

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 January 29, 2018 Hearing Transcript, a copy of which is hereby served upon you.

Respectfully submitted,

/s/ Faith Bugel

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Dated: 13th 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 January 29, 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

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Dated: 13th March, 2018

Attorney for Sierra Club

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**COMPLAINANTS’ MOTION TO CORRECT THE
JANUARY 29, 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 January 29, 2018 hearing date and states as follows:

According to a March 8, 2018 Hearing Officer Order, motions to correct the January 29, 2018 transcript are due on March 13, 2018. Complainants have noted the following typographical errors in the January 29, 2018 hearing transcript and request that the Hearing Officer make the following corrections:

Page No.	Line No.	Now Reads	Requested Correction
26	4	“Yes, I agree they ’re errors in the tables.”	“Yes, I agree there are errors in the tables.”
36	19	“...somehow sensor the data.”	“...somehow sensor the data.”
46	22	“...groundwater floaters actions. ”	“...groundwater flow directions. ”
53	14	“...had to do with the recuse of fly ash and bottom ash.”	“...had to do with the re-use of fly ash and bottom ash.”
54	9	“It could be could be. ”	“It could be.”
66	21	“...my opinion is is what’s on this map...”	“...my opinion is what’s on this map...”
83	18	“...counties with the clients at issue in this case...”	“...counties with the plants at issue in this case...”
84	7-8	“So I felt comfortable using the median valuables , regional median.”	“So I felt comfortable using the median values , regional median.”
85	16-17	“... I EPA’s conclusions...”	“... IEPA ’s conclusions...”
94	2	“... plastic line ponds...”	“... plastic-lined ponds...”
94	9-10	“...in terms of the construction of line facilities...”	“...in terms of the construction of lined facilities...”
94	12-13	“It had mine tailings or it had lixiviant from heat bleaching ...”	“It had mine tailings or it had lixiviant from heap leaching ...”
95	3, 4 and 11	“ coal strip ”	“ Colstrip ”
96	4, 18	“ coal strip ”	“ Colstrip ”
96	16-17	“Holland and heart ”	“Holland and Hart ”
97	11	“...going package re-reviewing it...”	“...going back and re-reviewing it...”
98	10-11	“Did you site anything in your report to support your assertion?”	“Did you cite anything in your report to support your assertion?”
98	12-13	“Yes, I sited a series of Bates numbers which are correct.”	“Yes, I cited a series of Bates numbers which are correct.”
100	24	“...plastic liners or soy liners...”	“...plastic liners or soil liners...”
104	13	“...might tear the seems ...”	“...might tear the seams ...”
109	4-8	<p><i>[This correction relates to the placement of quotation marks]</i></p> <p>Question on Line 8: “Are you familiar with current – can you tell me about current dredging practices at Waukegan? “Yes, like Will County. So both track hoes and front-end loaders are used at both Waukegan and Will County.”</p>	<p><i>[This correction relates to the placement of quotation marks]</i></p> <p>Question on Line 8: “Are you familiar with current – can you tell me about current dredging practices at Waukegan? “Yes, like Will County.” So both track hoes and front-end loaders are used at both Waukegan and Will County.</p>
113	11-13	<i>[This correction relates to the placement of quotation marks]</i>	<i>[This correction relates to the placement of quotation marks]</i>

		“Ms. Nijman asked if you took that citation out of a supplemental report, to which you responded apparently yes . Do you remember that exchange?”	“Ms. Nijman asked if you took that citation out of a supplemental report, to which you responded, “ apparently yes .” Do you remember that exchange?”
119	15-16	“...lined in 2002 Hypalon...”	“...lined in 2002 with Hypalon...”
120	23	“ With a did you cite...”	“ What did you cite...”
132	3	“1-foot protected layer”	“1-foot protective layer”
139	3	“...what the coal rigs would require.”	“...what the coal regs would require.”
139	24	“ And fits in spurts and starts.”	“ In fits and spurts and starts.”
140	6-7	“Do you believe that contamination occurred between 2010 and 20 ?”	“Do you believe that contamination occurred between 2010 and today ?”
140	10	“ 20 now? Yes I do.”	“ Today now? Yes I do.”
141	1	“Is it true that, quoting Ms. Nijman’s quote, you could not determine when impact to groundwater occurred, end quote?”	“Is it true that, quoting Ms. Nijman , quote, you could not determine when impact to groundwater occurred, end quote?”
141	23-24	[commas] “...we find high concentrations of boron sulfate and manganese together or just boron and sulfate together,”	[commas] “...we find high concentrations of boron, sulfate and manganese together, or just boron and sulfate together,”
142	3	“And you just had boron and sulfate together?”	“And you just said boron and sulfate together?”
143	6	[commas] “ Aluminum copper , iron, manganese.”	[commas] “ Aluminum, copper , iron, manganese.”
143	11	“...maximum contaminant levels, MPLs , and...”	“...maximum contaminant levels, MCLs , and...”
143	16	“The preamble rule?”	“The preamble to the rule?”
144	14-15	“That’s bases on maximum contaminant levels, MCLs.”	“That’s based on maximum contaminant levels, MCLs.”
150	21	“I said it is used for hazardous waist .”	“I said it is used for hazardous waste .”

WHEREFORE, for the reasons stated above, Complainants request that the Hearing Officer correct the January 29, 2018 transcript.

Respectfully submitted,

/s/ Abel Russ

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Dated: March 13, 2018