

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

ILLINOIS POWER GENERATING COMPANY )  
(NEWTON POWER STATION), )  
 )  
Petitioner, )  
 )  
-vs- )  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Respondent. )

PCB 16-060  
(NPDES Permit Appeal)

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Pollution Control Board

**NOTICE OF FILING OF RECORD**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), in accordance with the procedural rules of the Illinois Pollution Control Board ("Illinois PCB"), as set forth in 35 Ill. Admin. Code 105.212 and 105.116, sent to be filed its Record in this cause on September 3, 2015, consisting of the following documents.

 ORIGINAL

1. Certificate of Record on Appeal.
2. Administrative Record (Original record and searchable CD containing record).

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY,

By LISA MADIGAN, Attorney General,  
State of Illinois

MATTHEW J. DUNN, Chief,  
Environmental Enforcement/Asbestos  
Litigation Division

BY: s/Elizabeth Dubats  
Elizabeth Dubats, #6308913  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

Elizabeth Dubats, Assistant Attorney General, hereby certifies that she has served a copy of the foregoing Notice of Filing Record on Appeal, Certificate of Record and CD containing Administrative Record upon:

Joshua More  
Schiff Hardin LLP  
6600 Willis Tower  
233 S. Wacker Drive  
Chicago, IL 60606-6473

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by depositing a copy of same in a correctly addressed, prepaid envelope and placing same in the United States Mail in Springfield, Illinois, on December 31, 2015.

s/Elizabeth Dubats  
Elizabeth Dubats  
Assistant Attorney General

ELIZABETH DUBATS  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

ILLINOIS POWER GENERATING )  
COMPANY (NEWTON POWER STATION), )  
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**CERTIFICATE OF RECORD ON APPEAL**

Pursuant to 35 Ill. Adm. Code 105.116(b), the following constitutes an index of documents comprising the record:

1. ENVIRONMENTAL PROTECTION AGENCY V. CENTRAL ILLINOIS PUBLIC SERVICE COMPANY (PCB 75-310) order on September 30, 1976. (pp. 1-8)
2. CENTRAL ILLINOIS PUBLIC SERVICE COMPANY V. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (PCB 78-271) order on August 21, 1980. (pp. 9-14)
3. CENTRAL ILLINOIS PUBLIC SERVICE COMPANY V. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (PCB 83-84) order on January 26, 1984. (pp. 15-18)
4. CENTRAL ILLINOIS PUBLIC SERVICE COMPANY V. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (PCB 88-207) order on January 25, 1990. (pp. 19-21)
5. Letter dated July 21, 2011, from Michael Smallwood, Consulting Environmental Engineer, Environmental Services, Ameren, to Alan Keller, Permit Section Manager, Division of Water Pollution Control ("DWPC"), Illinois EPA, with attached application for renewal of NPDES permit. (pp. 22-96)
6. Letter dated March 26, 2012, from Michael Smallwood to Darin LeCrone, Industrial Unit Manager, DWPC. (pp. 97-99)
7. Letter dated June 13, 2012, from Michael Smallwood to Darin LeCrone. (p. 100)
8. Attendance sheet, agenda and minutes for Illinois EPA meeting held on July 18, 2012. (pp. 101-103)

9. Letter dated July 26, 2012, from Michael Smallwood to Darin LeCrone, with attached data safety sheet for sodium aluminate. (pp. 104-115)
10. Illinois EPA memorandum dated August 1, 2012, from Brian Cox, DWPC, Permit Section, Industrial Unit, to Bob Mosher, DWPC Standards. (p. 116)
11. Letter dated August 14, 2012, from Michael Smallwood to Darin LeCrone. (p. 117)
12. Illinois EPA memorandum dated August 16, 2012, from Brian Koch, DWPC Standards, to Brian Cox. (p. 118 )
13. Letter dated September 27, 2012, from Michael Smallwood to Darin LeCrone, with attached ash pond study. (pp. 119-135)
14. Letter dated September 27, 2012, from Michael Smallwood to Darin LeCrone, with attached Special Condition 24 report. (pp. 136-152)
15. Attendance sheet for Illinois EPA meeting held on October 2, 2012. (p. 153)
16. Letter dated January 29, 2013, from Michael Smallwood to Bureau of Water, Compliance Assurance Section. (pp. 154-156)
17. Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category; Proposed Rule. (78 Fed. Reg. 34, 432, June 7, 2013). (pp. 157- 309)
18. Letter dated July 31, 2013, from Michael Smallwood to Darin LeCrone. (pp. 310-311)
19. Letter dated November 29, 2013, from Rick Diericx, Sr. Director – Environmental Compliance, Dynegy Operating Company. (p. 312)
20. Industrial NPDES Permit review notes, dated August 14, 2014, prepared by Brian Cox. (pp. 313-344)
21. Email on August 28, 2014, from Darin LeCrone to Sean Ramach, U.S. EPA, with attached draft NPDES permit. (pp. 345-368)
22. Memorandum and letters dated August 29, 2014, from Darin LeCrone to Manager, DWPC/Field Operations Section, Champaign Region; Kevin Pierard, U.S. EPA, Region V; Army Corps of Engineers, Newburgh Regulatory Office; and Illinois Power Holdings, LLC, with attached draft permit and public notice. (pp. 369-396)
23. Emails on September 12 and 22, 2014, between Thomas Davis, Director, Environmental – Water and Waste Permitting, Environmental Compliance Group, Dynegy Operating Company, and Brian Cox and Darin LeCrone. (pp. 396.5-397)

24. Emails on September 23, 2014, from Jacquelyn Bush, Dynegy Operating Company to Thomas Davis, and from Thomas Davis to Brian Cox, w/o attachment. (p. 398)
25. Letter on September 23, 2014, from Rick Diericx to Darin LeCrone, with attachments. (pp. 399-414)
26. Emails on September 25, 2014, between Brian Cox and Thomas Davis, with attached schematic. (pp. 415-416)
27. Email on December 2, 2014, from Darin LeCrone to Leslie Lowry, Jaime Rabins, Shu-Mei Tsai, Brian Cox and Mark Liska, DWPC, Permit Section, with attached 316(b) special condition language. (pp. 417-419)
28. 15-day review notes dated December 3, 2014, prepared by Brian Cox, with attachments. (pp. 420-444)
29. Public notice material for December 2014 postings. (pp. 445-448)
30. Memorandum and letters dated December 11, 2014, from Darin LeCrone to U.S. Fish & Wildlife Service, Rock Island Field Office; Municipal Clerk, Newton, Illinois; Kevin Pierard, U.S. EPA, Region V; and Illinois Power, with attached draft permit and public notice. (pp. 449-491)
31. Letter dated January 9, 2015, from Rick Diericx to Darin LeCrone. (pp. 492-497)
32. Letter dated February 24, 2015, from Rick Diericx to Darin LeCrone. (pp. 498-500)
33. Email on March 13, 2015, from Scott Ireland, Chief, Section 1, NPDES Programs Branch, U.S. EPA, to Darin LeCrone. (pp. 501)
34. Public notice review notes dated September 3, 2015, prepared by Brian Cox. (pp. 502-520)
35. Letter dated September 30, 2015, from Alan Keller to Illinois Power, with attached NPDES Permit No. IL0049191, issued September 30, 2015 and effective October 1, 2015. (pp. 521-543)

Hearing File Documents – (Note: the scheduled hearing was never held but comments were received and exhibits were indexed.)

36. Email on January 12, 2015, from Cindy Skrukrud, Clean Water Advocate, Illinois Chapter, Sierra Club, to Brian Cox, with attached letter requesting public hearing. (pp. 544-549)
37. Public notice material for public hearing to be held on April 23, 2015. (pp. 550-556)

38. Email on March 3, 2015, from Dean Studer, Hearing Officer, Office of Community Relations, Illinois EPA, to interested parties. (pp. 557-559)
39. Email on March 30, 2015, from Cindy Skrukrud to Dean Studer, with attached letter withdrawing request for public hearing. (pp. 560-561)
40. Public notice material for cancellation of public hearing. (pp. 562-565)
41. Email on April 3, 2015, from Dean Studer to Brian Cox, Darin LeCrone, Bob Mosher, Amy Zimmer, Bureau of Water, and Stephanie Flowers, Division of Legal Counsel. (p. 566)
42. Exhibits list, with attached exhibits. (pp. 567-775)

I, BRIAN COX, certify on information and belief that the entire record of the Respondent's decision, as defined in 35 Ill. Adm. Code 105.116(b), is hereby enclosed.

BY:



Brian Cox  
Environmental Protection Engineer III  
Division of Water Pollution Control  
Illinois Environmental Protection Agency