

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

AMEREN ENERGY RESOURCES,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 12-126
	)	(Variance-Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE**

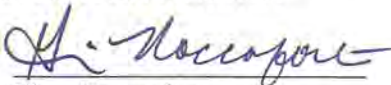
TO: John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 N. Grand Ave. East  
P.O. Box 19274  
Springfield, IL 62794-9274

Amy Antonioli  
Renee Cipriano  
Gabriel Rodriguez  
Schiff Hardin LLP  
233 South Wacker Drive  
Suite 6600  
Chicago, IL 60606

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Gina Roccaforte  
Assistant Counsel  
Division of Legal Counsel

DATED: August 20, 2012  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217.782.5544  
217.782.9143 (TDD)

**THIS FILING IS SUBMITTED  
ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

AMEREN ENERGY RESOURCES,	)	
	)	
Petitioner,	)	
	)	PCB 12-126
v.	)	(Variance-Air)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**POST-HEARING COMMENTS OF THE  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA"), by its attorney, and respectfully submits its post-hearing comments in the above proceeding. The Illinois EPA has reviewed the transcript of the hearing held on August 1, 2012, and responds to the information requests as follows:

- 1. As one of the proposed variance conditions on page 11 of AER's response to the July 6, 2012 Hearing Officer order, AER indicated it would be willing to provide progress reports on construction activities related to the Newton scrubber by the end of each calendar year during the term of the variance to both the Board and the Agency. Would Illinois EPA please indicate which address and which contact person such reports should be submitted? (Tr. at 54)*

Such reports should be sent to the Illinois EPA as follows:

Illinois Environmental Protection Agency  
Attn: Ray Pilapil, Manager  
Bureau of Air-Compliance Section  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

and

Illinois Environmental Protection Agency  
Attn: Gina Roccaforte, Assistant Counsel  
Division of Legal Counsel-Air Regulatory Unit  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

2. *Question 3(b) in the July 25, 2012 Hearing Officer Order asked Ameren to comment on the assertion by the Illinois Attorney General's Office that the MPS was not intended to be a 12-year averaging period of pollution reduction. Does the Agency have anything to add to Ameren's response and testimony on this issue? (Tr. at 55)*

The Illinois EPA stated, in part, in its Recommendation filed July 23, 2012, with the Board as follows regarding this issue:

Furthermore, the MPS was created and designed to achieve significant SO<sub>2</sub> and NO<sub>x</sub> reductions in exchange for mercury control flexibility in the Illinois Mercury Rule. The timing of the MPS reductions was negotiated and the result of the consideration of many variables, including Petitioner's ability to install pollution control equipment in a timely manner and a desire to achieve the greatest amount of reductions within a reasonable amount of time. (Rec. at 21-22)


The Illinois EPA notes its previous comments on this issue and that a primary aspect of the comment by the Office of the Attorney General appears to be in regard to Ameren's use of emission reductions to offset any additional increase in emissions. The Illinois EPA acknowledged that the use of emission offsets is a normal part of certain regulatory processes.

3. *Ameren has requested a response from the Illinois EPA to Question 2(c) of the Hearing Officer Order dated July 25, 2012: "If the heat input values are not the same, please explain which value is most appropriate for calculations to support a SIP revision." (Tr. at 55-56)*

The Illinois EPA will work with the United States Environmental Protection Agency ("USEPA") Region 5 to determine the appropriate year to be used for heat input values to support a future SIP revision. It is likely that the original 2002 baseline year heat input will be used. The Illinois EPA has had preliminary discussions with USEPA Region 5 regarding a SIP revision for pending variance requests and no adverse issues were identified. Illinois EPA's Regional Haze SIP used the 2002 baseline year in accordance with the USEPA memorandum entitled *2002 Base Year Emission Inventory SIP Planning: 8-hr Ozone, PM<sub>2.5</sub> and Regional Haze Programs*, dated November 18,

2002,<sup>1</sup> that identifies 2002 as the emission inventory base year for the SIP planning process.

Respectfully submitted,  
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Gina Roccaforte  
Assistant Counsel  
Division of Legal Counsel

DATED: August 20, 2012

1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

**THIS FILING IS SUBMITTED  
ON RECYCLED PAPER**

---

<sup>1</sup> [http://www.epa.gov/ttn/chief/eidocs/2002baseinven\\_102502new.pdf](http://www.epa.gov/ttn/chief/eidocs/2002baseinven_102502new.pdf)

STATE OF ILLINOIS

COUNTY OF SANGAMON

)  
)  
)  
)  
)

SS

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, state that I have served electronically the attached

POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL

PROTECTION AGENCY upon the following person:

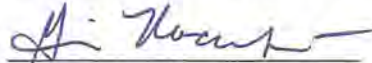
John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601

and electronically and by mailing them by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 N. Grand Ave. East  
P.O. Box 19274  
Springfield, IL 62794-9274

Amy Antonioli  
Renee Cipriano  
Gabriel Rodriguez  
Schiff Hardin LLP  
233 South Wacker Drive  
Suite 6600  
Chicago, IL 60606

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,



Gina Roccaforte  
Assistant Counsel  
Division of Legal Counsel

DATED: August 20, 2012

1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217.782.5544  
217.782.9143 (TDD)