

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMEREN ENERGY GENERATING)
COMPANY and GRAND TOWER)
POWER PLANT,)
)
Petitioner,)
)
v.) PCB 09-101
) (CAAPP Permit Appeal — Air)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

NOTICE OF FILING

TO:

John T. Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
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Chicago, Illinois 60601


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Springfield, Illinois 62706

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board, **MOTION FOR LEAVE TO FILE AMENDED APPEAL**, a copy of which is herewith served upon you.


Mark A. Bilut

Dated: May 8, 2014

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Attorney for Grand Tower Energy Center, LLC
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AMEREN ENERGY GENERATING)	
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MOTION FOR LEAVE TO FILE AMENDED APPEAL

Grand Tower Energy Center, LLC (“Grand Tower”), by its undersigned attorneys, respectfully requests leave to file its Amended Appeal. In support, Grand Tower states as follows:

1. On March 20, 2009, the Illinois Environmental Protection Agency Division of Air Pollution Control (the “Agency”) issued a Clean Air Act Permit Program (“CAAPP”) renewal permit (“Permit”) to Ameren Energy Generating Company (“Ameren”) for the facility at 1820 Power Plant Road, Grand Tower, Illinois (the “Facility”).
2. On April 24, 2009, Ameren filed an appeal with the Illinois Pollution Control Board to contest certain conditions contained in the Permit.
3. On September 30, 2013, Grand Tower and Ameren signed an agreement to transfer environmental permit responsibility, coverage and liability regarding the Facility from Ameren to Grand Tower. On January 10, 2014, a Notice of Intent to Transfer was submitted to the Agency. On January 31, 2014, the transfer of environmental permit responsibility, coverage and liability was completed.

4. On February 3, 2014, Grand Tower submitted a request a Request for Ownership Change for the Permit to the Agency (IEPA Form 272-CAAPP) and an Administrative Permit Amendment to the Agency requesting that the name and address for the facility contact be changed (IEPA Form 273-CAAPP). On March 17, 2014, the Agency acknowledged receipt of the name/ownership change and updated its CAAPP records.

5. By this motion, Grand Tower seeks leave to file an Amended Appeal, which is attached to this motion as Exhibit A, to reflect transferred ownership, to change the petitioner from Ameren to Grand Tower and to amend the caption accordingly. A redline version of the amended appeal, showing the proposed changes, is attached as Exhibit B.

6. None of the parties involved in this action would be unfairly prejudiced by granting Grand Tower's request, nor will this request delay the progress of this matter.

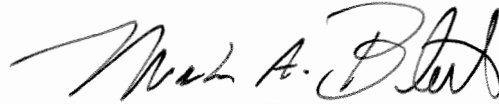
7. The Agency has no objection to Grand Tower's request.

WHEREFORE, for the reasons stated herein, Grand Tower respectfully requests the entry of any order granting it leave to file its Amended Appeal with the Illinois Pollution Control Board.

Respectfully submitted,

Grand Tower Energy Center, LLC

By:



One of Its Attorneys

Dated: May 8, 2014

Mark A. Bilut
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EXHIBIT A

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GRAND TOWER ENERGY CENTER, LLC,)	
)	
)	
)	
Petitioner,)	
)	
v.)	PCB 09-101
)	(Permit Appeal – Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

AMENDED APPEAL OF CAAPP PERMIT

NOW COMES Petitioner, Grand Tower Energy Center, LLC (“Petitioner” or “Grand Tower”), pursuant to Section 40.2 of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/40.2) and 35 Ill.Adm.Code § 105.300 *et seq.*, and requests a hearing before the Board to contest certain conditions contained in the Clean Air Act Permit Program (“CAAPP”) renewal permit¹ (the “permit”) issued on March 20, 2009, pursuant to Section 39.5 of the Act (415 ILCS 5/39.5) and attached hereto as Exhibit 1. 35 Ill.Adm.Code §§ 105.210(a) and (b). *See* Exhibit 1. Pursuant to Section 40.2(a) of the Act and 35 Ill.Adm.Code §§ 105.302(e), this Petition is timely filed with the Board.

In support of its Petition to appeal Conditions 3.1.3, 4.0, 5.7.2(b), 7.1.3(j), 7.1.5(a)(iii)(A), 7.1.5(a)(iv), 7.1.6, 7.1.6(a)(i), 7.1.6(a)(ii), 7.1.8(a)(iii), 7.1.9(l)(i), 7.1.9(l)(ii), 7.1.9(l)(iii), 7.1.10(e), 7.1.10(f)(ii) and 7.2 and its request to stay these Conditions, Petitioner states as follows:

¹ Application No. 95090008; I.D. No. 077806AAA.

I. BACKGROUND
(35 Ill.Adm.Code § 105.304(a))

1. The Grand Tower power plant (“Facility”), Illinois Environmental Protection Agency (“Agency”) I.D. No. 077806AAA, is an electric generating station owned and operated by Grand Tower Energy Center, LLC. The Facility operates as a peaking station, generating electric power when sufficient electric power is not available from other sources. The Facility’s electrical generating units (“EGUs”) are combustion turbines and subject to the CAAPP (415 ILCS 5/39.5). The Facility is located at 1820 Power Plant Road, Grand Tower, Jackson County, Illinois 62942. Jackson County is attainment for all National Ambient Air Quality Standards. The Agency issued the permit on March 20, 2009.

II. REQUEST FOR PARTIAL STAY OF THE PERMIT

2. Historically, the Board has granted partial stays in permit appeals where a petitioner has so requested. *See, e.g., Midwest Generation, LLC, Will County Generating Station v. Illinois Environmental Protection Agency*, PCB 06-156 (July 20, 2006) (granted stay of the effectiveness of contested conditions of a construction permit); *Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. Illinois Environmental Protection Agency*, PCB 06-194 (October 19, 2006) (granted stay “of the portions of the permit Dynegy contests”); *Dynegy Midwest Generation, Inc. (Havana Power Station) v. Illinois Environmental Protection Agency*, PCB 07-115 (October 4, 2007) (same); *Hartford Working Group v. Illinois Environmental Protection Agency*, PCB 05-74 (November 18, 2004) (granted stay of the effectiveness of Special Condition 2.0 of an air construction permit); *Community Landfill Company and City of Morris v. Illinois Environmental Protection Agency*, PCB 01-48 and 01-49 (Consolidated) (October 19, 2000) (granted stay of effectiveness of challenged conditions for two permits of two parcels of the landfill); *Allied Tube & Conduit Corp. v. Illinois Environmental Protection*

Agency, PCB 96-108 (December 7, 1995) (granted stay of the effectiveness of Conditions 4(a), 5(a), and 7(a) of an air permit).

3. Petitioner requests in this instance that the Board exercise its inherent discretionary authority to grant a partial stay of the CAAPP permit, staying only those conditions or portions of conditions indicated in Exhibit 2, i.e., Conditions 3.1.3, 4.0, 5.7.2(b), 7.1.3(j), 7.1.5(a)(iii)(A), 7.1.5(a)(iv), 7.1.6, 7.1.6(a)(i), 7.1.6(a)(ii), 7.1.8(a)(iii), 7.1.9(l)(i), 7.1.9(l)(ii), 7.1.9(l)(iii), 7.1.10(e), 7.1.10(f)(ii) and 7.2 during the pendency of this appeal.

III. ISSUES ON APPEAL
(35 Ill.Adm.Code §§ 105.304(a) (2)-(4))

Following are the issues that Grand Tower appeals and seeks a stay for, presented sequentially.

4. Condition 3.1.3 - Identification of Insignificant Activities

Petitioner objects to this Condition because it is arbitrary, capricious and unauthorized by law to the extent that it fails to list the Facility's emergency diesel backup generator as an activity at the source that constitutes an insignificant activity under Condition 3.1.3. The failure to include the Facility's emergency diesel backup generator as an insignificant activity under Condition 3.1.3 is arbitrary, capricious and unauthorized by law. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

5. Condition 4.0 - Significant Emission Units

Petitioner objects to this Condition because it is arbitrary, capricious, unreasonable and unauthorized by law to the extent it imposes conditions on sources that are not significant emission units. This Condition is, therefore, in excess of the Agency's authority, unauthorized by law, arbitrary and capricious and unreasonable. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

6. Condition 5.7.2(b) - HAP Testing to Verify Minor Source Status

Petitioner objects to this Condition because it is arbitrary, capricious, unreasonable and unauthorized by law to the extent it requires that a determination of the emissions of HAPs (“Hazardous Air Pollutants”) for this Facility be completed by January 31 for the previous calendar year. A determination of the emissions of HAPs for the previous calendar year by January 31 does not take into account current operating conditions. The dates identified in Condition 5.7.2 for establishing the need for testing and completing testing do not leave adequate time to accomplish either task. This Condition is, therefore, in excess of the Agency’s authority, unauthorized by law, arbitrary and capricious and unreasonable. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

7. Condition 7.1.3(j) - Startup Provisions

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. This Condition incorrectly fails to incorporate certain limitations or provisions from the current CAAPP permit, which are applicable requirements. Additionally, this Condition contains duplicative references to operating according to manufacturers’ written instructions or other written procedures. Accordingly, this provision should be modified and stayed during the pendency of this appeal.

8. Condition 7.1.5(a)(iii)(A) - Control Requirements and Work Practices

Petitioner objects to this Condition because it unreasonable, arbitrary and capricious. The permit contains a quarterly inspection requirement of emission-related components that is not reflective of actual operating conditions. The units do not operate on a regular schedule; thus the imposed schedule may require inspections on a non-operating unit. Therefore, this Condition is

arbitrary and capricious unauthorized by law and unreasonable. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

9. Condition 7.1.5(a)(iv) - Control Requirements and Work Practices

Petitioner objects to this Condition because it is arbitrary, capricious and unauthorized by law to the extent it conflicts with the annual review requirements for startup procedures under Condition 7.1.3(j)(ii)(B)(II). Both the requirements of this Condition and Condition 7.1.3(j)(ii)(B)(II) apply to operating procedures which apply during startup of the affected turbines (See Condition 7.1.5(a)(ii)(A)); however, Condition 7.1.3(j)(ii)(B)(II) requires annual review and this Condition requires bi-annual review. The inconsistent annual review requirements under this Condition and Condition 7.1.3(j)(ii)(B)(II) are thus arbitrary and capricious. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

10. Condition 7.1.6 - Production and Emission Limitations

Petitioner objects to this Condition because it is arbitrary, capricious and unauthorized by law to the extent it fails to take into account current operating conditions. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

11. Condition 7.1.6(a)(i) - Production and Emission Limitations

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. This Condition incorrectly fails to incorporate certain limitations or provisions from the current CAAPP permit. Accordingly, this provision should be modified and stayed during the pendency of this appeal.

12. Condition 7.1.6(a)(ii) - Production and Emission Limitations

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. This Condition incorrectly fails to incorporate certain limitations or provisions from the current CAAPP permit. Accordingly, this provision should be modified and stayed during the pendency of this appeal.

13. Condition 7.1.8(a)(iii) - Monitoring Requirements

Petitioner objects to this Condition because it is unauthorized by law, unreasonable, redundant, arbitrary and capricious. The Agency may not require a source to operate a unit when the unit is otherwise not operating in order to assess compliance. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

14. Condition 7.1.9(l)(i) Recordkeeping Requirements – Startups

Petitioner objects to this Condition because it is unauthorized by law, unreasonable, vague, redundant, arbitrary and capricious to the extent it requires the source to maintain records that go beyond those necessary to ensure compliance with applicable requirements. It is unclear what information must be included when describing the startup and there is no basis for requiring the source to provide the Agency with a reason for the startup. There is no basis for requiring the source to provide the Agency with information regarding whether personnel are on-site during startup. Therefore, this Condition is unauthorized by law, unreasonable, vague, redundant, arbitrary and capricious. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

15. Condition 7.1.9(l)(ii) Recordkeeping Requirements - Shutdowns

Petitioner objects to this Condition because it is unauthorized by law, unreasonable, redundant, arbitrary and capricious. The source maintains records of the date, time and duration

of the shutdown. The additional records required by this Condition are redundant and not necessary to ensure compliance with applicable requirements. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

16. Condition 7.1.9(l)(iii) Recordkeeping Requirements – Opacity

Petitioner objects to this Condition because it is unauthorized by law, unreasonable, redundant, arbitrary and capricious. This Condition is not limited to maintaining records for startups resulting in an opacity exceedence and requires records that are not necessary to ensure compliance with applicable requirements. It is unclear what information must be included when describing the startup and there is no basis for requiring the source to provide the Agency with a reason for the startup. Furthermore, the requirement that the unit achieve “normal operation” within thirty minutes does not reflect current operating conditions. The additional records required by this Condition are redundant and not necessary to ensure compliance with applicable requirements. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

17. Condition 7.1.10(e) - Reporting Requirements - Startups

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. Several other Conditions, including 7.1.10(a) and 7.1.10(b), already require the necessary reporting to ensure compliance with applicable requirements. The information required by this Condition is not necessary to ensure compliance with applicable requirements. Therefore, this Condition is unauthorized by law, redundant, unreasonable, arbitrary and capricious. Accordingly, this provision should be deleted and stayed during the pendency of this appeal.

18. Condition 7.1.10(f)(ii) - Reporting Requirements - Malfunctions

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. Several other Conditions, including 8.6.1, already require the necessary reporting to ensure compliance with applicable requirements. The information required by this Condition is not necessary to ensure compliance with applicable requirements. Therefore, this Condition is unauthorized by law, redundant, unreasonable, arbitrary and capricious. Accordingly, this Condition should be deleted and stayed during the pendency of this appeal.

19. Condition 7.2 - Diesel Engines

Petitioner objects to the entirety of Condition 7.2 because it is unauthorized by law, arbitrary and capricious. As stated above, the Facility has an emergency diesel backup generator rated at a 775 hp which is used for an emergency backup power supply in case of a blackout event. This emission unit is an insignificant activity under 35 Ill.Admin.Code Section 201.210(a)(16). This emission unit should be listed as an insignificant activity in Condition 3.1.3 of the permit and thus it is inappropriate for listing in Condition 7.2 as a significant emission unit. This Condition is, therefore, in excess of the Agency's authority, unauthorized by law, arbitrary and capricious and unreasonable. Accordingly, this Condition should be deleted and stayed during the pendency of this appeal.

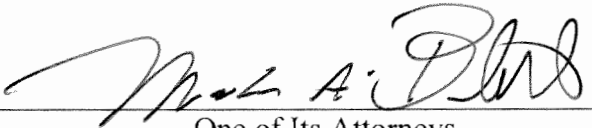
20. Grand Tower has conferred with the Agency and believes the majority, if not all, of the above issues and conditions can be resolved. However, any such resolution could not occur within the time frame required for appeal. So that the parties have sufficient time to resolve issues and conditions in dispute, including, if necessary, the filing of an amended CAAPP permit application, Grand Tower requests that the conditions set forth herein be stayed.

WHEREFORE, for the reasons set forth above, Grand Tower appeals Conditions 3.1.3, 3.2.1, 4.0, 5.7.2(b), 7.1.3(j), 7.1.5(a)(iii)(A), 7.1.5(a)(iv), 7.1.6, 7.1.6(a)(i), 7.1.6(a)(ii), 7.1.8(a)(iii), 7.1.9(l)(i), 7.1.9(l)(ii), 7.1.9(l)(iii), 7.1.10(e), 7.1.10(f)(ii), and 7.2 of the CAAPP renewal permit issued March 20, 2009 for the Facility and requests that the Board order the Agency to delete or modify the Conditions as set forth above. Additionally, Grand Tower requests that the Board stay Conditions 3.1.3, 3.2.1, 4.0, 5.7.2(b), 7.1.3(j), 7.1.5(a)(iii)(A), 7.1.5(a)(iv), 7.1.6(a)(i), 7.1.6, 7.1.6(a)(ii), 7.1.8(a)(iii), 7.1.9(l)(i)(B), 7.1.9(l)(ii), 7.1.9(l)(iii)(C), 7.1.9(l)(iii)(D), 7.1.9(l)(iii)(F), 7.1.10(e), 7.1.10(f)(ii) and 7.2 during the pendency of this appeal as set forth in Exhibit 2. Grand Tower will extend its current practices under the CAAPP permit replaced by this permit issued March 20, 2009, where the Board stays Conditions appealed herein and will, of course, comply with all requirements of the Board's regulations applicable to the Facility during the pendency of this appeal.

Respectfully submitted,

Grand Tower Energy Center, LLC

By:



One of Its Attorneys

Dated: May 8, 2014

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DM_US 51112252-1.094482.0011

EXHIBIT B

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

~~AMEREN ENERGY GENERATING~~)
~~COMPANY and GRAND TOWER POWER~~)
~~PLANT ENERGY CENTER, LLC,~~)

Petitioner,)

v.)

PCB 09-~~_____~~101
(Permit Appeal – Air)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

AMENDED APPEAL OF CAAPP PERMIT

NOW COMES Petitioner, ~~Ameren Energy Generating Company and Grand Tower Power Plant Energy Center, LLC~~ (“Petitioner” or “~~Ameren Grand Tower~~”), pursuant to Section 40.2 of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/40.2) and 35 Ill.Adm.Code § 105.300 *et seq.*, and requests a hearing before the Board to contest certain conditions contained in the Clean Air Act Permit Program (“CAAPP”) renewal permit¹ (the “permit”) issued on March 20, 2009, pursuant to Section 39.5 of the Act (415 ILCS 5/39.5) and attached hereto as Exhibit 1. 35 Ill.Adm.Code §§ 105.210(a) and (b). *See* Exhibit 1. Pursuant to Section 40.2(a) of the Act and 35 Ill.Adm.Code §§ 105.302(e), this Petition is timely filed with the Board.

In support of its Petition to appeal Conditions 3.1.3, 4.0, 5.7.2(b), 7.1.3(j), 7.1.5(a)(iii)(A), 7.1.5(a)(iv), 7.1.6, 7.1.6(a)(i), 7.1.6(a)(ii), 7.1.8(a)(iii), 7.1.9(l)(i), 7.1.9(l)(ii), 7.1.9(l)(iii), 7.1.10(e), 7.1.10(f)(ii) and 7.2 and its request to stay these Conditions, Petitioner states as follows:

¹ Application No. 95090008; I.D. No. 077806AAA.

I. BACKGROUND
(35 Ill. Adm. Code § 105.304(a))

1. The Grand Tower Power Plant (~~“Grand Tower”~~ or power plant (“Facility”), Illinois Environmental Protection Agency (“Agency”) I.D. No. 077806AAA, is an electric generating station owned and operated by ~~Ameren~~Grand Tower Energy Generating Company. ~~Grand Tower~~Center, LLC. The Facility operates as a peaking station, generating electric power when sufficient electric power is not available from other sources. ~~Grand Tower~~The Facility’s electrical generating units (“EGUs”) are combustion turbines and subject to the CAAPP (415 ILCS 5/39.5). ~~Grand Tower~~The Facility is located at 1820 Power Plant Road, Grand Tower, Jackson County, Illinois 62942. Jackson County is attainment for all National Ambient Air Quality Standards. The Agency issued the permit on March 20, 2009.

II. REQUEST FOR PARTIAL STAY OF THE PERMIT

2. Historically, the Board has granted partial stays in permit appeals where a petitioner has so requested. *See, e.g., Midwest Generation, LLC, Will County Generating Station v. Illinois Environmental Protection Agency*, PCB 06-156 (July 20, 2006) (granted stay of the effectiveness of contested conditions of a construction permit); *Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. Illinois Environmental Protection Agency*, PCB 06-194 (October 19, 2006) (granted stay “of the portions of the permit Dynegy contests”); *Dynegy Midwest Generation, Inc. (Havana Power Station) v. Illinois Environmental Protection Agency*, PCB 07-115 (October 4, 2007) (same); *Hartford Working Group v. Illinois Environmental Protection Agency*, PCB 05-74 (November 18, 2004) (granted stay of the effectiveness of Special Condition 2.0 of an air construction permit); *Community Landfill Company and City of Morris v. Illinois Environmental Protection Agency*, PCB 01-48 and 01-49 (Consolidated) (October 19, 2000) (granted stay of effectiveness of challenged conditions for two permits of two parcels of the

landfill); *Allied Tube & Conduit Corp. v. Illinois Environmental Protection Agency*, PCB 96-108 (December 7, 1995) (granted stay of the effectiveness of Conditions 4(a), 5(a), and 7(a) of an air permit).

3. ~~Ameren~~Petitioner requests in this instance that the Board exercise its inherent discretionary authority to grant a partial stay of the CAAPP permit, staying only those conditions or portions of conditions indicated in Exhibit 2, i.e., Conditions 3.1.3, 4.0, 5.7.2(b), 7.1.3(j), 7.1.5(a)(iii)(A), 7.1.5(a)(iv), 7.1.6, 7.1.6(a)(i), 7.1.6(a)(ii), 7.1.8(a)(iii), 7.1.9(l)(i), 7.1.9(l)(ii), 7.1.9(l)(iii), 7.1.10(e), 7.1.10(f)(ii) and 7.2 during the pendency of this appeal.

III. ISSUES ON APPEAL
(35 Ill. Adm. Code §§ 105.304(a) (2)-(4))

Following are the issues that ~~Ameren~~Grand Tower appeals and seeks a stay for, presented sequentially.

4. Condition 3.1.3 - Identification of Insignificant Activities

Petitioner objects to this Condition because it is arbitrary, capricious and unauthorized by law to the extent that it fails to list the Facility's emergency diesel backup generator as an activity at the source that constitutes an insignificant activity under Condition 3.1.3. The failure to include the Facility's emergency diesel backup generator as an insignificant activity under Condition 3.1.3 is arbitrary, capricious and unauthorized by law. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

5. Condition 4.0 - Significant Emission Units

Petitioner objects to this Condition because it is arbitrary, capricious, unreasonable and unauthorized by law to the extent it imposes conditions on sources that are not significant emission units. This Condition is, therefore, in excess of the Agency's authority, unauthorized

by law, arbitrary and capricious and unreasonable. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

6. Condition 5.7.2(b) - HAP Testing to Verify Minor Source Status

Petitioner objects to this Condition because it is arbitrary, capricious, unreasonable and unauthorized by law to the extent it requires that a determination of the emissions of HAPs (“Hazardous Air Pollutants”) for this Facility be completed by January 31 for the previous calendar year. A determination of the emissions of HAPs for the previous calendar year by January 31 does not take into account current operating conditions. The dates identified in Condition 5.7.2 for establishing the need for testing and completing testing do not leave adequate time to accomplish either task. This Condition is, therefore, in excess of the Agency’s authority, unauthorized by law, arbitrary and capricious and unreasonable. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

7. Condition 7.1.3(j) - Startup Provisions

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. This Condition incorrectly fails to incorporate certain limitations or provisions from the current CAAPP permit, which are applicable requirements. Additionally, this Condition contains duplicative references to operating according to manufacturers’ written instructions or other written procedures. Accordingly, this provision should be modified and stayed during the pendency of this appeal.

8. Condition 7.1.5(a)(iii)(A) - Control Requirements and Work Practices

Petitioner objects to this Condition because it unreasonable, arbitrary and capricious. The permit contains a quarterly inspection requirement of emission-related components that is not reflective of actual operating conditions. The units do not operate on a regular schedule; thus the

imposed schedule may require inspections on a non-operating unit. Therefore, this Condition is arbitrary and capricious unauthorized by law and unreasonable. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

9. Condition 7.1.5(a)(iv) - Control Requirements and Work Practices

Petitioner objects to this Condition because it is arbitrary, capricious and unauthorized by law to the extent it conflicts with the annual review requirements for startup procedures under Condition 7.1.3(j)(ii)(B)(II). Both the requirements of this Condition and Condition 7.1.3(j)(ii)(B)(II) apply to operating procedures which apply during startup of the affected turbines (See Condition 7.1.5(a)(ii)(A)); however, Condition 7.1.3(j)(ii)(B)(II) requires annual review and this Condition requires bi-annual review. The inconsistent annual review requirements under this Condition and Condition 7.1.3(j)(ii)(B)(II) are thus arbitrary and capricious. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

10. Condition 7.1.6 - Production and Emission Limitations

Petitioner objects to this Condition because it is arbitrary, capricious and unauthorized by law to the extent it fails to take into account current operating conditions. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

11. Condition 7.1.6(a)(i) - Production and Emission Limitations

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. This Condition incorrectly fails to incorporate certain limitations or provisions from the current CAAPP permit. Accordingly, this provision should be modified and stayed during the pendency of this appeal.

12. Condition 7.1.6(a)(ii) - Production and Emission Limitations

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. This Condition incorrectly fails to incorporate certain limitations or provisions from the current CAAPP permit. Accordingly, this provision should be modified and stayed during the pendency of this appeal.

13. Condition 7.1.8(a)(iii) - Monitoring Requirements

Petitioner objects to this Condition because it is unauthorized by law, unreasonable, redundant, arbitrary and capricious. The Agency may not require a source to operate a unit when the unit is otherwise not operating in order to assess compliance. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

14. Condition 7.1.9(l)(i) Recordkeeping Requirements – Startups

Petitioner objects to this Condition because it is unauthorized by law, unreasonable, vague, redundant, arbitrary and capricious to the extent it requires the source to maintain records that go beyond those necessary to ensure compliance with applicable requirements. It is unclear what information must be included when describing the startup and there is no basis for requiring the source to provide the Agency with a reason for the startup. There is no basis for requiring the source to provide the Agency with information regarding whether personnel are on-site during startup. Therefore, this Condition is unauthorized by law, unreasonable, vague, redundant, arbitrary and capricious. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

15. Condition 7.1.9(l)(ii) Recordkeeping Requirements - Shutdowns

Petitioner objects to this Condition because it is unauthorized by law, unreasonable, redundant, arbitrary and capricious. The source maintains records of the date, time and duration

of the shutdown. The additional records required by this Condition are redundant and not necessary to ensure compliance with applicable requirements. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

16. Condition 7.1.9(1)(iii) Recordkeeping Requirements – Opacity

Petitioner objects to this Condition because it is unauthorized by law, unreasonable, redundant, arbitrary and capricious. This Condition is not limited to maintaining records for startups resulting in an opacity exceedence and requires records that are not necessary to ensure compliance with applicable requirements. It is unclear what information must be included when describing the startup and there is no basis for requiring the source to provide the Agency with a reason for the startup. Furthermore, the requirement that the unit achieve “normal operation” within thirty minutes does not reflect current operating conditions. The additional records required by this Condition are redundant and not necessary to ensure compliance with applicable requirements. Accordingly, this Condition should be modified and stayed during the pendency of this appeal.

17. Condition 7.1.10(e) - Reporting Requirements - Startups

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. Several other Conditions, including 7.1.10(a) and 7.1.10(b), already require the necessary reporting to ensure compliance with applicable requirements. The information required by this Condition is not necessary to ensure compliance with applicable requirements. Therefore, this Condition is unauthorized by law, redundant, unreasonable, arbitrary and capricious. Accordingly, this provision should be deleted and stayed during the pendency of this appeal.

18. Condition 7.1.10(f)(ii) - Reporting Requirements - Malfunctions

Petitioner objects to this Condition because it is unauthorized by law, arbitrary and capricious. Several other Conditions, including 8.6.1, already require the necessary reporting to ensure compliance with applicable requirements. The information required by this Condition is not necessary to ensure compliance with applicable requirements. Therefore, this Condition is unauthorized by law, redundant, unreasonable, arbitrary and capricious. Accordingly, this Condition should be deleted and stayed during the pendency of this appeal.

19. Condition 7.2 - Diesel Engines

Petitioner objects to the entirety of Condition 7.2 because it is unauthorized by law, arbitrary and capricious. As stated above, the Facility has an emergency diesel backup generator rated at a 775 hp which is used for an emergency backup power supply in case of a blackout event. This emission unit is an insignificant activity under 35 Ill.Admin.Code Section 201.210(a)(16). This emission unit should be listed as an insignificant activity in Condition 3.1.3 of the permit and thus it is inappropriate for listing in Condition 7.2 as a significant emission unit. This Condition is, therefore, in excess of the Agency's authority, unauthorized by law, arbitrary and capricious and unreasonable. Accordingly, this Condition should be deleted and stayed during the pendency of this appeal.

20. ~~The Company~~ Grand Tower has met conferred with the Agency and believes the majority, if not all, of the above issues and conditions can be resolved. However, any such resolution could not occur within the time frame required for appeal. So that the parties have sufficient time to resolve issues and conditions in dispute, including, if necessary, the filing of an amended CAAPP permit application, ~~Ameren~~ Grand Tower requests that the conditions set forth herein be stayed.

WHEREFORE, for the reasons set forth above, ~~Ameren~~Grand Tower appeals Conditions 3.1.3, 3.2.1, 4.0, 5.7.2(b), 7.1.3(j), 7.1.5(a)(iii)(A), 7.1.5(a)(iv), 7.1.6, 7.1.6(a)(i), 7.1.6(a)(ii), 7.1.8(a)(iii), 7.1.9(l)(i), 7.1.9(l)(ii), 7.1.9(l)(iii), 7.1.10(e), 7.1.10(f)(ii), and 7.2 of the CAAPP renewal permit issued March 20, 2009 for ~~Grand Tower~~the Facility and requests that the Board order the Agency to delete or modify the Conditions as set forth above. Additionally, ~~Ameren~~Grand Tower requests that the Board stay Conditions 3.1.3, 3.2.1, 4.0, 5.7.2(b), 7.1.3(j), 7.1.5(a)(iii)(A), 7.1.5(a)(iv), 7.1.6(a)(i), 7.1.6, 7.1.6(a)(ii), 7.1.8(a)(iii), 7.1.9(l)(i)(B), 7.1.9(l)(ii), 7.1.9(l)(iii)(C), 7.1.9(l)(iii)(D), 7.1.9(l)(iii)(F), 7.1.10(e), 7.1.10(f)(ii) and 7.2 during the pendency of this appeal as set forth in Exhibit 2. ~~Ameren~~Grand Tower will extend its current practices under the CAAPP permit replaced by this permit issued March 20, 2009, where the Board stays Conditions appealed herein and will, of course, comply with all requirements of the Board's regulations applicable to ~~Grand Tower~~the Facility during the pendency of this appeal.

Respectfully submitted,

~~Ameren Energy Generating Company~~
and
~~Grand Tower Power Plant~~Energy Center,
LLC

By:

One of Its Attorneys

Dated: ~~April 24, 2009~~May 8, 2014

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 8th day of May, 2014, I have served electronically the attached **MOTION FOR LEAVE TO FILE AMENDED APPEAL**, upon the following persons:

John T. Therriault, Clerk
Illinois Pollution Control Board
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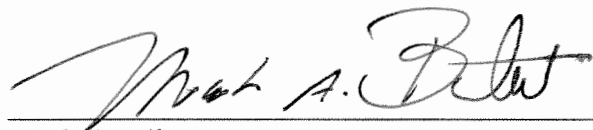
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