj Patel, Utilities Unit, DAPC Permits Section and Andrea Crapisi, Midwest Generation, concerning draft permit together with attached copy of draft permit. **[Pages 125 – 129]**

Electronic mail, dated July 5, 2007, from Andrea Crapisi, Midwest Generation, to Kunj Patel, Utilities Unit, DAPC Permits Section. **[Page 130]**

Electronic mail correspondence, dated July 5, 2007 through July 10, 2007, between Kunj Patel, Utilities Unit, DAPC Permits Section and Andrea Crapisi, Midwest Generation, concerning draft permit together with attached copy of draft permit. **[Pages 131 - 136]**

Electronic mail, dated July 17, 2007, from Andrea Crapisi, Midwest Generation, to Kunj Patel, Utilities Unit, DAPC Permits Section. **[Page 137]**

Notice of Overpayment of Construction Permit Application Fee, dated August 8, 2007, with accompanying Completeness Review Worksheet. [Pages 138 – 139]

Review Notes for construction permit application, dated August 8, 2007. [Pages 140 – 141]

File copy of issued construction permit, dated August 8, 2007. [Pages 142 – 147]

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally A. Carter
Assistant Counsel

Date: October 2, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of October 2007, I did send, by first class mail, postage prepaid, one (1) original and four (4) copies of the following instruments entitled

APPEARANCES and ADMINISTRATIVE RECORD to:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instruments, 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
Kathleen C. Bassi
Stephen J. Bonebrake
Schiff Hardin, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606



Sally Carter
Assistant Counsel