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BEFORE THE POLLUTION CONTROL BOARD

SIERRA CLUB, PRAIRIE)
RIVERS NETWORK, AND)
NATIONAL ASSOCIATION FOR)
THE ADVANCEMENT OF)
COLORED PEOPLE,)

Complainants,)

vs.)

Case No. PCB 18-11
Enforcement-Water

CITY OF SPRINGFIELD,)
OFFICE OF PUBLIC)
UTILITIES, d/b/a CITY)
WATER LIGHT AND POWER,)

Respondent.)

Discovery Deposition of WILLIAM ANTONACCI,
taken at the instance of the Complainants, on
January 16, 2019, scheduled for the hour of 9:00
A.M., at 800 East Monroe, Fourth Floor,
Springfield, Illinois, before Donna M. Dodd,
Certified Shorthand Reporter and Notary Public,
pursuant to the attached stipulation.

DONNA M. DODD, CSR
donnadoddcsr@att.net
(217) 652-2474



1 where you found groundwater in your inspection, CCR
2 inspections?

3 A. We would see -- this was damp at the
4 beginning of our inspections. When I say the
5 beginning of inspections, 2016.

6 Q. Okay.

7 A. It was damp on the west side. No, on the
8 north berm, the west end of the north berm there
9 was a couple, two or three damp areas.

10 Q. Sorry. Just for the record, the north
11 berm of the Lakeside ash pond?

12 A. Yes, sir.

13 Q. Okay.

14 A. When we stopped -- when we stopped having
15 that sump pump pumping into the east lime pond,
16 which then discharges into the Lakeside ash pond,
17 all of the leaks -- it was around that time that
18 all of the leaking from this face stopped, the
19 leaks and the damp spots.

20 Q. That are on the north side?

21 A. That on the north face, correct.

22 Q. And, I'm sorry, just so the record is
23 clear, that are on the north edge of the Lakeside
24 ash pond?

1 A. Yes, sir.

2 Q. Okay. Did you ever find any groundwater
3 in any of the ash impoundments at the site?

4 A. Like you're saying Dallman ash pond,
5 Lakeside ash pond?

6 Q. Yeah.

7 A. There's water there all the time, yes. I
8 mean, because we're sluicing water into the Dallman
9 ash pond.

10 MS. WILLIAMS: But he says groundwater.

11 BY MR. WANNIER:

12 Q. But you were talking about groundwater.

13 A. I have no idea to know if there's
14 groundwater over there.

15 Q. Okay. In your inspections where you were
16 describing where you had found groundwater that was
17 sort of sitting on the ground --

18 A. Uh-huh.

19 Q. -- were any of those areas inside of the
20 ponds or were they all adjacent to the ponds?

21 A. They were all adjacent to the ponds.

22 Q. Okay. And do you know what the ash line
23 is?

24 A. Yes. We have two active ash lines that

1 sluice ash, which means we use water to move the
2 ash from the power plant across the road to two
3 different outfall locations.

4 Q. Okay.

5 A. One is -- and they're both in the Dallman
6 ash pond is where this ash gets deposited, real
7 close to the mark of AP-2 except in the Dallman ash
8 pond, that is where the boiler slag for 31 and 32
9 is deposited.

10 Q. Uh-huh.

11 A. And then real close to AP-1 within the
12 Dallman ash pond is where the fly ash and bottom
13 ash from 33 and the fly ash from 31 and 32 is
14 deposited.

15 Q. Okay. And in your -- doing your CCR
16 inspections, and you said you're looking for
17 settlement to the tops of the berms?

18 A. That was one of the things they said to
19 look for, yes. That if there is an issue with the
20 integrity of the berm to where, you know, it's
21 going to sluff or you'll have -- you're going to
22 lose, if the berm is liquifying that you will see
23 settlement to the berm as evidence that the berm is
24 starting to shift or sluff off.

1 Q. And what's it mean when you say settlement
2 to the berm?

3 A. Like if you notice that the berm has
4 dropped down a foot or several inches in a
5 couple -- or, in a spot or specific spot.

6 Q. Okay. So you just mean when the berm
7 has literally -- it's lower than it was?

8 A. Correct.

9 Q. And did you find any areas where there had
10 been settlement?

11 A. I don't know that I have. I know that
12 there's areas -- there's one area in particular
13 where the top of the berm is not at the same
14 elevation all the way across and that's right by
15 the trailer.

16 Q. And where is the trailer on this map?

17 A. The trailer is -- there's a green section
18 with -- well, here. Let me see.

19 Q. Is it directly south of this green section
20 that almost looks like a cell phone signal --

21 A. Yeah.

22 Q. -- icon?

23 A. Yeah, and I like that. Yes, it's directly
24 south of there. It has not changed any, the top of

1 that. It does not appear to have changed much in
2 the last three years. So we use that area to -- a
3 lot of times we'll use that for, not a lot of
4 times, but we'll have a dozer that goes over that
5 and mowers that go over that, so it hasn't changed
6 any.

7 Q. Okay.

8 A. So, I mean, that was -- you know, it's
9 like, oh, this is what we're to be looking out for
10 and the fact we haven't seen anything different to
11 it leads us to think that it's fine; so --

12 Q. And you also mentioned looking for
13 discoloration. Where are you looking for
14 discoloration?

15 A. Well, anywhere on the ground. I mean,
16 everywhere. When I said discoloration originally,
17 we had -- on these damp spots, for example, had
18 some staining on the ground and, you know, then
19 that was one of the things that was put in CCR
20 reports, then Andrews Engineering when they first
21 came out with us, they pointed those out, that we
22 should look for that.

23 Q. Right. Let me rephrase.

24 Have you seen any discoloration in the

1 last year and a half?

2 A. No.

3 Q. You also mentioned as part of your job at
4 the ash ponds that you maintain ash pond
5 discharges; is that right?

6 A. That is -- no, that is not exactly.

7 Q. How would you describe what you do around,
8 relating to the ash pond discharges?

9 A. Well, the ash pond -- are you saying
10 like --

11 Q. I think you had said clearing. You said
12 clearing the discharge points?

13 A. I think what I meant and --

14 Q. I'm not going to hold you to what you said
15 earlier. I just want to understand what was
16 involved.

17 A. Well, yeah. I think what I was saying was
18 just making sure that we're not discharging
19 anywhere other than the permitted outfalls --

20 Q. Right.

21 A. -- is what I meant.

22 Q. So how do you do that?

23 A. Well, just making sure that we have -- all
24 of our roadways now have a cross slope and we're

1 continually, as traffic goes and erodes, we're
2 continually putting that cross slope back in, that
3 way all water, rainwater will come back into the
4 pond.

5 Q. Uh-huh.

6 A. And that's probably the biggest thing
7 we've done. And then like with the sump pit that
8 we put in in our flood plain on the west side of
9 the Lakeside ash pond, we're pumping that water
10 back into the ash line that then goes to the
11 Dallman ash pond.

12 Q. Uh-huh.

13 A. And, I mean, the drain tile that we put in
14 that took care of all of the leaking from that,
15 that toe back slope, I mean, that's all being
16 outlet into the clarification pond.

17 Q. And where is the drain tile that you
18 mentioned on this map?

19 A. The drain tile is -- I'll show it to you
20 first and then you can help me craft a creative
21 answer. It starts about right here and runs like
22 that.

23 Q. So it starts just north of AP-4?

24 A. North of AP-4.

1 Q. And returns between the white and dark
2 lines up to the bottom of the clearing pond?

3 A. Clarification pond.

4 Q. Clarification pond. Excuse me.

5 A. Yeah.

6 Q. Okay. Is that a surface installation?

7 A. No. We -- it's probably -- we dug that
8 probably 18 inches deep roughly and there's two 8
9 inch tiles and it's right next to another tile that
10 we did not know was there.

11 Q. And this is outside of the pond?

12 A. Correct.

13 MS. WILLIAMS: Can we take maybe a five
14 minute rest room break?

15 MR. WANNIER: Yep.

16 (Whereupon there was a recess
17 taken from 9:46:06 to 9:54:12
18 A.M.)

19 BY MR. WANNIER:

20 Q. We can go back on the record.

21 You said there was a drain tile
22 already existing in the area where you built --
23 where the drain tile was added; is that correct?

24 A. Yes.

1 Q. Do you have any idea when that other drain
2 tile was put in?

3 A. I do not. I do not know that.

4 Q. Do you know why it was put in?

5 A. Um, I mean, to prevent any leaking or any
6 water that would get in there from leaving and
7 directing it to the clarification pond. I mean,
8 that's why it's there. I mean, I don't know if
9 that's a typical. I mean, in some berm design or
10 dam design embankment, it's not uncommon to put in
11 what they call a French drain in, and that's kind
12 of what that is.

13 Q. Uh-huh. Is the drain tile you put in more
14 recently also a French drain?

15 A. Yeah. And French drain is just simply,
16 you have -- you dig a trench and you have then the
17 pipe and then porous material in there so the water
18 can -- filters through the porous material and into
19 the slots of the pipe. This pipe is not solid.

20 Q. Right.

21 A. It's slotted to allow the groundwater to
22 get in.

23 Q. Right.

24 And when was the drain pipe installed

1 again?

2 A. The most recent one?

3 Q. The more recent one, yeah.

4 A. It was the summer and fall, I don't
5 remember the exact dates, of 2017 I believe.

6 Q. Okay. And that pipe drains directly into
7 the clarification pond?

8 A. Yes, sir.

9 Q. Now, when you first sort of witnessed the
10 pooled water and discoloration on the west side of
11 the Lakeside ash pond, do you know where that water
12 was going?

13 A. There was -- I don't recall if there was
14 any discoloration on the west side.

15 Q. Oh, I'm sorry. When you first witnessed
16 the --

17 A. No. I mean, when the EPA was out there,
18 he walked it and it just kind of went back into the
19 ground and you could not see -- I mean, there was
20 no clear path of where it was going, and it -- in
21 many locations you didn't really ever see it leave.
22 It was just kind of like a little puddle right
23 there. I mean, it wasn't a heavy flow. I mean,
24 the north side by the trailer, that berm, that was

1 a noticeable flow.

2 Q. Uh-huh.

3 A. On this side it was just -- just
4 groundwater, I mean, water sitting on the surface.

5 Q. Okay. But that water on the surface, it
6 was outside of the boundary of the pond; right?

7 A. Correct.

8 Q. Okay. So let's turn -- you also mentioned
9 I think that you either performed or overseen,
10 supervised berm stability improvements at the ash
11 ponds; is that right?

12 A. Yeah. I mean, just we will remove trees
13 before they get built up too big. I mean, we
14 haven't had to dig out a berm or anything and
15 recompact fill in that regards. When -- especially
16 early on with the CCR, the -- we were getting some
17 like gullies or just small like 4 inch/6 inch
18 gullies starting at the top that weren't really in
19 the berm. It was more in the material that was at
20 the top of it for roadway, and it was just starting
21 to cut and we would just go back and fill that in
22 and make sure that we have the road sloped back
23 into the Dallman ash pond --

24 Q. Right.

1 Lakeside pond quickly before we move on. You
2 mentioned the noticeable flow on the north side of
3 the Lakeside ash pond near the trailer.

4 A. Uh-huh.

5 Q. Do you know where that flow was going?

6 A. Where it's going?

7 Q. Where it was going?

8 A. Yeah. It's going to the clarification
9 pond.

10 Q. Oh, so the time you first discovered it it
11 was already going to the clarification pond?

12 A. Yeah. The road was -- because it hit the
13 ditch and the way the road is sloped and there
14 wasn't much of a ditch there. We have a ditch
15 there now that there is no question that it is a
16 ditch.

17 Q. Uh-huh.

18 A. But what was there before, yeah, it -- the
19 road, the way it is configured, it just all kind of
20 ran down there into the clarification pond.

21 Q. Okay. But then why -- so if it was
22 already going to the clarification pond, why did
23 you build the ditch?

24 A. They just wanted to -- I guess there could

1 A. Well, that's yes.

2 Q. Okay. Perfect. I think we can move on to
3 the Lakeside ash pond. Are you aware of any
4 removal of ash from the Lakeside ash pond?

5 A. No, sir.

6 Q. So to your knowledge no ash has been
7 removed from the Lakeside ash pond?

8 A. When we dig out the lime ponds, there may
9 be some intermingling of the bottom of the pond
10 that is ash with the lime --

11 Q. Uh-huh.

12 A. -- but that is, I mean, that's minimal.

13 Q. Right.

14 Are you aware of any efforts or
15 discussions that have taken place about removing
16 ash from the Lakeside ash pond?

17 A. I know it's been discussed as an option,
18 as a possible option for the closure, but it -- and
19 that was -- I haven't heard anymore about that. In
20 fact, I've heard that any rulings are leading us to
21 believe that we will not be removing any ash from
22 the Lakeside ash pond.

23 Q. Okay. Do you know when those discussions
24 occurred?

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BEFORE THE POLLUTION CONTROL BOARD

SIERRA CLUB, PRAIRIE)
RIVERS NETWORK, AND)
NATIONAL ASSOCIATION FOR)
THE ADVANCEMENT OF)
COLORED PEOPLE,)

Complainants,)

vs.)

Case No. PCB 18-11
Enforcement-Water

CITY OF SPRINGFIELD,)
OFFICE OF PUBLIC)
UTILITIES, d/b/a CITY)
WATER LIGHT AND POWER,)

Respondent.)

Discovery Deposition of **PATRICK J. BECKER,**
taken at the instance of the Complainants, on
November 29, 2018, scheduled for the hour of 9:00
A.M., at 800 East Monroe, Fourth Floor,
Springfield, Illinois, before Donna M. Dodd,
Certified Shorthand Reporter and Notary Public,
pursuant to the attached stipulation.

DONNA M. DODD, CSR
donnadoddcsr@att.net
(217) 652-2474



1 which starts at Bates number 2027.

2 MS. BUGEL: We did use this yesterday.

3 BY MR. WANNIER:

4 Q. Never mind. So you have it in front of
5 you, what's marked as Exhibit 6.5; is that correct?

6 A. Yes.

7 Q. Is this the report that you were referring
8 to in the e-mail we just discussed?

9 A. Yes.

10 Q. Okay. And this report details the
11 groundwater monitoring, that is the current that
12 CWLP is conducting at the site; correct?

13 A. Yes.

14 Q. Does this report detail any corrective
15 action being taken at the site?

16 A. I don't believe this one had any
17 corrective action at this point.

18 Q. Okay. And why is that?

19 A. Because we are still assessing the nature
20 and extent of any groundwater issues we have at the
21 impoundment or at the -- yeah, at the ash pond, and
22 once we know the nature and extent then we can move
23 into corrective action.

24 Q. Okay. What does corrective action mean to

1 Q. Okay. Who is David Farris?

2 A. Dave Farris was the former Environmental
3 Health and Safety Manager, my old boss who I took
4 the place of.

5 Q. So he's your predecessor?

6 A. Correct.

7 Q. Okay. Did you help draft this letter?

8 A. No.

9 Q. Okay. So you didn't have any role in this
10 letter?

11 A. No.

12 Q. If you'd look at -- back on 1525, do you
13 see where it says, that the Lakeside ash pond is no
14 longer receiving ash? Let me see if I can find
15 that for you. Actually, I think we can scratch
16 that.

17 Has CWLP ever considered closing
18 Lakeside ash pond?

19 A. I know we have looked at the possibility
20 that we're going to have to close the Lakeside ash
21 pond.

22 Q. And when you say you've looked into it,
23 what -- what have you done?

24 A. We've hired Burns & McDonnell when they

1 assessed the CCR Rule and the ELG Rule, Effluent
2 Limitation Guidelines Rule. We hired them a couple
3 of times to look at different regulations and how
4 we can remain in compliance. Part of that analysis
5 was to look at the closure of the Lakeside ash
6 pond, as well as the Dallman ash pond, as well as
7 possibly retrofitting and kind of looking at all of
8 the costs associated with that.

9 Q. Okay. And actually while we're on this
10 topic, you used to operate something called the
11 Lakeside power station; correct, and by you I mean
12 CWLP?

13 A. Yes. Yes.

14 Q. Okay. Does the -- where did the ash from
15 that coal plant go?

16 A. The Lakeside ash pond.

17 Q. Exclusively?

18 A. Yes.

19 Q. Okay. Sorry. So you were talking about
20 retrofitting the Lakeside ash pond, and what would
21 you be retrofitting?

22 A. Well, I think looking at either
23 retrofitting for ash or lime sludge.

24 Q. What is entailed in retrofitting?

1 toward the CCA, but required follow-up activities
2 to address the exceedances?

3 A. Okay.

4 Q. What exceedances are being referred to
5 here?

6 A. I believe our VN, we got a Violation
7 Notice from IEPA on groundwater exceedances. I
8 think that was the exceedances they were referring
9 to.

10 Q. Okay.

11 A. VN, meaning Violation Notice.

12 Q. Have you undertaken any follow-up steps to
13 address the exceedances identified in the Violation
14 Notice the IEPA sent?

15 A. A big picture, the Utility has hired Burns
16 & McDonnell to look at the possibility of closing
17 the ash ponds and retrofitting the ash ponds and
18 looked into long-term remedies to -- to remediate
19 any type of groundwater contamination.

20 Q. Okay. And that's pursuant to the CCR Rule
21 process; correct?

22 A. Yes.

23 Q. Have you ever done anything outside of the
24 CCR Rule process to try to address the exceedances

1 identified?

2 A. I think this was the last correspondence
3 we had with the agency on the VN with the state
4 stuff.

5 Q. Okay. So I understand these are the last
6 correspondence. I guess my question is, did CWLP
7 do anything on its own to try to address the
8 exceedances that were identified?

9 A. Well, no, but in 2014 -- we hired Burns &
10 McDonnell in 2015 and started moving down the route
11 of knowing that, I mean, closing ash ponds or
12 retrofitting the ash ponds takes years and years
13 and years, and we had to make sure we kind of
14 understood what price tag we're talking about, and
15 so that's the step in order to, before you do that,
16 you have to assess the cost and assess the time
17 frame and regulatory obligations and whatnot.

18 Q. Okay. So Burns & McDonnell was hired when
19 in 2015?

20 A. I don't know.

21 Q. Okay. Has CWLP determined that the ash
22 ponds at Dallman are responsible for the
23 exceedances identified in IEPA's Violation Notices?

24 A. I'd have to rely on Andrews, our

1 this document where it says, had 841 been passed it
2 would have provided two avenues in the event an
3 exceedance is confirmed; first, to close the units
4 or second, to perform corrective action. And after
5 that this line says, it is assumed that CWLP will
6 not pursue closure of the impoundments, therefore,
7 a Corrective Action Plan will be derived. Do you
8 see that?

9 A. I do.

10 Q. Do you know why Andrews was assuming that
11 CWLP would not pursue closure of the impoundments?

12 A. I do not.

13 Q. Do you think that was an accurate
14 assumption based on CWLP's plans at the time?

15 A. I think we are trying to keep all of our
16 options open, and if we needed to close, we would,
17 but if we could keep them, the impoundments open,
18 you know, by retrofitting or other type of
19 corrective action, and if it was cost -- if it was
20 cost benefit to us, then we'd probably do that.

21 Q. Okay. So did you provide any information
22 or anyone in your office that you're aware of to
23 Andrews Engineering indicating that CWLP would not
24 pursue closure of the impoundments?

1 A. Can you rephrase that? I'm sorry.

2 Q. Yeah. Did you or anyone in your office
3 provide information to Andrews Engineering that
4 might support this assumption that CWLP would not
5 pursue closure of the impoundments?

6 A. I don't believe so.

7 Q. Okay. Okay. Do you have anything to add
8 to your answer based on your conversation with
9 counsel?

10 A. No.

11 MS. WILLIAMS: Do you want me to ask him
12 follow ups? Would that make you feel better?

13 MR. WANNIER: Yeah. That would be great.

14 BY MS. WILLIAMS:

15 Q. You have described for them a lot about
16 the changing rules at the state level as you were
17 adjusting to whether there would be a state CCR
18 Rule or federal CCR Rule. Were there other
19 regulatory developments that came into play in the
20 determinations about what would be done at that
21 site?

22 A. Yeah. Federally the USEPA proposed and
23 finalized the ELG Rule, Effluent Limitation
24 Guidelines Rule, and that regulation may have us

1 MS. WILLIAMS: Oh, you didn't actually use
2 it.

3 MR. WANNIER: Yeah.

4 (Exhibit No. 28 was remarked as
5 28.01 for identification.)

6 BY MR. WANNIER:

7 Q. So you do recognize this document?

8 A. I do.

9 Q. What is it?

10 A. We asked Andrews Engineering to do a
11 potable well survey from the ash pond to see if
12 there's any wells that are in the distance, a
13 certain amount of distance from our ash pond.

14 Q. Okay. What range of distances were
15 evaluated in this survey?

16 A. I think we asked for 2,500 feet
17 downgradient.

18 Q. Okay. And this indicates there were not
19 any wells within 2,500 feet; correct?

20 A. Correct.

21 Q. But you did find wells in the survey;
22 right?

23 A. Yes.

24 Q. And what -- those are -- this is on page

1 27090. Are these the two wells that were found
2 described in these two paragraphs?

3 A. Yes.

4 Q. Okay. So looking at this first well
5 identified -- with the owner identified as Mr.
6 William Bartels, have you been in contact with Mr.
7 Bartels?

8 A. No. I have not been in contact and I
9 don't believe the Utility has as well.

10 Q. You don't believe anyone in your office?

11 A. No.

12 Q. Okay. And why not?

13 A. I know he's over 2,500 feet away.

14 Q. Have you tested his well for
15 contamination?

16 A. No.

17 Q. Did Andrews make a recommendation whether
18 that well should be tested?

19 A. No.

20 Q. Didn't recommend one way or the other?

21 A. No, they didn't recommend one way or the
22 other.

23 Q. And the same question for the second well
24 whose owner I guess is Mr. Raymond Fiskas,

1 F-I-S-K-A-S. Have you contacted -- have you or
2 anyone at CWLP contacted Mr. Fiskas?

3 A. No.

4 Q. Okay. Has anyone tested that well for
5 possible contamination?

6 A. No. From my understanding I don't think
7 this well exists anymore or it's abandoned, because
8 I think it's in IDOT. I think IDOT owns it now or
9 it's on their property.

10 Q. What's IDOT?

11 A. Illinois Department of Transportation.

12 Q. Okay. And actually if you can turn to
13 Bates page 27092.

14 A. Uh-huh.

15 Q. Can you identify either of these two wells
16 on this map?

17 A. Yeah, I can. I can make out -- yeah. So
18 this must be the Bartel's map -- or, well. Yeah.
19 It's 3,421.

20 Q. And I'm sorry --

21 A. I'm sorry. So this is the well, the first
22 well identified, which is approximately 3,421.6
23 feet away from our boundary.

24 Q. Okay. So just to be clear, you can see

1 roughly in the middle of the paper going southwest
2 to northeast there's what appears to be, I mean, in
3 color it's a blue line here. It looks vaguely
4 gray; correct?

5 A. Yes.

6 Q. And it connects two points, each of which
7 has a white circle in the middle?

8 A. Yes.

9 Q. And the bottom left-hand point is the
10 northeast boundary of the CWLP site; correct?

11 A. Correct.

12 Q. And, in fact, the northeast corner of Cell
13 2 of the landfill?

14 A. Correct.

15 Q. And then the other point at the other end
16 of the line you're identifying as the well that is
17 owned by Mr. William Bartels; is that all correct?

18 A. Yes.

19 Q. Okay. And that line is a distance of
20 3,421.6 feet?

21 A. Yes.

22 Q. Okay. So same thing on 27094. It might
23 be easier if I tell you what my understanding is
24 and you can just confirm it. Again here we see a

1 line that is blue in the original grayish in this
2 printing that extends between two points with the
3 white circle in the middle; correct?

4 A. Correct.

5 Q. And the -- this time the line runs
6 southeast to northwest?

7 A. Yes.

8 Q. And the southeast point is I guess the
9 closest point along the northwest border of the
10 CWLP site to the well?

11 A. Correct.

12 Q. And the well that I'm referring to is the
13 other point at the other end of the line which is
14 the well that is owned by Mr. Raymond Fiskas;
15 correct?

16 A. Yeah. It was originally put in but I
17 don't think it's owned by him now.

18 Q. Originally owned by Mr. Fiskas and now
19 owned by the Illinois Department of Transportation?

20 A. Correct.

21 Q. And the distance between those wells is
22 2,504.7 feet; correct?

23 A. Yes.

24 Q. Now you said that this well that's

1 currently owned by IDOT is no longer in use; is
2 that your understanding?

3 A. I'm not 100 percent sure. I just remember
4 chatting with -- I'm not sure if it was Andrews or
5 Sue about this and assuming that the well is
6 probably abandoned just because of its location now
7 with IDOT, but I don't know for sure though.

8 MR. WANNIER: Okay. Okay. You can put
9 that to the side.

10 And while we're on the record,
11 Deborah, I believe, do we have the -- can we go off
12 the record for a second?

13 (Whereupon there was an off the
14 record discussion from 12:12:04
15 to 12:12:10.)

16 BY MR. WANNIER:

17 Q. We can go back on the record.

18 Could you please pull back out Exhibit
19 16.12, and that is the four part -- now four part
20 document?

21 A. Yes.

22 Q. And turn to Bates 12718.

23 A. Okay.

24 Q. Do you know what this is?

1 A. I'm not aware, no.

2 Q. So to the best of your knowledge it was
3 rejected for procedural reasons rather than
4 technical substantive reasons?

5 A. That's my understanding, yes.

6 Q. Then finally with regard to the line of
7 questions that Greg had for you about CWLP's
8 obligations under state law.

9 A. Uh-huh.

10 Q. We had a fair amount of discussion about
11 the CCR Rule and CWLP following the CCR Rule, and I
12 believe opposing counsel reiterated a couple of
13 times to you, now this doesn't change your
14 obligations under state law; correct?

15 A. Yes.

16 Q. Can you just for us highlight a little bit
17 of your understanding of the obligations under
18 state law with regard to these units and what you
19 do to comply with them?

20 A. Yes. I think initially when we received
21 our Violation Notice from IEPA was on the 620
22 regulation, and then -- then I think they, the
23 agency recognized that the 620s might not be the
24 best approach for impoundments, so that's why they

1 started developing the 841 Rule, and we haven't
2 perceived on the 620, because I don't think there
3 is a clear path or a clear avenue of progress or
4 program that you can follow to, more or less, close
5 out these units or to investigate contamination,
6 whereas the CCR Rule I think it gives you a program
7 to follow that makes the -- makes the utility kind
8 of, more or less, understanding the timeline that
9 things are going to have be done in accordance with
10 the CCR Rule, whereas the 620 rule, there's no
11 clear guidance on how to proceed in any type of
12 groundwater violation for impoundments.

13 MS. WILLIAMS: Okay. That's it.

14 MR. WANNIER: Can I ask one follow up?

15 MS. WILLIAMS: Of course.

16 MR. WANNIER: Excellent.

17 REDIRECT EXAMINATION

18 BY MR. WANNIER:

19 Q. So when you said that the CCA was rejected
20 for procedural rather than substantive reasons, can
21 you, just to confirm, when you say procedural, you
22 mean what exactly?

23 A. From my understanding with the agency when
24 we talked to them initially about proposing the

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BEFORE THE POLLUTION CONTROL BOARD

SIERRA CLUB, PRAIRIE)
RIVERS NETWORK, AND)
NATIONAL ASSOCIATION FOR)
THE ADVANCEMENT OF)
COLORED PEOPLE,)

Complainants,)

vs.)

Case No. PCB 18-11
Enforcement-Water

CITY OF SPRINGFIELD,)
OFFICE OF PUBLIC)
UTILITIES, d/b/a CITY)
WATER LIGHT AND POWER,)

Respondent.)

Discovery Deposition of SUSAN CORCORAN, taken
at the instance of the Complainants, on January 17,
2019, scheduled for the hour of 9:00 A.M., at 800
East Monroe, Fourth Floor, Springfield, Illinois,
before Donna M. Dodd, Certified Shorthand Reporter
and Notary Public, pursuant to the attached
stipulation.

DONNA M. DODD, CSR
donnadoddcsr@att.net
(217) 652-2474



1 just making sure that they're maintained, making
2 sure that the lab that we hire comes in and gets
3 them sampled on schedule, that their analytical
4 lists are correct, that the reports are sent
5 quarterly to the agency electronically, that the
6 data gets to our consultant for their review and
7 the annual reports are done, pumps are working for
8 the leachate, that the berms are maintained. I
9 mean, there is a lot to it.

10 Q. And you also mentioned inspections. What
11 sort of inspections have you been transitioning to
12 Eric Staley?

13 A. He works with Bill Antonacci and I doing
14 the CCR inspection once a week. We all take turns
15 doing that. The landfill permit requires quarterly
16 inspections. He does those.

17 Q. What is involved in the CCR inspection?

18 A. Walking down the facility.

19 Q. And when you say walking down the
20 facility, can you describe more specifically where
21 you walk?

22 A. We walk all of the berms for inspection.

23 Q. And what are you looking for when you walk
24 the berms?

1 A. Any deficiencies, such as leaks, breaches,
2 erosion, anything that looks problematic.

3 Q. And what is involved in the landfill
4 inspection?

5 A. Looking to make sure that the --
6 everything is where it should be. I mean, that the
7 wells are correct, the wells look good, our pumps
8 are working, the berms are secure, the runoff for
9 the storm water ditch is maintained, just general.

10 Q. Right now do you review Eric's work?

11 A. I haven't probably in about a year. I
12 mean, we discuss things, but I don't review his
13 work. I'm making that transition.

14 Q. And -- okay. We're going to start with
15 Exhibit .1. There's one copy on top. I am handing
16 you what has been previously marked as Exhibit .1.
17 Are you familiar with this document?

18 A. Yes.

19 Q. Were you involved in preparing this
20 document in any way?

21 A. I believe we did look at the answers that
22 Deb was writing for review.

23 Q. Were you involved in gathering information
24 for this document?

1 A. I got a phone call from IEPA and they came
2 to my office and we all gathered and went to the
3 site to walk it down.

4 Q. Do you recall anything else about that
5 meeting?

6 A. We just went outside and walked the
7 facility.

8 Q. Okay. And then I'm going to turn to the
9 next page in and turning specifically to 1103 and
10 looking at the last full paragraph on the page this
11 references several areas of apparent ongoing
12 seepage were observed along the west berm of the
13 Lakeside ash pond. Do you see where it says that?

14 A. Yep.

15 Q. Do you recall that seepage?

16 A. Yes.

17 Q. And then it goes on to say that seepage
18 resulted in puddles in the road along the west
19 berm. Do you see that?

20 A. Yes.

21 Q. Okay. And do you recall that seepage as
22 well?

23 A. Yes, and I also would like to point out,
24 it was not leaving our facility. It was on the

1 roadway, and EPA did walk down through the weeds
2 investigating, looking to see if there was anything
3 leaving the site. There was not.

4 Q. Had you been aware of the seepage prior to
5 the inspection?

6 A. Yes. It had been documented in our CCR
7 inspections, and it was actually -- has not been
8 uncommon for that area to have some type of
9 seepage.

10 Q. Do you know where the seepage is coming
11 from?

12 A. Yes. The expansion -- the Lakeside pond
13 right here, the original part was expanded over
14 here, and then in '88 they raised the berm.
15 That -- where that expansion was with that berm,
16 they put a toe drain in. Actually we did this
17 expansion and they had to go back later and put in
18 a toe drain because we were getting some seepage.
19 It was just that the construction of adding an
20 expansion onto an existing berm that was not made
21 very well. It was just a poor design. And so
22 actually we put that toe drain in a couple of years
23 later and actually we redid it this summer and
24 there is no leakage now, so that's been corrected.

1 Q. And just to make sure this is clear on the
2 record, when was the Lakeside ash pond expanded?

3 A. In -- I believe in '88.

4 Q. And when was the toe drain put in?

5 A. I don't remember. It may have been soon
6 after because that -- that connection or that
7 expansion was just not very good. I mean, it had
8 to be fixed.

9 Q. And the -- and this inspection that we're
10 talking about here was in 2016?

11 A. Correct.

12 Q. So it was -- so is it accurate to say the
13 toe drain was put in but then more recently needed
14 to be --

15 A. Over time it needed to be cleaned out and
16 redone and that's what we did this summer.

17 Q. Got it. And when you say that's what we
18 did this summer, what summer? What year are you
19 referring to?

20 A. Eighteen.

21 Q. Okay. And the seepage itself would have
22 been coming from the Lakeside ash pond; is that
23 correct?

24 A. Yes. It would have been coming from the

1 water that would have been above that expansion
2 part, so which is the Lakeside ash pond.

3 Q. And the water above the expansion, would
4 that have ash in it?

5 A. There's -- there's ash in that pond so,
6 yes.

7 Q. And I want to turn to page 1108 for a
8 second, and I'm looking at photo number 7. Next to
9 photo number 7 it says, ongoing work reported to be
10 in support of efforts to clear vegetation from the
11 west berms and areas below the Lakeside ash pond.
12 Do you know why that vegetation was being cleared?

13 A. Yes. The CCR regulation requires
14 vegetation to be removed or kept to 6 inches tall.
15 That will eventually will be changed. But getting
16 equipment down into this area is very difficult,
17 and we -- once we got down there we noticed how wet
18 it was and we ended up deciding that we needed to
19 put a sump down there to control how wet it was.

20 Q. And turning just again back to page 1104,
21 and the top paragraph on that page indicates that
22 the work being performed was part of a continuing
23 effort to clear the west berm and the area next to
24 the creek of excessive vegetation, to allow better

1 access to those areas for inspection.

2 To the best of your recollection was
3 the effort to clear vegetation for purposes of
4 accessing those areas for inspection?

5 A. Yeah, part of the CCR. I mean, it
6 requires the berms to be maintained in the rule,
7 that the vegetation be kept down, and so we were
8 working on that, plus that would give us better
9 visibility when we do our inspections. So when we
10 were down there, we ran into an issue that needed
11 to be addressed.

12 Q. Okay. And so just to make sure the record
13 is clear, the response to the seepage was
14 rebuilding the toe berm --

15 A. Yes.

16 Q. -- is that correct?

17 A. The seepage that you see on that roadway,
18 yes.

19 Q. Was there any other response to the
20 seepage?

21 A. That was all we needed to do.

22 Q. Have there been any IEPA inspections since
23 then?

24 A. Let's see. Yeah, I just had one.

1 MS. WILLIAMS: I'm thinking, you haven't
2 forgotten that already.

3 THE DEPONENT: Yes.

4 BY MS. BUGEL:

5 Q. And has there -- has anyone in those
6 inspections observed any evidence of seepage?

7 A. There was none to be seen on that roadway.
8 It's -- there wasn't any.

9 Q. On that roadway. How about other areas?

10 A. The sump, we had this reengineered,
11 designed, and it's maintaining, keeping that area
12 dry.

13 Q. And that area refers to the muddy area --

14 A. Yes.

15 Q. -- in photo 7?

16 A. In picture 7.

17 Q. And photo 7 is not necessarily of the
18 roadway; correct?

19 A. Correct. That is down the slope.

20 Q. And where is the roadway in relation to
21 say the Lakeside ash pond that we were talking
22 about?

23 A. Let's see. Probably if you go to picture
24 4, you see the ash line there. Okay. So this is

1 the expansion area. This is where we had the
2 leaks. That's why you have the wetness on this
3 road right here, but the sump is down in here where
4 we were removing all of this vegetation.

5 Q. And just to make sure this is clear for
6 the record, photo 4 is along the west berm of the
7 Lakeside ash pond; correct?

8 A. Uh-huh. Yes.

9 Q. And the EPA inspection that you just
10 referenced, did that inspect other areas besides
11 the area in photo 7 and the area in photo 4?

12 A. It was my, not annual, but my regular
13 NPDES permit inspection, so we went through the
14 whole facility.

15 Q. And that would include all of the berms
16 around both of the ponds?

17 A. And all my outfalls and the plant --

18 Q. And to the landfill?

19 A. -- the power plant.

20 No. The landfill is not an NPDES
21 permit.

22 Q. Understood. And that inspection that you
23 referenced that we were just discussing, when did
24 that take place? 2018?

1 A. Yeah, it was this summer. It was --

2 Q. That's fine.

3 A. It was the end of September. Sorry.

4 Q. End of September of 2018?

5 A. Yes.

6 Q. Thank you.

7 A. Sorry.

8 Q. That's okay.

9 A. That's why I'm retiring. I'm forgetting.

10 Q. And just again referencing the incident
11 discussed in Exhibit 4.05, did CWLP change any
12 maintenance practices as a result of this incident
13 of seepage?

14 A. We were already -- as you can see from
15 these pictures, we are already maintaining
16 maintenance. We were working on the sump, and we
17 are proactive when we see something going wrong.
18 We don't wait for an inspection. So when he came,
19 he saw we are doing maintenance.

20 Q. Besides the incident of seepage discussed
21 in Exhibit 4.05 and the response of rebuilding the
22 toe drain, are there other incidence of seepage
23 that you recollect at CWLP?

24 A. Yes.

1 Q. Can you describe those?

2 A. Yep. We -- if go to your map, again, the
3 only other seepages that we have an issue with, the
4 Dallman ash pond does not have any, and we inspect
5 this every week just to let you know. But Lakeside
6 ash pond, again, if you go, where you see that one
7 arrow is by the word side where it points up, in
8 that corner we have a weak spot there, and that
9 also requires us to -- the area will get sort of
10 soggy and leak. We maintain a ditch to drain any
11 water that leaks out of that into the clarification
12 pond.

13 EPA has seen that and they are fine
14 with it. It keeps the water onsite. It does not
15 leave the site, but we do go in there and we
16 maintain the grass and the mowing and just keep a
17 visual look on that. We have torn that apart and
18 re-compacted it with dirt, re-vegetated it but,
19 again, it's a design flaw when they did the
20 expansion.

21 Q. And just to make sure this is clear for
22 the record, you are referencing the larger brown
23 Lakeside ash pond and an area --

24 A. In the northeast corner.

1 Q. Excellent. Okay. And where does that
2 seepage --

3 A. It's contained. We maintain a little
4 ditch. It's like 3 or 4 inches deep to drain back
5 into the clarification pond.

6 Q. And the little ditch is outside of the
7 berm --

8 A. Correct.

9 Q. -- of the Lakeside ash pond?

10 A. Correct. It goes right along the edge of
11 it and goes right into the clarification pond.

12 Q. Now besides that ditch going to the
13 clarification pond and the incident we were just
14 discussing in Exhibit 4.05, are there any other
15 incidence of seepage that you recollect at CWLP?

16 A. No.

17 Q. And are there any other incidence where
18 you have seen evidence of ash ponds leaking at
19 CWLP?

20 A. No.

21 Q. Okay.

22 MS. WILLIAMS: Can we take a break?

23 MS. BUGEL: Yeah. This is a good stopping
24 point.

1 (Whereupon there was a recess
2 taken from 10:07:32 to 10:20:02
3 A.M.)
4 (Exhibit No. 4.14 was marked for
5 identification.)

6 BY MS. BUGEL:

7 Q. I am going to pass you what we're going to
8 mark as a new exhibit. This is 4.14. So we're
9 passing you what has been marked as 4.14. Are you
10 familiar with this document?

11 A. Let's see. Yes.

12 Q. And your name appears on this document and
13 you're the recipient of the letter?

14 A. Correct.

15 Q. Can you explain very briefly what this
16 document is?

17 A. This is the evaluation of our -- IEPA
18 asked us to evaluate our groundwater around the
19 ponds due to what had happened to the breach across
20 the country and they didn't have any data in their
21 database, so we went ahead and did some sampling.

22 Q. And the second sentence of this letter
23 reads: Initial groundwater monitoring data at the
24 City Water, Light & Power Plant shows elevated

1 levels of boron, manganese, arsenic, and iron at
2 monitoring wells located downgradient from the ash
3 storage impoundments. Do you see where it says
4 that?

5 A. Yes.

6 Q. Did you have any reaction to that
7 statement?

8 A. I don't remember the timeline, but I'm
9 sure we met with the agency.

10 Q. Did you have any conclusions based on that
11 statement?

12 A. We -- I don't make the conclusions. This
13 would have gone on to our consultants on how we
14 handle it. This was just a review of the results.

15 Q. And who -- what consultants would this
16 have gone on to?

17 A. This would have -- let's see. I don't
18 believe this was Stabilize at the time. It was
19 either Stabilize or Andrews.

20 Q. And did Stabilize or Andrews share with
21 you any reaction to IEPA's statements about the
22 initial groundwater monitoring?

23 A. I remember after meeting them we had to
24 come up with a response and that included doing a

1 groundwater management plan, which required us to
2 do additional sampling and determining what that
3 sampling list was and how many samples we would
4 collect and how we were eventually going to
5 evaluate it. This was just a first shot at taking
6 a look and seeing what we got.

7 Q. Okay. All right. I think we can set that
8 aside, and I'm going to hand you what has
9 previously been marked as Exhibit 4.07 and Exhibit
10 4.10. If you need another copy, Debra, we've got
11 extras.

12 MS. WILLIAMS: Okay. Let me see. Nope.
13 I've got it.

14 THE DEPONENT: Okay. So it was done with
15 Andrews Engineering, so not Stabilize if you want
16 to go back and correct that.

17 BY MS. BUGEL:

18 Q. Okay. I'll just wait for you to be ready
19 when you're done with your review of those
20 documents.

21 A. Okay.

22 Q. So I'm just going to ask a couple of
23 questions collectively about both of these. Are
24 you familiar with both of these documents?

1 We have an agreement with IEPA if that
2 number ever reaches 0.85 we shut off 006 and go
3 back to using 004. So we have never gotten close
4 to that 1. It's our drinking water. We're not
5 going to make people drink something that's
6 illegal. That's wrong.

7 Q. Uh-huh. Uh-huh. Have you -- are you
8 familiar with dry ash handling?

9 A. Yes.

10 Q. Have you ever been part of any
11 communications that have considered dry ash
12 handling for CWLP?

13 A. We have dry ash handling for Unit 4, and
14 as far as switching our Units 31, 32, and 33, there
15 has been discussion about that and how that relates
16 to the ELG rule and if we are going to make that
17 switch. That's -- there's a report being evaluated
18 right now, Integrated -- the IR -- Integrated --

19 Q. IRP, Integrated Resource Planning?

20 A. Planning, that is evaluating whether or
21 not it's cost effective to do the dry ash handling,
22 and whatever that report determines is how that's
23 going to play out in what we're going to do, but
24 that's above my level of discussion.

1 A. Now these are just recommendations. They
2 are not requirements.

3 Q. Right. Agreed.

4 A. I just want to point that out.

5 Q. Okay. So number 1, prepare an Emergency
6 Action Plan for the facility by 10/1/2011. Do you
7 see that?

8 A. Yes.

9 Q. Do you know the status of the preparation
10 of an Emergency Action Plan?

11 A. As we responded in this, we do have an
12 existing EAP for the -- for Spaulding Dam. We did
13 meet with DNR and we have updated the EAP to
14 include everything, all of the ponds out there.

15 Q. Okay. And number 2, perform a hydrologic
16 and hydraulic study by October 1st, 2011.

17 A. These studies were performed and turned
18 into IEPA and that's where they sat.

19 Q. And number three, establish seepage and
20 groundwater monitoring program by October 1st,
21 2011.

22 A. Again, this was all part of the stuff, as
23 we explained in here, that we were working with
24 IEPA and submitted plans that were submitted, not

1 acted on.

2 Q. And number four, perform embankment and
3 structure stability analysis by October 1st, 2011.

4 A. We requested IDNR to perform a hazard
5 classification assessment on our ponds. Paul Mauer
6 of IDNR, he's the head of the dam program, did come
7 out and walk through our site and give us an
8 evaluation and that was completed.

9 Q. And number 5, control vegetation in the
10 upstream and downstream slopes, remove the trees
11 from the embankment, including the large tree at
12 the overflow outlet discharge point by October 1st,
13 2011.

14 A. Yes. We are regularly cleaning and
15 controlling our vegetation.

16 Q. And did CWLP remove the large tree
17 identified?

18 A. Oh, yeah. The -- the embankment on
19 dams -- the Lakeside ash pond is regulated -- the
20 extension is regulated as a dam. It has a dam
21 permit and it has the requirement for the
22 vegetation and the woody vegetation to be removed.
23 This embankment they were talking about is not --
24 was not regulated as a dam but it is an embankment,

1 and yes, we did remove that tree.

2 Q. Okay. And going on to Section 6.3,
3 Priority 2 Recommendations. Number one, repair
4 erosion of embankment on an as needed basis.

5 A. Correct. We -- we are always walking
6 around or someone is already. Now with the CCR
7 we're out there once a week looking and if anything
8 needs to be fixed it's immediately addressed.

9 Q. And number 2, maintain a log of
10 maintenance and other activities at the fly ash
11 impoundments and supportive facilities on an
12 ongoing basis?

13 A. That would be what Bill takes care of,
14 Bill Antonacci.

15 Q. And so this -- I know this says -- it
16 looks like the response has two parts. One is a
17 preventative maintenance schedule. Does that,
18 following that schedule, also comply with the
19 requirement of a maintenance log?

20 A. Yes.

21 Q. Okay.

22 A. Our work order system, it sends out --
23 what that means is, a work order to a crew to go
24 out there and do a job, and it's registered in our

1 computer system when it was submitted to, the work
2 to be done and then when it's completed it gets
3 logged back in, so it's all tracked in our work
4 order system.

5 Q. Uh-huh.

6 Okay. And number 3, develop an
7 Operation and Maintenance Manual for the
8 impoundments and the facility by October 1st, 2011.

9 A. Yes. We had an Operation Maintenance
10 Manual. Yes, it was updated, and we are required
11 under the dam permit to review it annually, and
12 it's always been reviewed and signed off.

13 Q. Okay. I think we are done with that.

14 And the -- do you know which, for the
15 ash pond groundwater monitoring program, are you
16 familiar with the wells that are the downgradient
17 wells?

18 A. Um, I'm going to let Andrews go on with
19 that. I'm not sure. Well, I will take that back.
20 I can answer that. It would be the -- it would be
21 the RW-3. It would be AP-1, 2, and 3. AP-4 and 5
22 are upgradient.

23 Q. And are you familiar with exceedances that
24 have been documented at those wells?

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BEFORE THE POLLUTION CONTROL BOARD

SIERRA CLUB, PRAIRIE)
RIVERS NETWORK, AND)
NATIONAL ASSOCIATION FOR)
THE ADVANCEMENT OF)
COLORED PEOPLE,)

Complainants,)

vs.)

Case No. PCB 18-11
Enforcement-Water

CITY OF SPRINGFIELD,)
OFFICE OF PUBLIC)
UTILITIES, d/b/a CITY)
WATER LIGHT AND POWER,)

Respondent.)

Discovery Deposition of MAHLON HEWITT, taken
at the instance of the Complainants, on November
28, 2018, scheduled for the hour of 9:00 A.M., at
800 East Monroe, Fourth Floor, Springfield,
Illinois, before Donna M. Dodd, Certified Shorthand
Reporter and Notary Public, pursuant to the
attached stipulation.

DONNA M. DODD, CSR
donnadoddcsr@att.net
(217) 652-2474



1 Q. When was that done?

2 A. I believe it was done in 2017, about
3 midyear.

4 Q. And what was involved in that survey?

5 A. That survey used the Illinois EPA's -- the
6 an acronym for it is the SWAP database. I believe
7 it stands for Source Water Assessment Program or
8 something along those lines.

9 That database includes all of the
10 boring locations that are reported to the Illinois
11 Geological Survey, which includes engineering
12 boring, potable water wells, both private and
13 municipal water wells. That database was queried
14 for wells within 2500 feet of the ash impoundments
15 and landfill. So it basically incorporated
16 everything within, all the disposal and storage
17 areas that are north of the Springfield dam.

18 Q. Do you recall how many potable water wells
19 were within 2500 feet of ash storage and disposal
20 areas at CWLP?

21 A. There were no wells that were identified
22 within 2500 feet.

23 MS. BUGEL: And to the extent that has not
24 been provided yet to Complainants, we would make an

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BEFORE THE POLLUTION CONTROL BOARD

SIERRA CLUB, PRAIRIE)
RIVERS NETWORK, AND)
NATIONAL ASSOCIATION FOR)
THE ADVANCEMENT OF)
COLORED PEOPLE,)

Complainants,)

vs.)

Case No. PCB 18-11
Enforcement-Water

CITY OF SPRINGFIELD,)
OFFICE OF PUBLIC)
UTILITIES, d/b/a CITY)
WATER LIGHT AND POWER,)

Respondent.)

Discovery Deposition of BRAD HUNSBERGER, taken
at the instance of the Complainants, on January 23,
2019, scheduled for the hour of 8:30 A.M., at 800
East Monroe, Fourth Floor, Springfield, Illinois,
before Donna M. Dodd, Certified Shorthand Reporter
and Notary Public, pursuant to the attached
stipulation.

DONNA M. DODD, CSR
donnadoddcsr@att.net
(217) 652-2474



1 contribution of those two ash ponds to the
2 groundwater quality?

3 A. Yes.

4 Q. In your view would any of the wells on
5 this map capture any groundwater contamination that
6 might have come from the landfill area? And by
7 landfill area I just want to make sure that we're
8 in alignment. I'm referring to the FGDS landfill,
9 both units that are immediately to the east of the
10 Dallman ash pond.

11 A. It's possible. AW-3 was an assessment
12 well for the landfill. It's a dual purpose well.
13 Is it listed?

14 Q. Yeah. I see AW-3.

15 A. Yep.

16 Q. I shouldn't write on my exhibit.

17 A. But based on potentiometric surfaces, it's
18 unlikely that anything is affiliated with the
19 landfill in that well.

20 Q. And what about the potentiometric surfaces
21 causes you to reach that conclusion?

22 A. Because the groundwater flow at that
23 direction is straight north or even a little bit to
24 the northeast.

1 A. Yes. The integrity of the well was
2 suspect based on what we were seeing in groundwater
3 quality.

4 Q. And what about the readings from AW-3 made
5 you suspect the integrity of the well?

6 A. The parameter concentrations were
7 characteristically different than what we were
8 seeing in the AP wells.

9 Q. Which parameters?

10 A. I don't recall specifically. It was more
11 than one.

12 Q. Who determined that the integrity of AW-3
13 might have been compromised?

14 A. I did.

15 Q. Oh.

16 A. That's standard, something to look at when
17 you see something in the groundwater that doesn't
18 match what we're seeing in other wells. It's not
19 uncommon. It was an older well. It may or may not
20 have. It was worth replacing.

21 Q. And do you recall whether RW-3 has
22 continued to have the same readings of
23 contamination levels of the parameters that made
24 you concerned about AW-3?

1 A. It generally does.

2 Q. So the readings have not changed
3 significantly?

4 A. Not significantly.

5 Q. Why do you think that is?

6 A. Well, that would imply that it's in the
7 groundwater at the screened interval.

8 Q. Okay. So based on that is it your
9 understanding now that perhaps AW-3 was not
10 compromised?

11 A. It's possible that it was not.

12 Q. Do you believe now that it was not
13 compromised?

14 A. Not necessarily.

15 Q. Can you walk me through why you're not --
16 why you think it may not necessarily have been
17 compromised?

18 A. Because I --

19 Q. Sorry. That was a poorly phrased
20 question. Can you just walk me through your
21 current thinking on whether AW-3 was compromised?

22 A. Again, the first thing was the groundwater
23 quality was not characteristically similar to the
24 other wells. The Lakeside and Dallman ash ponds

1 essentially have the same source material. We
2 would expect to see groundwater quality very
3 similar to all the wells that are on the periferia.
4 This one was different by multiple parameters. One
5 of the things that we look at is potential shallow
6 groundwater, surface groundwater infiltration
7 vertically along the annular seal of a well.

8 It's not uncommon, especially for
9 older wells, that the annular seal is not fully
10 hydrated or was installed correctly or something
11 happened to where it was no longer sealing like it
12 should have.

13 So it's very common practice in that
14 situation to replace the well and make sure that
15 the data is good instead of speculating whether the
16 data is good.

17 Q. Understood, and that makes perfect sense
18 to me.

19 Do you have any reason to doubt the --
20 or, to believe that the integrity of RW-3 may have
21 been compromised?

22 A. No.

23 Q. And RW-3 has had similar readings in terms
24 of the parameters that its finding since its been

1 installed; correct?

2 A. Similar, yes.

3 Q. So why do you think RW-3 is continuing
4 this pattern of having different parameters
5 detected at that site?

6 A. It may be influenced by the ash ponds.
7 That's entirely possible.

8 Q. Might it also be influenced by the
9 landfill?

10 A. I haven't seen characteristics that would
11 indicate that. I don't believe so, and based on
12 the potentiometric surfaces and the hydraulic heads
13 that I believe are there, it's unlikely.

14 Q. Right. But AP-1 would be impacted by the
15 ash ponds; correct?

16 A. Are you inferring that -- are you speaking
17 hypothetically or are you making a statement?

18 Q. I'm asking whether you believe AP-1 might
19 have -- the concentrations detected in AP-1 could
20 be influenced by the ash ponds?

21 A. Yes.

22 Q. Okay. And AP-1 has substantially
23 different readings than RW-3; correct, in terms of
24 the parameters being detected?

1 A. Yes.

2 Q. So why -- if both wells are potentially
3 being impacted by the same two ash ponds, why is
4 RW-3 coming out with substantially different
5 parameters than AP-1?

6 A. It may be due to the hydrogeologic
7 characteristics at that location. We have a
8 meandering stream system that moved through that
9 entire confines out there. We have highly variable
10 materials in the subsurface. It may just simply
11 depend on what is local to that.

12 The assessment well was installed
13 initially as part of an evaluation for the landfill
14 unit. That assessment program, whatever it was,
15 was completed to the extent to the Illinois EPA
16 satisfaction, so I don't have any further
17 information or knowledge on that.

18 Q. Okay. So you don't have any specific
19 theory for why AW-3 and AP-1, 2, and 3 -- well, let
20 me rephrase that.

21 You don't have a specific theory for
22 why AW-3 is -- sorry. I'm going to rephrase again.

23 You don't have any specific theory for
24 why RW-3 is detecting significantly different

1 parameters than AP Wells 1, 2, and 3?

2 A. It may just be spacial variability.

3 Q. Are there any other possibilities that you
4 can think of?

5 A. No. There's a limited number of potential
6 sources.

7 Q. Okay. I'm going to offer you what's been
8 marked as 10.25. Do you recognize that document?

9 A. Yep.

10 Q. What is this document?

11 A. This is notification to the Illinois EPA
12 that AW-3 had been replaced.

13 Q. Okay. And is this referring to that same
14 concern about AW-3 that we just discussed?

15 A. Yes.

16 Q. You can put that aside, and I'm going to
17 place in front of you Exhibit 16.17, which is one
18 of our larger exhibits. And understanding that
19 this is a very long document, do you recognize at
20 least the front page?

21 A. It says it's the 2008 Annual Report.

22 Q. Okay. I'm going to represent for the
23 record that there are multiple annual reports
24 included as part of Exhibit 16.17 and I'm not going

1 other deposits do.

2 Q. So you would not expect to see
3 contaminants flowing through the lower cohesive
4 deposits?

5 A. If they are, they're really not going
6 anywhere very quickly. You're going to get your
7 largest migration or your fastest migration going
8 through the basal sand deposit.

9 Q. What company designed the well monitoring
10 locations for the landfill?

11 A. Patrick Engineering.

12 Q. And if you look at the top of page 34 --
13 13462, do you see that AW-3 is listed as one of the
14 assessment monitoring wells in the lower cohesive
15 deposit?

16 A. I do.

17 Q. Could that explain why it has different
18 parameters from AP-1 through AP-3?

19 A. That's a possible explanation. Remember,
20 I said that the hydrogeologic variability can play
21 into that, what we're seeing. However, that well
22 is screened on top of the bedrock, so realistically
23 it is at the same interval as the basal sand;
24 however, the previous engineering company decided

1 Q. On the second line where it mentions the
2 parameters cadmium, chromium, iron, lead, and
3 nickel, are those the five parameters that showed a
4 decreasing trend in AP-5?

5 A. I believe that to be the case.

6 Q. Why was there a decrease in trend in the
7 first several samples at AP-5?

8 A. The well was new. It's not uncommon to
9 see some variability in the data. Specifically I
10 don't know. We're putting a well into a
11 water-bearing unit that we are disturbing, whether
12 that's related to that, or other items that I'm not
13 aware of, I don't know.

14 Q. And turn to page, Bates page 990. This
15 appears to contain statistical calculations;
16 correct?

17 A. The information contained within that
18 attachment, yes.

19 Q. Now what are the statistical calculations,
20 because you mentioned these before?

21 A. These are background concentrations that
22 were derived from data between Wells AP-4 and AP-5.

23 Q. And to determine the background
24 concentrations you combined the readings of both

1 Q. Thank you. You can put that aside.

2 A. Okay.

3 Q. And actually you can put Exhibit 16.17
4 aside. I'm going to hand you what has been marked
5 as Exhibit 30.01 -- or, 30.1. Do you recognize
6 this document?

7 A. I do.

8 Q. What is this document?

9 A. This is a scope of work and a cost
10 estimate for work related to the ash impoundments.

11 Q. It was prepared by Andrews Engineering?

12 A. Yes, it was.

13 Q. Did you prepare this document?

14 A. Yes, I did.

15 Q. Was this proposal accepted?

16 A. I -- I don't know that for a fact.

17 Q. And why don't you know that for a fact?

18 A. Because there was a revision that took in
19 consideration the 257 Rules.

20 Q. The CCR Rules?

21 A. Yes. So I don't know if this one was
22 issued a P/O or whether the follow up was issued a
23 P/O.

24 Q. Was there a follow-up proposal?

1 A. Yes.

2 Q. Do you remember when that was submitted?

3 A. I think May of 2015 approximately. I'm
4 not exactly sure.

5 Q. Can you turn to page 27098 -- or, I mean,
6 really it's 27099. The section begins Task 1,
7 Review and Update Previous Investigations and
8 Plans.

9 A. Yes.

10 Q. But actually on 27099 there is this list
11 of -- do you see where it says a cursory review of
12 the existing reports and plans indicate revisions
13 will be needed to demonstrate compliance with the
14 pending rules and Illinois EPA correspondence?
15 This will include and there's a six part list?

16 A. Yes.

17 Q. Were potentiometric surface maps with new
18 well data created following this proposal?

19 A. I don't recall specifically and here's
20 why. The 841s were proposed CCW Rules for the
21 State of Illinois. About the time that this was
22 sent out the 257 drafts were issued, and there was
23 a discussion with multiple personnel, both with the
24 State of Illinois and with CWLP on the best way to

1 proceed, and everything that was specific to the
2 841s basically came to a halt, and this was the
3 original 841s.

4 The agency has a second set that they
5 haven't distributed yet that is totally different
6 than what this was based on. So the point being is
7 that what was proposed in here isn't necessarily
8 applicable to anything we're doing right now.

9 Q. Understood. Just -- and I'll stop
10 following up on this. Whenever you talk about the
11 257s you're referring to the CCR rule; correct?

12 A. I am.

13 Q. And whenever you refer to the 841s you're
14 referring to that section of the Illinois Code?

15 A. That's correct.

16 Q. Okay.

17 MS. WILLIAMS: No.

18 MR. WANNIER: Or, sorry.

19 Specifically in this context you're
20 talking about a draft rule that was never actually
21 finalized?

22 THE DEPONENT: That's correct, yeah. I
23 refer to them as numbers because there's 620s,
24 851s, and 257s. It's easier than going to CCR,

1 CCW, and you know.

2 Q. Understood. And you call it 841?

3 A. 841.

4 Q. Because, although it was never finalized,
5 it would have been an amendment to 841 of the Code?

6 A. Correct, and it still may be at some point
7 in time.

8 Q. Right.

9 Okay. So putting aside what's
10 required by the law, I just want to go through this
11 list and understand.

12 You do not recall whether
13 potentiometric surface maps with new well data have
14 been prepared; is that correct?

15 A. We update those on an annual basis, so I'm
16 sure that they were at some point, maybe not
17 necessarily specific to this.

18 Q. Yeah, that's fine. I'm just wondering
19 generally whether these things occurred.

20 A. I know that we have updated maps. We have
21 maps on a quarterly basis based on quarterly data
22 for years.

23 Q. Looking at number 2, has there been any
24 evaluation of well spacing at the impoundment site?

1 A. Yes.

2 Q. When was that?

3 A. That has occurred on more than one
4 occasion with respect to the new rules.

5 Q. Which new rules?

6 A. The CCR Rules.

7 Q. You can call them 257s. That's fine.
8 We've established it now.

9 So you've done that in the context of
10 the CCR rule requirements?

11 A. Yes.

12 Q. Okay. Did you evaluate well spacing for
13 all of the wells at the site?

14 A. For the surface impoundments.

15 Q. Yeah, for the surface impoundments, yes.

16 And what does it mean to evaluate well
17 spacing?

18 A. Determine whether the wells appear
19 appropriate based on hydrogeologic characteristics
20 of the site.

21 Q. Turning to number 3, has Andrews
22 Engineering evaluated the well network in the way
23 described here?

24 A. Yes.

1 Q. Was that --

2 A. That's basically duplicative of number 2.

3 Q. And number 4, has Andrews Engineering made
4 any new evaluation of statistical background
5 concentrations or updated those?

6 A. We haven't updated those, but we have
7 evaluated those. We haven't made any changes.

8 Q. You evaluate them as part of the 257 CCR
9 compliance?

10 A. Yes.

11 Q. Looking at number 5, well, you did modify
12 the parameter testing. You said that already for
13 the CCR rule; right?

14 A. That is correct.

15 Q. And has Andrews Engineering prepared a
16 maintenance plan for the groundwater monitoring
17 system?

18 A. Not a specific maintenance plan.

19 Q. To your knowledge has CWLP prepared a
20 maintenance plan for the groundwater monitoring
21 system?

22 A. The maintenance plan is a -- what I'll
23 call a generic plan to ensure that all of the wells
24 are providing accurate data. It's a simple plan.

1 It's not a complicated plan.

2 Q. Understood. But that has not occurred?

3 A. Not in writing, no.

4 Q. Turn to Task 2 which is later on that
5 page. Has there been a broad evaluation of
6 groundwater quality on the level described in this
7 section?

8 A. Yes.

9 Q. Have you conducted alternate cause
10 demonstration?

11 A. Yes.

12 Q. Was that as part of the 257 CCR rule?

13 A. It was.

14 Q. And on Task 3, the Corrective Action Plan,
15 has Andrews Engineering prepared a Corrective
16 Action Plan for any part of -- of the site?

17 A. No. That doesn't occur until the
18 characterization, nature and extent is completed.

19 Q. And that would be relating to AW-3 only;
20 correct?

21 A. RW-3 only.

22 Q. I'm sorry. RW-3. Thank you.

23 At the top of page 4, the second line
24 it says, it is assumed that CWLP will not pursue

1 closure of the impoundments, therefore a Corrective
2 Action Plan will be derived, permitted, and
3 implemented. Do you see that?

4 A. Yes.

5 Q. Why was it assumed that CWLP would not
6 pursue closure of the impoundments?

7 A. That's my assumption and here's why. 841s
8 and 620s, which this was specific to, allow the
9 entity to conduct assessments and corrective action
10 if necessary and continue to operate. There's no
11 closure requirements in those rules, and that's why
12 I made that assumption that we will go through the
13 assessment and if we need to do corrective action
14 we will and the facility continues to operate.
15 That's why.

16 Q. Did anyone at CWLP give you information
17 that supported your assumption there?

18 A. I don't know that anybody did
19 specifically. There wasn't anything to the
20 contrary.

21 Q. But you didn't discuss this assumption
22 with anyone at CWLP specifically?

23 A. No. That's in my letter. It made
24 economic sense to me. That's why I wrote it that

1 way.

2 Q. Right. That's fine. I just -- it's
3 possible that they might have asked you to assume
4 this for your --

5 A. No.

6 Q. They did not?

7 A. No, they did not.

8 Q. Has there been any investigation of the
9 extent of the contamination plume from the ash
10 impoundments?

11 A. The alleged contamination plume?

12 Q. Yes, the alleged contamination plume.

13 A. The geoprobe locations are staked. The
14 brush entries that were in the way have been
15 cleared. We are waiting for a break in the weather
16 and access because of all of the precipitation
17 events, and we're ready to do that.

18 Q. But that's just in the area around AW-3 --
19 RW-3; correct?

20 A. That's correct.

21 Q. Has there been -- have there been any
22 efforts to determine the scope of the alleged
23 contamination plume in the area of Wells AP-1, 2,
24 or 3?

1 extent it misreads the final word. It says system
2 instead of program, not a big problem.

3 THE DEPONENT: My mistake.

4 MS. WILLIAMS: That's fine.

5 Let's take a look at page 12. On page
6 12 there is a section just 4.3 Groundwater Quality
7 Criteria. Could you just read the first sentence
8 for me?

9 A. Analytical data from monitoring wells tell
10 us nothing without a standard or benchmark against
11 which to judge whether a result shows significant
12 degradation of water quality from site operations.

13 Q. Can you just tell me whether you generally
14 agree with that statement?

15 A. I agree with that statement.

16 Q. Okay. Thank you.

17 Let's look at page 13 real quick.
18 There is a Section 4.3.2 Background Water Quality.
19 In having reviewed this section do you -- did you
20 find any criticism of the method for determining
21 background concentrations utilized by Andrews?

22 A. No, I did not.

23 Q. To your knowledge, Mr. -- Brad, to your
24 knowledge, Brad, has a regulatory agency made a

1 formal determination as to whether the groundwater
2 underneath the Dallman and Lakeside ash ponds is
3 Class 1 groundwater or another class of
4 groundwater?

5 A. I don't believe the state has actually
6 made that classification. Those were others that
7 made that classification, others being non-state
8 entities.

9 MS. WILLIAMS: Gotcha. I think that's all
10 I have.

11 MR. WANNIER: I just have two redirect
12 questions.

13 MS. WILLIAMS: Okay. And unless I have --

14 MR. WANNIER: Unless you have more.

15 MS. WILLIAMS: -- follow up after you.
16 No, go ahead. I'm done.

17 MR. WANNIER: I doubt you will.

18 REDIRECT EXAMINATION

19 BY MR. WANNIER:

20 Q. Did you review Mark Hutson's report in
21 preparation for this deposition?

22 A. I read it -- not particularly, meaning I
23 read it out of interest more than preparation for
24 this deposition.

1 Q. When did you first see his report?

2 A. When did I first see it? I think shortly
3 after it went out, when it was completed. It's
4 been two months maybe when it first was -- I don't
5 know if published is the right word, but when it
6 was first made available I saw it.

7 Q. Then why did you read it yesterday?

8 A. Just as a review.

9 Q. Did you know that you were going to be
10 asked questions about it?

11 A. Not necessarily.

12 Q. Did you know that it was a possibility
13 you'd be asked questions about it?

14 A. There was a possibility.

15 Q. And you reviewed it for that purpose?

16 A. No. Just -- no, not necessarily.

17 Q. Okay. I'm just -- I'm trying to
18 understand why you didn't identify this report as
19 among the documents you reviewed in preparation for
20 this deposition?

21 A. Because I really didn't review it in
22 preparation for the deposition. I knew that it was
23 a possibility. I had read it before.

24 Q. Okay.

1 A. Well before dates were even set up for
2 this process.

3 Q. Okay. Has anyone classified the
4 groundwater under the Dallman and Lakeside ash
5 ponds as Class 1 to your knowledge?

6 A. Not to my knowledge, not under the
7 impoundments.

8 Q. Has anyone classified any groundwater
9 anywhere on the CWLP site as Class 1 groundwater?

10 A. I believe so.

11 Q. What area has been classified as Class 1
12 groundwater?

13 A. I think underneath the landfill itself.

14 Q. Underneath the landfill?

15 A. Yes.

16 Q. And who classified that groundwater as
17 Class 1?

18 A. I believe that was presented in the
19 Patrick application.

20 Q. Patrick Engineering?

21 A. Yes.

22 Q. Has Patrick Engineering classified any
23 groundwater as Class 1 other than the groundwater
24 directly beneath the landfill?

1 A. Not that I'm aware, but I don't know the
2 exact wording that they would have used in their
3 application.

4 Q. Has anyone classified any groundwater at
5 the site as anything other than Class 1?

6 A. I recall reviewing where there was a
7 discussion with respect to, there were variable
8 classes based on the criteria for 620. There are
9 areas out there that have hydraulic conductivities
10 that are less than 1×10^{-4} centimeters per
11 second.

12 Q. But I would just say the whole sentence
13 again, because I'm not sure that the sentence was
14 heard.

15 A. Okay. There are areas out there
16 geologically that hydraulic conductivities that are
17 less than 1×10^{-4} centimeters per second. That's
18 one of the stipulations for classification between
19 Class 1 and Class 2. We know those areas exist,
20 but there's also areas out there that have
21 hydraulic conductivities greater than that. So by
22 definition there are areas that would meet Class 1
23 and there are areas that would meet Class 2. It
24 becomes too convoluted to try to identify where

1 those areas are. One would have to put an
2 excessive amount of borings in the ground to prove
3 that, so it becomes one classification. It's
4 simpler to say it's Class 1 than it is Class 2.

5 Q. Has Andrews Engineering ever referred to
6 the groundwater at the site other than the water
7 underneath the landfill as Class 1?

8 A. Not that I'm aware of.

9 Q. Are you aware of CWLP ever having referred
10 to groundwater outside of the groundwater
11 underneath the landfill as Class 1?

12 A. Other than Class 1?

13 Q. Well, no, as Class 1.

14 A. As Class 1. Restate that question.

15 Q. Are you aware of CWLP ever having referred
16 to groundwater at the site outside of the
17 groundwater underneath the landfill as Class 1?

18 A. No.

19 Q. Are you aware of them having referred to
20 any groundwater anywhere at the site as anything
21 other than Class 1?

22 MS. WILLIAMS: Wait. Anything other than
23 Class 1?

24 MR. WANNIER: Yes.

1 MS. WILLIAMS: Okay.

2 THE DEPONENT: In discussion but not --
3 not formally, meaning nothing was ever submitted to
4 a state entity saying it's a Class 2 groundwater.
5 I've had discussions with CWLP staff regarding
6 classification of groundwater out there.

7 BY MR. WANNIER:

8 Q. And what were those discussions?

9 A. Just simply, was it a Class 1 or Class 2,
10 and those were the discussions.

11 Q. Yeah.

12 A. And again we come to the same conclusion,
13 there are both based on the criteria under 620.

14 Q. And so when you say it's easier to just
15 refer to them as Class 1, what do you mean by
16 easier?

17 A. It's too difficult to go out there and
18 say, these wells screened in the lower cohesive
19 unit are Class 2 wells. That's Class 2
20 groundwater. Anything in the basal sand is a Class
21 1. Anything that's in the creek fill is a Class 2.
22 It becomes excessively complicated to do that, so
23 I'm sure with the Patrick part of the application
24 that it was all assumed to be Class 1.

1 Q. Do you think that's a reasonable
2 assumption to make?

3 A. It's reasonable. It's not necessarily the
4 most accurate, but like I said, it becomes too
5 convoluted to do otherwise.

6 Q. Right.

7 But it would be too hard to
8 distinguish between groundwater that's Class 1 and
9 groundwater that's Class 2?

10 A. Very.

11 Q. Sorry?

12 A. Very difficult to distinguish.

13 Q. And therefore it's easier to refer to as
14 Class 1 because that's the more stringent
15 standards?

16 A. Yes.

17 MR. WANNIER: Okay. No further questions.

18 MS. WILLIAMS: I don't have any follow up.

19 Thank you. We will reserve. We're done.

20 (Deposition concluded at 1:02 P.M.)

21

22

23

24