

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

DYNEGY MIDWEST GENERATION, LLC. )  
(BALDWIN ENERGY COMPLEX), )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
 )  
Respondent. )

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PCB 06-63  
(CAAPP Permit Appeal—Air)

ELECTRIC ENERGY, INCORPORATED, )  
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 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
 )  
Respondent. )

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PCB 06-65  
(CAAPP Permit Appeal—Air)

AMERENENERGY RESOURCES )  
GENERATING COMPANY )  
DUCK CREEK POWER STATION, )  
 )  
Petitioner, )  
 )  
v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
 )  
Respondent. )

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PCB 06-66  
(CAAPP Permit Appeal—Air)

AMERENENERGY RESOURCES )  
GENERATING COMPANY )  
EDWARDS POWER STATION, )  
 )  
Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-67  
(CAAPP Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(HAVANA POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-71  
(CAAPP Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(HENNEPIN POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-72  
(CAAPP Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(VERMILION POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-73  
(CAAPP Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(WOOD RIVER POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-74  
(CAAPP Permit Appeal—Air)

AMERENENERGY RESOURCES )  
GENERATING COMPANY )  
EDWARDS POWER STATION, )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
 )  
Respondent. )

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PCB 06-126  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(HAVANA POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 07-115  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(HENNEPIN POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 07-123  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(BALDWIN ENERGY COMPLEX), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 08-66  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(WOOD RIVER POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 09-6  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(BALDWIN ENERGY COMPLEX), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 09-9  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(WOOD RIVER POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 13-13  
(Permit Appeal—Air)

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

DYNEGY MIDWEST GENERATION, LLC. )  
(BALDWIN ENERGY COMPLEX), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-63  
(CAAPP Permit Appeal—Air)

ELECTRIC ENERGY, INCORPORATED, )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-65  
(CAAPP Permit Appeal—Air)

AMERENENERGY RESOURCES )  
GENERATING COMPANY )  
DUCK CREEK POWER STATION, )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-66  
(CAAPP Permit Appeal—Air)

AMERENENERGY RESOURCES )  
GENERATING COMPANY )  
EDWARDS POWER STATION, )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-67  
(CAAPP Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(HAVANA POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-71  
(CAAPP Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(HENNEPIN POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-72  
(CAAPP Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(VERMILION POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-73  
(CAAPP Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(WOOD RIVER POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-74  
(CAAPP Permit Appeal—Air)

AMERENENERGY RESOURCES )  
GENERATING COMPANY )  
EDWARDS POWER STATION, )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 06-126  
(Permit Appeal—Air)



DYNEGY MIDWEST GENERATION, LLC. )  
(HAVANA POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 07-115  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(HENNEPIN POWER STATION), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 07-123  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(BALDWIN ENERGY COMPLEX), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 08-66  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(WOOD RIVER POWER STATION), )  
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Petitioner, )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 09-6  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(BALDWIN ENERGY COMPLEX), )  
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Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 09-9  
(Permit Appeal—Air)

DYNEGY MIDWEST GENERATION, LLC. )  
(WOOD RIVER POWER STATION), )  
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Petitioner, )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTON AGENCY, )  
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Respondent. )

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PCB 13-13  
(Permit Appeal—Air)

**JOINT RESPONSE TO BOARD QUESTIONS**

Pursuant to the Hearing Officer Orders dated February 22, 2016, Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by Lisa Madigan, Attorney General of the State of Illinois, and Petitioners, DYNEGY MIDWEST GENERATION, LLC, ELECTRIC ENERGY, INCORPORATED, and ILLINOIS POWER RESOURCES GENERATING, LLC (as successor to AMERENENERGY RESOURCES GENERATING COMPANY), by and through their attorneys, hereby submit the following joint response to the Illinois Pollution Control Board's ("Board") questions in the above-referenced cases.

**INTRODUCTION**

The Hearing Officer Orders directed the parties to respond to questions in the above-captioned appeals. Below are the parties' responses for each of the relevant facilities.

**I. Baldwin Energy Complex, PCB 06-63, PCB 08-66 and PCB 09-9**

PCB 06-63 is the appeal of the 2005 Clean Air Act Permitting Program ("CAAPP") permit for the Baldwin Energy Complex. PCB 08-66 and PCB 09-9 are the appeals of 2008 construction permits for the Baldwin Energy Complex. The Board has directed the parties to provide a response "to the question of the estimated time frame of the resolution of th[ese] appeal[s]..."

The parties state that they are collaboratively working toward the goal of the Illinois Environmental Protection Agency issuing modifications by the end of this year to the CAAPP permit and revised construction permits for the Baldwin Energy Complex. The Petitioner anticipates that, shortly after issuance of the permit modifications and the revised construction permits and expiration of any permit challenge periods, it will move to voluntarily dismiss the appeals.

**II. Joppa Power Station, PCB 06-65**

PCB 06-65 is the appeal of the 2005 CAAPP permit for the Joppa Power Station. The Board has directed the parties to provide a response “to the question of the estimated time frame of the resolution of this appeal...”

The parties state that they are collaboratively working toward the goal of the Illinois Environmental Protection Agency issuing modifications by the end of this year to the CAAPP permit for the Joppa Power Station. The Petitioner anticipates that, shortly after issuance of the permit modifications and expiration of any permit challenge periods, it will move to voluntarily dismiss the appeal.

**III. Duck Creek Power Station, PCB 06-66**

PCB 06-66 is the appeal of the 2005 CAAPP permit for the Duck Creek Power Station. The Board has directed the parties to provide a response “to the question of the estimated time frame of the resolution of this appeal....”

The parties state that they are collaboratively working toward the goal of the Illinois Environmental Protection Agency issuing modifications by the end of this year to the CAAPP permit for the Duck Creek Power Station. The Petitioner anticipates that, shortly after issuance of the permit modifications and expiration of any permit challenge periods, it will move to voluntarily dismiss the appeal.

**IV. Edwards Power Station, PCB 06-67 and PCB 06-126**

PCB 06-67 is the appeal of the 2005 CAAPP permit for the Edwards Power Station. PCB 06-126 is a Petition for Review of Decision on Request for Revision to State Air Operating Permit for the Edwards Power Station. The Board has directed the parties to provide a response “to the question of the estimated time frame of the resolution of th[ese] appeal[s]....”

The parties state that they are collaboratively working toward the goal of the Illinois Environmental Protection Agency issuing a modification by the end of this year to the CAAPP permit for the Edwards Power Station. The Petitioner anticipates that shortly after issuance of the permit modification and expiration of any permit challenge periods, it will move to voluntarily dismiss the appeals.

**V. Havana Power Station, PCB 06-71 and PCB 07-115**

PCB 06-71 is the appeal of the 2005 CAAPP permit for the Havana Power Station. PCB 07-115 is the appeal of a 2007 construction permit for the Havana Power Station. The Board has directed the parties to provide a response “to the question of the estimated time frame of the resolution of th[ese] appeal[s]....”

The parties state that they are collaboratively working toward the goal of the Illinois Environmental Protection Agency issuing modifications by the end of this year to the CAAPP permit and a revised construction permit for the Havana Power Station. The Petitioner anticipates that, shortly after issuance of the permit modifications and revised construction permit and expiration of any permit challenge periods, it will move to voluntarily dismiss the appeals.

**VI. Hennepin Power Station, PCB 06-72 and PCB 07-123**

PCB 06-72 is the appeal of the 2005 CAAPP permit for the Hennepin Power Station. PCB 07-123 is the appeal of a 2007 construction permit for the Hennepin Power Station. The Board has directed the parties to provide a response “to the question of the estimated time frame of the resolution of th[ese] appeal[s]....”

The parties state that they are collaboratively working toward the goal of the Illinois Environmental Protection Agency issuing modifications by the end of this year to the CAAPP

permit and a revised construction permit for the Hennepin Power Station. The Petitioner anticipates that, shortly after issuance of the permit modifications and revised construction permit and expiration of any permit challenge periods, it will move to voluntarily dismiss the appeals.

**VII. Vermilion Power Station, PCB 06-73**

PCB 06-73 was the appeal of the 2005 CAAPP permit for the Vermilion Power Station. The Board has directed the parties to provide a response “to the question of the estimated time frame of the resolution of this appeal...”

The parties state that on January 21, 2016 the Board granted the Petitioner’s Motion for Voluntary Dismissal and thus this appeal has been resolved.

**VIII. Wood River Power Station, PCB 06-74, PCB 09-6 and PCB 13-13**

PCB 06-74 is the appeal of the 2005 CAAPP permit for the Wood River Power Station. PCB 09-6 is the appeal of a 2008 construction permit for the Wood River Power Station. PCB 13-13 is the appeal of a 2012 construction permit for the Wood River Power Station. The Board has directed the parties to respond to the question: “How does the closure of the Wood River facility impact the permitting negotiations in [PCB 06-74] and the related PCB 9-6 and PCB 13-13 appeals.” The Board has also directed the parties to provide a response “to the question of the estimated time frame of the resolution of th[ese] appeal[s]...”

In February 2016, Midcontinent Independent System Operator, Inc. (“MISO”) issued a notice stating that Wood River Units 4 and 5 will not be permitted to retire until and unless certain power system reliability concerns that would arise from retirement are addressed by an alternative solution, which may be identified through a recently commenced stakeholder planning process. The Petitioner currently desires to retire the facility as soon as allowed by

MISO, after which it would move to voluntarily dismiss the appeals in PCB 06-74, PCB 09-6 and PCB 13-13. Additional clarity on this issue may be obtained in the next few months.

**CONCLUSION**

The parties continue to work diligently to resolve these complex permit appeals and to achieve the common goal of effective, up-to-date operating permits for these plants, and will continue to participate in periodic status conferences with the Board Hearing Officer.

Respectfully submitted,

DYNEGY MIDWEST GENERATION, LLC  
ELECTRIC ENERGY INCORPORATED  
ILLINOIS POWER RESOURCES  
GENERATING COMPANY (as successor  
to AMERENENERGY RESOURCES  
GENERATING COMPANY)

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY  
by LISA MADIGAN, Attorney  
General of the State of Illinois

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

BY: /s/ Andrew N. Sawula  
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Illinois Attorney General's Office  
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Dated: March 22, 2016

**CERTIFICATE OF SERVICE**

I, RYAN G. RUDICH, an Assistant Attorney General, do certify that I caused to be served this 22<sup>nd</sup> day of March, 2016, the attached Notice of Electronic Filing and Joint Response to Board Questions on the parties named on the attached service list by placing a true and correct copy in first class postage prepaid envelopes and depositing same with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.

  
\_\_\_\_\_  
RYAN G. RUDICH



**NOTICE OF ELECTRONIC FILING**

To: See attached Service List

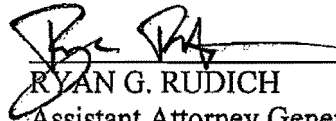
PLEASE TAKE NOTICE that on the 22<sup>nd</sup> day of March, 2016, the Joint Response to Board Questions was filed electronically with the Illinois Pollution Control Board, a true and correct copy of which is attached hereto and is hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

By:



RYAN G. RUDICH  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington, 18<sup>th</sup> Floor  
Chicago, Illinois 60602  
(312) 814-1511

DATE: March 22, 2016

**SERVICE LIST**

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Chicago, Illinois 60601

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Clerk of the Board  
Illinois Pollution Control Board  
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