

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**In the Matter of:** )  
 )  
**AMENDMENTS TO** ) **R18-20**  
**35 ILL. ADM. CODE 225.233,** ) **(Rulemaking – Air)**  
**MULTI-POLLUTANT STANDARDS (MPS)** )

**NOTICE OF FILING**

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **PREFILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, copies of which are herewith served upon you.

\_\_\_\_\_  
*/s/ Ryan Granholm*  
Ryan Granholm

Dated: April 10, 2018

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**PREFILED QUESTIONS FOR THE ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY**

NOW COME Dynege Midwest Generation, LLC, Illinois Power Generating Company, Illinois Power Resources Generating, LLC and Electric Energy, Inc. (collectively, “The Companies”), by their attorneys, Schiff Hardin LLP, and hereby submit prefiled questions for the Illinois Environmental Protection Agencies. The Companies request that the Hearing Officer allow follow-up questioning to be asked at hearing based on the answers provided.

1. Please describe the Illinois Environmental Protection Agency’s (“Agency” or “IEPA”) experience with Clean Air Act Section 110(l) “anti-backsliding” analyses.
  - a. Can you provide recent examples of such analyses?
  - b. What method of analysis has the Agency used?
2. Has the Agency ever used actual emissions in connection with Section 110(l) “anti-backsliding” analyses? If so, please identify the instances.
3. Does the Agency agree with the Illinois Attorney General’s (“AGO”) reliance on actual instead of allowable emissions for evaluating the environmental impacts of IEPA’s proposal and analysis of the proposal under Section 110(l), as set forth in the AGO’s April 3, 2018 pre-filed testimony? If not, why not?
4. Has the Agency discussed with the United States Environmental Protection Agency (“USEPA”) the assertion on p. 5 of the AGO’s April 3, 2018 pre-filed testimony that Section 110(l) “anti-backsliding” analysis “requires consideration of . . . ‘actual,’ not allowable, emissions”? If so, what did the USEPA say?
5. Has the AGO presented any evidence demonstrating to the IEPA that the proposed annual emissions caps of 49,000 tons for SO<sub>2</sub> and 25,000 tons for NO<sub>x</sub> are not approvable by USEPA?

6. Has the AGO presented any evidence demonstrating to the IEPA that the proposed annual emissions caps of 49,000 tons for SO<sub>2</sub> and 25,000 tons for NO<sub>x</sub> will cause or threaten nonattainment of any National Ambient Air Quality Standard (“NAAQS”)?
7. Has the AGO presented any evidence demonstrating to the IEPA that an SO<sub>2</sub> emissions cap lower than 49,000 tons is necessary for the proposed MPS revisions to be as protective of human health and the environment as the current MPS?
  - a. Has the AGO presented any evidence demonstrating to the IEPA that an SO<sub>2</sub> emissions cap lower than 34,094 tons is necessary for the proposed MPS revisions to be as protective as the current MPS?
  - b. Has the AGO presented any evidence demonstrating to the IEPA that the proposed annual SO<sub>2</sub> emissions cap must decrease when MPS units retire in order for the proposed MPS revisions to be as protective as the current MPS?
8. Has the AGO presented any evidence demonstrating to the IEPA that a NO<sub>x</sub> emissions cap lower than 25,000 tons is necessary for the proposal to be as protective of human health and the environment as the current MPS?
  - a. Has the AGO presented any evidence demonstrating to the IEPA that a NO<sub>x</sub> emissions cap lower than 18,920 tons is necessary for the proposal to be as protective of human health and the environment as the current MPS?
  - b. Has the AGO presented any evidence demonstrating to the IEPA that the proposed annual NO<sub>x</sub> emissions cap must decrease when MPS units retire in order for the proposed MPS revisions to be as protective as the current MPS?
9. Has the AGO provided a projection of what the heat input for any MPS unit will be in the future?
10. Under the current MPS could the MPS fleet emit more than 34,094 tons of SO<sub>2</sub> in a year and remain in compliance?
11. Under the current MPS could the MPS fleet emit more than 18,920 tons of NO<sub>x</sub> in a year and remain in compliance?
12. Does Tamara Dzubay’s testimony regarding Dynegy’s financial situation change the Agency’s evaluation of or support for this proposal?
13. Does the Agency believe that Vistra’s participation in this rulemaking is necessary for the Agency to present sufficient evidence to support its proposal?



**SERVICE LIST**

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