

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
NITROGEN OXIDE EMISSIONS,)	R11-24
AMENDMENTS TO 35 ILL. ADM. CODE)	
217.)	
)	
IN THE MATTER OF:)	
)	
ILLINOIS ENVIRONMENTAL)	R11-26
REGULATORY GROUP'S EMERGENCY)	(Rulemaking – Air)
RULEMAKING, NITROGEN OXIDES)	(Cons.)
EMISSIONS: AMENDMENTS TO 35 ILL.)	
ADM. CODE 217.)	

NOTICE OF FILING

To:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

Persons included on the
ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board the **COMMENTS OF MIDWEST GENERATION, LLC.**



 Kathleen C. Bassi

Dated: July 7, 2011

Kathleen C. Bassi
SCHIFF HARDIN, LLP
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Comments of Midwest Generation, LLC

MIDWEST GENERATION, LLC appreciates this opportunity to present comments on the Illinois Environmental Protection Agency's ("Agency") proposal to extend the date for compliance with nitrogen oxide ("NOx") emissions limitations contained in certain Subparts of Part 217 of the Board's rules. The Agency has proposed to change the compliance date from January 1, 2012, to January 1, 2015. Midwest Generation supports the Agency's proposal.

As discussed in testimony and in various documents included in the docket in this matter, the U.S. Environmental Protection Agency ("USEPA"), pursuant to Section 182(f) of the Clean Air Act, has granted Illinois a waiver from the Clean Air Act requirement to require reasonably available control technology ("RACT") for NOx emissions. Tr. p. 19 (June 2, 2011). USEPA's grant of the NOx RACT waiver was based on its finding that areas in Illinois attain the ozone national ambient air quality standards ("NAAQS"). Tr. p. 22-24 (June 2, 2011). Moreover, that state has attained the NAAQS for fine particulate matter ("PM2.5"). Therefore, the immediate need for the NOx reductions to be achieved through these rules no longer exists. The Agency

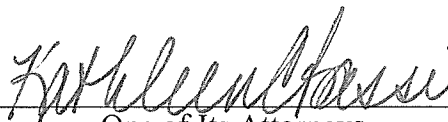
argues that the new compliance date of January 1, 2015, is appropriate because it expects that USEPA will promulgate a new ozone NAAQS this summer and a new PM2.5 NAAQS in the near future. Tr. p. 26 (June 2, 2011). Theoretically, NOx RACT will again be required for the state to comply with Clean Air Act requirements stemming from those NAAQS.

Considering these factors, Midwest Generation supports the Agency's proposal to extend the compliance date for three years. Midwest Generation appreciates the Agency's initiative in requesting that the Board address the compliance date in light of the NOx waiver.

Respectfully submitted,

Midwest Generation, LLC

by:


One of Its Attorneys

Dated: July 7, 2011

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**CERTIFICATE OF SERVICE
(R11-24, R11-26 (Cons.))**

I, the undersigned, certify that on this 7th day of July, 2011, I have served electronically the attached **COMMENTS OF MIDWEST GENERATION, LLC** upon the following persons:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

and electronically (except for Matthew J. Dunn) and by first class mail, postage affixed upon persons included on the **ATTACHED SERVICE LIST**.


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