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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
January 6, 2016

MIDWEST GENERATION, LLC,)
POWERTON GENERATING STATION,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTON AGENCY,)
)
Respondent.)

PCB 06-59
(CAAPP Permit Appeal – Air)

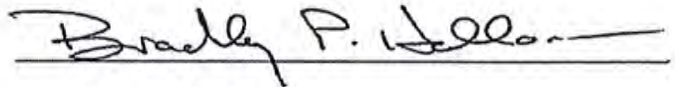
 ORIGINAL

HEARING OFFICER ORDER

In an effort to assist the Board's understanding the status of the above-captioned appeal, the parties are directed to address the attached questions in a filed written response, either jointly or otherwise, on or before February 5, 2016.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on February 18, 2016, at 10:00 a.m. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.



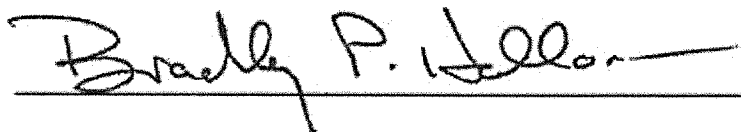
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed and mailed, first class, on January 6, 2016, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on January 6, 2016:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a solid horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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“@”denotes service list was e-mailed.

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Attachment to Hearing Officer Order

BOARD QUESTIONS

The Board directs both parties in this case to respond to the following questions:

1. Which permit conditions that were originally challenged have been resolved in settlement negotiations and which ones have not?
2. How are the unresolved permit conditions different from those facilities where the appeal has been resolved, for example, Newton (PCB 06-68)?
3. Has the facility been subject to new operational requirements since this appeal began, for example, state mercury requirements?
4. Do any of those new requirements concern the permit conditions challenged in this appeal? If so, are the new requirements more stringent than the challenged permit conditions?
5. When did the parties to this appeal last meet to discuss settlement?
6. Which party made the last settlement proposal and who is reviewing that proposal? Does the proposal resolve the entire appeal or only one part of the appeal?