

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT)	
)	PCB No-2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondents)	

NOTICE OF FILING

TO: Don Brown, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Attached Service List

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Complainants’ Motion to Correct the February 1, 2018 Hearing Transcript, a copy of which is hereby served upon you.

Respectfully submitted,

/s/ Faith Bugel

Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
fbugel@gmail.com

Dated: 13th March, 2018

Attorney for Sierra Club

SERVICE LIST

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Keith Harley
Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, IL 60606

Jennifer T. Nijman
Susan M. Franzetti
Kristen L. Gale
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3600
Chicago, IL 60603

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Filing, Certificate of Service and Complainants' Motion to Correct the February 1, 2018 Hearing Transcript was filed electronically on March 13th, 2018 with the following:

Don Brown, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and that true copies were emailed on March 13th, 2018 to the parties listed on the foregoing Service List.

/s/ Faith Bugel

Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
fbugel@gmail.com

Dated: 13th March, 2018

Attorney for Sierra Club

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT)	
)	PCB No-2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondents)	

**COMPLAINANTS’ MOTION TO CORRECT THE
FEBRUARY 1, 2018 HEARING TRANSCRIPT**

Pursuant to 35 Ill. Adm. Code 101.604, Complainants Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment (“Complainants”), by their undersigned counsel, submit to the Hearing Officer this motion to correct the transcript for the February 1, 2018 hearing date and states as follows:

According to a March 8, 2018 Hearing Officer Order, motions to correct the February 1, 2018 transcript are due on March 13, 2018. Complainants have noted the following typographical errors in the February 1, 2018 hearing transcript and request that the Hearing Officer make the following corrections:

Page and Line Reference	Current Language	Requested Correction
8:10-11	And capping a pond means that cover is placed over the top of the pond, correct?	And capping a pond means that a cover is placed over the top of the pond, correct?
181:22-23	Okay. And so when did you prepare these charts in Exhibit's 809 through 812?	Okay. And so when did you prepare these charts in Exhibits 809 through 812?
189:5-7	Okay. This, to be clear, is the groundwater contour map without which Ms. Gale was questioning you, correct?	Okay. This, to be clear, is the groundwater contour map about which Ms. Gale was questioning you, correct?
191:16-19	And if we can turn back to Joliet, we don't need to go to the exhibit yet. I just have a question of the inspections of that northeast ash impoundment area ...	And if we can turn back to Joliet, we don't need to go to the exhibit yet. I just have a question on the inspections of that northeast ash impoundment area ...
199:2-5	I believe you said analysis done after 2012 were consistent with the ASTM '87 standard as well as the '85 standard, is that correct?	I believe you said analyses done after 2012 were consistent with the ASTM '87 standard as well as the '85 standard, is that correct?
199:23-200:3	Basically, the -- my understanding is that the window of temperature in which the analysis are done was -- was reduced a little bit in the new standard...	Basically, the -- my understanding is that the window of temperature in which the analyses are done was -- was reduced a little bit in the new standard...
203:9-11	Have you seen any groundwater elevation data from the area of the northeast Ashland fill ?	Have you seen any groundwater elevation data from the area of the northeast ash landfill ?

WHEREFORE, for the reasons stated above, Complainants request that the Hearing Officer correct the February 1, 2018 transcript.

Respectfully submitted,

/s/ Abel Russ

Abel Russ
 Attorney
 Environmental Integrity Project
 1000 Vermont Avenue NW
 Washington, DC 20005
 aruss@environmentalintegrity.org

802-482-5379

Attorney for Prairie Rivers Network

Jeffrey Hammons
Environmental Law & Policy Center
35 E. Wacker Dr., Suite 1600
Chicago, IL 60601
(312) 795-3726

*Attorney for ELPC, Sierra Club and Prairie
Rivers Network*

Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
fbugel@gmail.com

Gregory E. Wannier
2101 Webster St., Ste. 1300
Oakland, CA 94612
(415) 977-5646
Greg.wannier@sierraclub.org

Attorneys for Sierra Club

Keith Harley
Chicago Legal Clinic, Inc.
211 W. Wacker, Suite 750
Chicago, IL 60606
kharley@kentlaw.iit.edu
312-726 -2938 (phone)
312-726 -5206 (fax)

Attorney for CARE

Dated: March 13, 2018