

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**ELECTRIC ENERGY, INC.,** )  
**(JOPPA ENERGY CENTER),** )

**Petitioner,** )

**v.** )

**PCB 16-045**  
**(NPDES Permit Appeal)**

**ILLINOIS ENVIRONMENTAL** )  
**PROTECTION AGENCY,** )

**Respondent.** )

**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 October 5, 2015, consisting of the following documents.

1. Certificate of Record on Appeal.
2. Record Index
3. Administrative Record (two sets of paper copies and a cd containing numbered administrative 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  
Assistant Attorney General



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ELECTRIC ENERGY, INC.	)	
(JOPPA ENERGY CENTER),	)	
	)	
	)	
Petitioner,	)	
	)	PCB 16-045
v.	)	(NPDES Permit Appeal)
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
	)	
Respondent.	)	

**RECORD INDEX**

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. Adm. Code 105.212 and 105.116, files as its Record in this cause the Illinois EPA's record of National Pollutant Discharge System ("NPDES") Permit number IL0004171, issued to Electric Energy, Inc. ("Electric Energy") on July 30, 2015, which is attached and consists of the following documents:

1. Clean Water Act Section 316(b) Phase II Interim Compliance Report—Biological Studies 2005-2007—EEI-Joppa Generating Station, submitted by Golder Associates Inc., January 2008. (pp. R 001 - R 416)
2. Letter dated November 4, 2009, from William Sheppard, President, Electric Energy, to Alan Keller, Illinois EPA, Manager, Permit Section, Division of Water Pollution Control ("DWPC"). (p. R 417)

3. Letter dated May 14, 2013, from Michael Pullen, Director, Operations, Electric Energy; to Alan Keller. (pp. R 418 – R 420)
4. Letter dated October 1, 2013, from Permit Section, DWPC, to Electric Energy. (p. R 421)
5. Letter dated January 12, 2014, from Rick Diericx, Sr. Director—Environmental Compliance, Dynegy Operating Company (“Dynegy”), (as agent for Electric Energy), to Illinois EPA, with attachments. (pp. R 422 – R 427)
6. Letter dated January 24, 2014, from Rick Diericx, Sr. to Illinois EPA, with attached application to renew permit. (pp. R 428 – R 588)
7. Modification of NPDES Permit No. IL0004171, which was issued to Illinois Power Holdings, LLC on August 7, 2009 and modified on January 28, 2014. (pp. R 589 – R601)
8. Industrial NPDES permit review notes dated November 12, 2014 with attachments, prepared by Leslie Lowry. (pp. R 602 – R 628)
9. Email on December 30, 2014, from Brian Koch, Bureau of Water, Water Quality Standards, to Darin LeCrone, Manager, Industrial Unit, Permit Section, DWPC, and Leslie Lowry, DWPC, Permits Section. (p. R 629)
10. Emails on January 7, 8, 9, 12 and 13, 2015, between Leslie Lowry and Jacquelyn Bush, Dynegy. (pp. R 630 – R 633)
11. Emails on January 14, 2015, among Leslie Lowry, Brian Koch, and Bob Mosher, Manager, Water Quality Standards Section, DWPC. (pp. R 634 – R 635)
12. Memorandum dated January 20, 2015, from Brian Koch to Leslie Lowry. (pp. R 636 – R 641)
13. Emails on January 20, 21, 22 and 23, 2015 and February 9, 2015, between Leslie Lowry and Jacquelyn Bush. (pp. R 642 – R 644)
14. Letters and memorandum dated February 11, 2015, from Darin LeCrone to Army Corps of Engineers, Louisville District; Manager, DWPC/Field Operations Section; Ohio River Valley Water Sanitation Commission (“ORSANCO”); U.S. EPA, Region V; and Electric Energy, with attached draft permit and public notice/fact sheet. (pp. R 645 – R 676)
15. Letter dated February 19, 2015, from Stacey Cochran, Environmental Specialist, ORSANCO to Darin LeCrone. (p. R 677)
16. Letter dated February 20, 2015, from Rick Diericx to Darin LeCrone. (Page 6 was missing in the original document in the file.) (pp. R 678 – R 686)

17. 15-day notice review notes dated March 11, 2015, prepared by Leslie Lowry. (pp. R 687 – R 693)
- 17.5. Email on March 18, 2015, from Sean Ramach, Environmental Scientist, NPDES Programs Branch, U.S. EPA, Region 5, to Leslie Lowry. (p. R 694)
18. Emails dated March 27, 2015, between Leslie Lowry and Bob Mosher. (p. R 695)
19. Emails dated March 27 and 30, 2015 and April 1, 2015, among Leslie Lowry Jacquelyn Bush, and Bruce Parker, Dynegy. (pp. R 696 – R 698)
20. Letter dated April 4, 2015, from Rick Diericx to Darin LeCrone, with attachments. (Page 3 and/or 4 was missing in the original document in the file.) (pp. R 699 – R 704)
21. Letters dated April 8, 2015, from Darin LeCrone to Municipal Clerk, Joppa, Illinois; U.S. Fish & Wildlife Service, Rock Island Field Office, Ohio River Valley Water Sanitation Commission, Natural Resources & Environmental Protection Cabinet, Frankfort, Kentucky, and Electric Energy, Inc., Waste and Water Permitting/Environmental Compliance, with attached draft permit and public notice/fact sheet. (pp. R 705 – R 732)
22. Public notice postings, April 8, 2015. (pp. R 733 – R 739)
23. Public notice acknowledgment. (p. R 740)
24. Emails on June 27, 2014 and April 28 and 30, 2015, between Darin LeCrone and Thomas Davis, Director, Environmental – Water and Waste Permitting, Dynegy. (pp. R 741 – R 744)
25. Letter dated May 8, 2015, from Rick Diericx to Darin LeCrone, with attachments. (pp. R 745 – R 752 )
26. 30-day public notice review notes dated May 13, 2015, prepared by Leslie Lowry. (pp. R 753 – R 761)
27. Emails dated May 15, 2015, between Leslie Lowry and Darin LeCrone. (p. R 762)
28. Emails dated May 14 and 20, 2015, between Leslie Lowry and Sean Ramach. (pp. R 763 – R 764)
29. Emails dated May 19, 21 and 26, 2015, among Leslie Lowry, Thomas Davis, and Jacquelyn Bush. (pp. R 765 – R 768)

30. Letter dated July 30, 2015, from Alan Keller to Electric Energy, with attached NPDES Permit No. IL0004171, issued July 30, 2015 and effective August 1, 2015. (pp. R 769 – R 789)

Respectfully submitted,

LISA MADIGAN,  
Attorney General of the  
State of Illinois,

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

By: s/Elizabeth Dubats  
ELIZABETH DUBATS  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 5, 2015

**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 upon:

Joshua R. More  
Amy Antonioli  
Schiff Hardin, LLP  
233 South Wacker Drive  
Suite 6600  
Chicago, IL 60606

by depositing a copy of same in a correctly addressed, prepaid envelope and placing same in the United States Mail in Springfield, Illinois, on October 5, 2015.

s/Elizabeth Dubats  
Elizabeth Dubats  
Assistant Attorney General

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