

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 2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Don Brown, Clerk	Attached Service List
Illinois Pollution Control Board	
60 E. Van Buren St., Ste. 630	
Chicago, Illinois 60605	

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board, Midwest Generation, LLC’s Motion to Correct Hearing Transcripts, a copy of which is hereby served upon you.

MIDWEST GENERATION, LLC

By: /s/ Jennifer T. Nijman

Dated: July 11, 2023

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing, Certificate of Service for Midwest Generation, LLC's Motion to Correct Hearing Transcripts, a copy of which is hereby served upon you and filed on July 11, 2023 with the following:

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
60 E. Van Buren St., Ste. 630
Chicago, Illinois 60605

and that true copies of the pleading were emailed on July 11, 2023 to the parties listed on the foregoing Service List.

/s/ Jennifer T. Nijman

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 2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

**MIDWEST GENERATION, LLC’S MOTION TO CORRECT
HEARING TRANSCRIPTS**

Pursuant to 35 Ill. Adm. Code 101.604, Respondent Midwest Generation, LLC (“MWG”), by its undersigned counsel, submits to the Hearing Officer this motion to correct the transcripts for the June 12-14, 2023 hearing dates and states as follows:

- 1) On June 20, 2023, the transcripts for the June 12 and 14 hearing for the above captioned matter was filed with the Illinois Pollution Control Board Clerk’s Office.
- 2) On June 21, 2023, the transcript for the June 13 hearing for the above captioned matter was filed with the Illinois Pollution Control Board Clerk’s Office.
- 3) MWG has noted the following typographical errors in the June 12-14 hearing transcripts and requests that the Hearing Officer direct the court reporter to make the following corrections and resubmit the corrected transcripts:

June 12, 2023 Hearing Transcript Corrections

Page No.	Line No.	Now Reads	Requested Correction
51	21	To the north, the Mans-Johnsville	To the north, the Johns-Manville
136	5	property line as the Joliet No. 223 station?	Property line at the Joliet No. 29 station?

Page No.	Line No.	Now Reads	Requested Correction
185	4	There was a tactical matter...	There was a technical matter...
270	19	...which makes more sense and	...which makes no sense and

June 13, 2023 Hearing Transcript Corrections

Page No.	Line No.	Now Reads	Requested Correction
13	5	Brandon damn.	Brandon dam .
13	14	...is above the damn.	...is above the dam .
13	16	BR is at the damn and above.	BR is at the dam and above.
14	18	the BR above the damn versus the DR?	the BR above the dam versus the DR?
45	21	understanding the sites was...	understanding the site was...
62	6	...submitted to the agencies assubmitted to the agency as ...
89	2	Mr. Maxwell, I'd lake to go...	Mr. Maxwell, I'd like to go...
110	6	...Well MW-9 for PH...	...Well MW-9 for pH ...
110	14-15	...that PH that was noted at that well is going to ultimately result in a PH that meets	...that pH that was noted at that well is going to ultimately result in a pH that meets
133	13	13 surface oil samples...	13 surface soil samples...
151	19-23	PH concentration than in other wells. That PH concentration was measured at an average basis at 9.74 units, and the surface water standard for PH ranges between 6.5 and 9. So in that particular instance the average concentration PH does	pH concentration than in other wells. That pH concentration was measured at an average basis at 9.74 units, and the surface water standard for pH ranges between 6.5 and 9. So in that particular instance the average concentration pH does
152	7	...on that PH as iton that pH as it ...
153	8	PH, these concentrations...	pH , these concentrations...
155	3	lightly more upward trends...	slightly more upward trends...
162	7	...a cap over the shmoo	...a cap over the SWMU
165	14	...they discussed the watering in	...they discussed the dewatering in
168	11	opinion of the location groundwaterwise of that	opinion of the location groundwater-wise of that
208	23	...is going to dispute what...	...is going to display what...
257	19	starts, natural PH results...	starts, natural pH results...
257	24	the natural PH is ...	the natural pH is ...
258	2-3	...of different PH, and the natural PH is the PH of the pour water in the	...of different pH , and the natural pH is the pH of the pour water in the
258	6	...than the other PH ranges	...than the other pH ranges
258	11	the PH significant...	the pH significant...
258	13	Varying PHs can lead...	Varying pHs can lead...
258	16	PH ranges whether...	pH ranges whether...

Page No.	Line No.	Now Reads	Requested Correction
258	17	...the natural PH	...the natural pH
259	5	And is that in reference to PH?	And is that in reference to pH ?
259	7	So that leach test uses a PH of seven	So that leach test uses a pH of seven
259	10	And not the natural PH?	And not the natural pH ?

June 14, 2023 Hearing Transcript Corrections

Page No.	Line No.	Now Reads	Requested Correction
46	19	Mr. Ross?	Mr. Russ ?
70	13	Mr. Russ:	Ms. Nijman:
79	79	...from the tanning operation,	...from the tannery operation,
212	8	Deposition Exhibit No. 1606 was	Exhibit No. 1606 was
296	12	...there is a car valve that does not	...there is a carve out that does not

WHEREFORE, for the reasons stated above, MWG requests that the Hearing Officer direct the court reporter to correct the June 12-14 hearing transcripts and resubmit the corrected transcripts.

Respectfully submitted,
Midwest Generation, LLC

By: /s/ Jennifer T. Nijman
One of Its Attorneys

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