

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, LLC, )  
 )  
Petitioner, )  
 ) PCB 12-135  
v. ) (Variance-Air)  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

NOTICE

To: John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218


Kathleen C. Bassi  
Stephen J. Bonebrake  
233 South Wacker Drive, Suite 6600  
Chicago, IL 60606

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

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the Illinois Environmental Protection Agency's Comments Regarding DMG's Response to the Board's Questions, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: August 23, 2012  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

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**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S COMMENTS  
REGARDING DMG'S RESPONSE TO THE BOARD'S QUESTIONS**

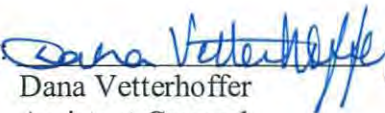
The Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by its attorney, hereby submits its comments to Dynegy Midwest Generation's Response to the Board's Questions ("DMG's Response"), filed with the Board on August 9, 2012.

1. In response to the Board's Question 1(a) regarding the structure of the Cross-State Air Pollution Rule ("CSAPR"), DMG stated, "Illinois EPA agrees that granting this requested variance will not detrimentally impact air quality, as demonstrated by USEPA's air quality analyses during the development of the CSAPR . . . and subsequent air quality modeling." (DMG's Response at ¶ 5). The Illinois EPA would like to clarify that, in its Recommendation filed with the Board on July 23, 2012, the Agency stated, "The Illinois EPA believes that there is assurance that air quality will not be detrimentally impacted if the variance is granted, as a result of credible emission reduction measures taken by DMG and the fact that the CSAPR is by design more stringent than the [Clean Air Interstate Rule ("CAIR")] and will impose sufficient trading restrictions." (Recommendation at ¶ 24).
2. In response to the Board's Question 1(c) regarding whether the Illinois EPA intends to propose amendments to the rules if the CSAPR is implemented, DMG stated that the question is

“better posed to the Illinois EPA.” (DMG’s Response at ¶ 8). The United States District Court of Appeals for the District of Columbia Circuit’s recent decision in *EME Homer City Generation, L.P. v. Environmental Protection Agency*, No. 11-1302, slip op. (D.C. Cir. Aug. 21, 2012), vacated the CSAPR and remanded it back to USEPA.<sup>1</sup> The Illinois EPA therefore does not intend to propose any amendments to the rules at this time. The Illinois EPA is aware that DMG intends to file a waiver of the decision deadline in the current proceeding, pending appeal(s) of the Court’s decision.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel

DATED: August 23, 2012

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<sup>1</sup> DMG submitted the Court’s decision to the Board on August 23, 2012, for inclusion in the Docket as Exhibit 14.

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	)	
Respondent.	)	

**CERTIFICATE OF SERVICE**


I, the undersigned, an attorney, state that I have served electronically the attached Illinois Environmental Protection Agency's Comments Regarding DMG's Response to the Board's Questions upon the following persons:

To: John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218

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By:   
Dana Vetterhoffer  
Assistant Counsel  
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DATED: August 23, 2012

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