

**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 2, 2018 Hearing Transcript, a copy of which is hereby served upon you.

Respectfully submitted,

/s/ Faith Bugel

Faith E. Bugel  
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Dated: 13<sup>th</sup> March, 2018

*Attorney for Sierra Club*

**SERVICE LIST**

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**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 2, 2018 Hearing Transcript was filed electronically on March 13<sup>th</sup>, 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 13<sup>th</sup>, 2018 to the parties listed on the foregoing Service List.

/s/ Faith Bugel

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*Attorney for Sierra Club*

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v.	)	
	)	
MIDWEST GENERATION, LLC,	)	
	)	
Respondents	)	

**COMPLAINANTS’ MOTION TO CORRECT THE  
FEBRUARY 2, 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 2, 2018 hearing date and states as follows:

According to a March 8, 2018 Hearing Officer Order, motions to correct the February 2, 2018 transcript are due on March 13, 2018. Complainants have noted the following typographical errors in the February 2, 2018 hearing transcript and request that the Hearing Officer make the following corrections:

Page No.	Line No.	Now Reads	Requested Correction
133	2-3	“Were the rest of these <b>ash coal ash related</b> or not?”	“Were the rest of these <b>ash, coal ash-related</b> or not?”
136	5	“Now, moving your report,”	“Now, moving <b>to</b> your report,”
139	14-15	“And so when you use the phrase <b>“groundwater impact,</b> that included...”	“And so when you use the phrase <b>“groundwater impact,”</b> that included...”
143	7-8	“...the EPA coal <b>arm</b> rule or CCR rule,”	“...the EPA coal <b>ash</b> rule or CCR rule,”
164	19-20	“...the material that was sampled <b>foe</b> the leach test...”	“...the material that was sampled <b>for</b> the leach test...”
192	21-22	“...the former slag <b>flash</b> area...”	“...the former slag <b>fly ash</b> area...”
196	12-14	“How did that happen to be the case <b>if</b> they’re lower downgradient than they are upgradient?”	“How did that happen to be the case, <b>that</b> they’re lower downgradient than they are upgradient?”
202	4-6	“...the downgradient concentration of boron would be lower <b>and</b> the upgradient concentration.”	“...the downgradient concentration of boron would be lower <b>than the</b> upgradient concentration.”
204	18-19	“How would groundwater data <b>form</b> that opinion?”	“How would groundwater data <b>inform</b> that opinion?”
218	2-3	“...looking at their <b>boring</b> concentrations,”	“...looking at their <b>boron</b> concentrations,”
218	16-17	“He has a median concentration of <b>boring</b> and sulfate.”	“He has a median concentration of <b>boron</b> and sulfate.”
219	9-11	“...the area we’ve been talking about <b>at</b> the former fly ash slag storage are;”	“...the area we’ve been talking about <b>as</b> the former fly ash slag storage are;”
222	5	“...the <b>dating</b> on page 45512...”	“...the <b>data</b> on page 45512...”
227	6	“If you turn to Exhibit 411 <b>passed</b> his time series plots for Waukegan,”	“If you turn to Exhibit 411, <b>past</b> his time series plots for Waukegan,”
233:23-234:3		“...if you had a boron concentration of three in <b>leachate milligrams per liter,</b> a boron concentration of three milligrams per liter in groundwater, that would be a match, right?”	“...if you had a boron concentration of three in <b>leachate, milligrams per liter, and a</b> boron concentration of three milligrams per liter in groundwater, that would be a match, right?”
241	2	“...presence of non- <b>indicator</b> ”	“...presence of non- <b>indicators</b> ”
251	10-11	“And the leachate <b>in</b> the groundwater, using these tests and these data, could have the exact same concentration of arsenic;”	“And the leachate <b>and</b> the groundwater, using these tests and these data, could have the exact same concentration of arsenic;”
252	8-9	“So the question I’m asking is since the leachate <b>in</b> the groundwater could have	“So the question I’m asking is since the leachate <b>and</b> the groundwater

		the same concentration...”	could have the same concentration...”
261	6-7	“...the concentrations you saw in <b>every</b> leachate?”	“...the concentrations you saw in <b>EPRI</b> leachate?”
265	20-21	“According to the EPRI leach test, you would <b>detect it.</b> ”	“According to the EPRI leach test, you would <b>detect it?</b> ”
268	6-8	“Is it possible that the groundwater <b>in</b> the leachate <b>has</b> the same concentration of antimony?”	“Is it possible that the groundwater <b>and</b> the leachate <b>have</b> the same concentration of antimony?”
283	13-14	“...how many wells show a <b>decrease in</b> trend?”	“...how many wells show a <b>decreasing</b> trend?”
285	13	“... <b>decrease in</b> sulfate trend...”	“... <b>decreasing</b> sulfate trend...”
293	7-8	“And <b>are you</b> not aware of any other <b>discreet</b> fill areas at Joliet, are you?”	“And <b>you are</b> not aware of any other <b>discrete</b> fill areas at Joliet, are you?”
309	6-7	“Did any of those reports mention the <b>national</b> landfill?”	“Did any of those reports mention the <b>ash</b> landfill?”
310	1-3	“What is the <b>el vacation</b> of the bottom of this liner if you can estimate that?”	“What is the <b>elevation</b> of the bottom of this liner if you can estimate that?”

WHEREFORE, for the reasons stated above, Complainants request that the Hearing Officer correct the February 2, 2018 transcript.

Respectfully submitted,

/s/ Abel Russ

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Dated: March 13, 2018