

ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB, ENVIRONMENTAL )  
LAW & POLICY CENTER, )  
PRAIRIE RIVERS NETWORK AND )  
CITIZENS AGAINST RUINING )  
THE ENVIRONMENT, ) No. PCB 13-15  
)  
Complainants, )  
)  
vs )  
)  
MIDWEST GENERATION, LLC, )  
)  
Respondent. )

REPORT OF THE PROCEEDINGS had at the hearing on a motion of the above-entitled cause before the Honorable BRADLEY HALLORAN, Hearing Officer of said Court, Room 9-040, The Thompson Center, Chicago, Illinois, on the 24th day of October, 2017, at the hour of 9:00 a.m.

1 A P P E A R A N C E S:

2

3 BY: MS. FAITH E. BUGEL  
4 1004 Mohawk Road  
5 Wilmette, Illinois 60091  
6 (312) 282-9119  
7 fbugel@gmail.com

8

9 ENVIRONMENTAL LAW & POLICY CENTER  
10 BY: MS. LINDSAY DUBIN  
11 35 East Wacker Drive  
12 Suite 1600  
13 Chicago, Illinois 60601  
14 (312) 795-3712  
15 ldubin@elpc.org

16

17 ENVIRONMENTAL INTEGRITY PROJECT  
18 BY: MR. ABEL RUSS  
19 MS. SYLVIA LAM  
20 1000 Vermont Avenue NW  
21 Suite 1100  
22 Washington, D.C. 20005  
23 (202) 263-4453  
24 aruss@environmentalintegrity.org  
slam@environmentalintegrity.org

25

26 SIERRA CLUB  
27 BY: MR. GREG WANNIER  
28 2101 Webster Street  
29 Suite 1300  
30 Oakland, California 94612  
31 (415) 977-5637  
32 greg.wannier@sierraclub.org

33

34 Appeared on behalf of the Complainants;

35

36 NIJMAN & FRANZETTI, LLP  
37 BY: MS. JENNIFER T. NIJMAN  
38 MS. SUSAN M. FRANZETTI  
39 10 South LaSalle Street  
40 Suite 3600  
41 Chicago, Illinois 60603  
42 (312) 251-5255,  
43 jn@nijmanfranzetti.com  
44 sf@nijmanfranzetti.com

45

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Appeared on behalf of the Respondent;

REPORTED BY:

Steven J. Brickey, CSR  
CSR License No. 084-004675

1	I N D E X	
2	THE WITNESS: MARIA RACE	
3		PAGE
4	Cross-Examination by Ms. Franzetti.....	8
5	Redirect Examination by Ms. Bugel.....	22
6		
7	THE WITNESS: CHRISTOPHER LUX	
8		PAGE
9	Direct Examination by Ms. Dubin.....	33
10	Cross-Examination by Ms. Nijman.....	125
11	Redirect Examination by Ms. Dubin.....	152
12	Recross-Examination by Ms. Nijman.....	159
13		
14	THE WITNESS: CHRISTOPHER LUX	
15		PAGE
16	Direct Examination by Ms. Nijman.....	161
17	Cross-Examination by Ms. Dubin.....	170
18		
19	THE WITNESS: REBECCA MADDOX	
20		PAGE
21	Direct Examination by Ms. Dubin.....	173
22	Cross-Examination by Ms. Nijman.....	247
23	Redirect Examination by Ms. Dubin.....	263
24	Recross-Examination by Ms. Nijman.....	268

1	Further Examination by Ms. Dubin.....	269
2	Further Examination by Ms. Nijman.....	271
3	Further Examination by Ms. Dubin.....	273
4	Further Examination by Ms. Nijman.....	273

5

6 THE WITNESS: REBECCA MADDOX

7

PAGE

8	Direct Examination by Ms. Nijman.....	275
---	---------------------------------------	-----

9

10 E X H I B I T S

11

12

Marked for  
Identification

13

14	Exhibit No. 112 .....	54
15	Exhibit No. 100 .....	66
16	Exhibit No. 101 .....	73
17	Exhibit No. 102 .....	76
18	Exhibit No. 103 .....	79
19	Exhibit No. 104 .....	83
20	Exhibit No. 105 .....	86
21	Exhibit No. 106 .....	88
22	Exhibit No. 107 .....	93
23	Exhibit No. 108 .....	101
24	Exhibit No. 109 .....	104

1	Exhibit No. 110 .....	111
2	Exhibit No. 111 .....	119
3	Exhibit No. 300 .....	195
4	Exhibit No. 302 .....	211
5	Exhibit No. 303 .....	214
6	Exhibit No. 304 .....	215
7	Exhibit No. 305 .....	225
8	Exhibit No. 306 .....	233
9	Exhibit No. 311 .....	237
10	Exhibit No. 307 .....	240
11	Exhibit No. 309 .....	242
12	Exhibit No. 301 .....	270
13	Exhibit No. 500 .....	275
14	Exhibit No. 501 .....	282
15	Exhibit No. 502 .....	285
16	Exhibit No. 503 .....	285
17	Exhibit No. 504 .....	286
18	Exhibit No. 505 .....	291
19	Exhibit No. 506 .....	292
20	Exhibit No. 507 .....	295
21	Exhibit No. 508 .....	300
22	Exhibit No. 509 .....	301
23	Exhibit No. 510 .....	303
24	Exhibit No. 511 .....	306

1	Exhibit No. 512 .....	312
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

1 HEARING OFFICER HALLORAN: Good  
2 morning, everyone. My name is Brad Halloran. I'm  
3 a Hearing Officer with the Illinois Pollution  
4 Control Board. I'm also assigned to this matter  
5 entitled Sierra Club, Environmental Law & Policy  
6 Center, Prairie Rivers Network and Citizens  
7 Against Ruining the Environment, the complainants,  
8 versus Midwest Generation. It's docketed as PCB  
9 13-15. Today is October 24th, 2017. It is  
10 approximately 9:00 a.m. and we are continuing this  
11 hearing on record from yesterday October 23rd.

12 I believe Ms. Race is still on  
13 the stand and Mr. Brickey will swear her in again  
14 and I believe Ms. Franzetti was doing a friendly  
15 cross. So if you can raise your right hand again,  
16 Mr. Race.

17 WHEREUPON:

18 MARIA RACE  
19 called as a witness herein, having been first duly  
20 sworn, deposeth and saith as follows:

21 C R O S S E X A M I N A T I O N

22 BY MS. FRANZETTI

23 Q. Good morning, Ms. Race. I've put  
24 before you Complainants' Exhibit 32. It is an



1 e-mail dated July 24th, 2008. It is from Jeffrey  
2 Schuh to yourself and Jeffrey Bard relating to  
3 Powerton, a Powerton ash pond and the possible use  
4 of slag or bottom ash.

5 Now, with respect to this  
6 e-mail, is it correct that Mr. Schuh was working  
7 for Patrick Engineering at that time who was a  
8 consultant for Midwest Gen?

9 A. Yes.

10 Q. And -- and Mr. Schuh was raising a  
11 question regarding the possible use of slag or  
12 bottom ash at Powerton?

13 A. Yes.

14 Q. Now, directing your attention to the  
15 first part of the e-mail at paragraph one. It has  
16 a reference by Mr. Schuh to having researched old  
17 aerial photos, what was your understanding of what  
18 he was referring to?

19 A. My understanding is that he had a  
20 series of aerial photos from -- that were  
21 historical that he was taking a look at.

22 Q. And with respect to paragraph number  
23 two of that e-mail, it -- he refers to there being  
24 up to nine feet of ash, do you see that reference?

1           A.       Yes.

2           Q.       And then later on in the paragraph  
3 after numbered paragraph three, the last sentence,  
4 he stated, quote, it appears to have been placed  
5 decades ago, what was your understanding of what  
6 he was telling you by that sentence?

7           A.       That he was seeing them in the  
8 aerial from decades before in the old historical  
9 photos.

10          Q.       I'm sorry. What was he seeing?

11          A.       He was seeing the ash.

12          Q.       Now, I'm going to turn to  
13 Complainants' Exhibit 34. This is the NRT  
14 technical memorandum dated December 21st, 2005, on  
15 the subject of impoundment ranking and replacement  
16 liner recommendations.

17                    You were asked questions about  
18 NRT's description of the condition of the liners  
19 in the various ponds at the Midwest Gen stations  
20 involved in this matter by Ms. Bugel, do you  
21 recall generally that testimony and question?

22          A.       Yes.

23          Q.       Now, you mentioned that NRT  
24 described the condition of the liners based on the

1 information it had at the time of this technical  
2 memo, do you recall that testimony?

3 A. Yes, and as of 2005.

4 Q. When an ash pond is operating, there  
5 is the sluice ash water in the ash pond, correct?

6 A. Correct.

7 Q. Is the liner at the -- at the bottom  
8 of the pond visible when that sluice ash water is  
9 in the pond?

10 A. No, it is not.

11 Q. Did NRT have any information from  
12 actually going out to the ponds and inspecting  
13 those liners both bottom and side?

14 A. No.

15 Q. Did Midwest Gen as of the time of  
16 this memo, had they gone out there and had the  
17 ponds physically emptied to perform a physical  
18 inspection of the liners?

19 A. No.

20 Q. So Midwest Gen did not have  
21 knowledge from a physical inspection of the liners  
22 what the condition was?

23 A. No.

24 Q. And neither did NRT?

1           A.       No.

2           Q.       It just -- so with respect to NRT's  
3 reference at the bottom of page one of this  
4 Exhibit 34 in numbered paragraph one that it was  
5 ranking the impoundment liners based on the  
6 existing liners type, age and known condition  
7 based on the pond characterization document and  
8 Midwest's knowledge of the liners, is that -- is  
9 the information NRT is referring to at the bottom  
10 of page one basically that information and what  
11 knowledge Midwest Gen had without physically  
12 inspecting the liners?

13          A.       Yes.

14          Q.       Now, in the second sentence staying  
15 in that same numbered paragraph, it says, quote,  
16 in particular, the poz-o-pac liner systems were  
17 constructed more than 25 years ago and are  
18 reportedly in poor condition, end quote, did you  
19 ever discuss that part of NRT's technical  
20 memorandum in terms of what they meant by that  
21 statement?

22          A.       I think that my understanding was  
23 that they were assuming that because these  
24 poz-o-pac liners had been put in a while ago and

1 since they -- the bottoms hadn't been seen that  
2 they were going to make a conservative assumption  
3 that they weren't going to be in great condition.

4 Q. Now, did you agree that that was the  
5 condition of the liners, that they were poor, the  
6 ones they specified as poor? I know for Waukegan  
7 they said they were excellent.

8 A. I didn't know what the condition  
9 was. So I wanted to make a conservative approach.

10 Q. Was it subsequently discovered that  
11 this information regarding the alleged poor  
12 condition of the liners wasn't correct?

13 A. It was found that that supposition  
14 wasn't correct.

15 Q. And how was that determined?

16 A. Because when the impoundments were  
17 relined, you could -- you finally did see the  
18 poz-o-pac liner and it was in good condition for  
19 these various impoundments.

20 Q. And that was at the time the ponds  
21 were relined?

22 A. Yes.

23 Q. And, at that time, they were emptied  
24 and the poz-o-pac was exposed to inspection?

1           A.       Exactly.

2           Q.       Now, referring to page 23614,  
3 complainants' counsel asked you if the now  
4 inactive Will County south ash pond and north ash  
5 pond had been dredged, do you recall that  
6 testimony?

7           A.       Yes, I do.

8           Q.       Is it your understanding that there  
9 is any legal obligation to have dredged the  
10 remaining ash from those ponds once they became  
11 inactive?

12          A.       There is not.

13          Q.       Is any additional ash going into  
14 those ponds?

15          A.       No.

16          Q.       Is the only ash that's in them the  
17 ash since they were last dredged?

18          A.       Yes.

19          Q.       And that's bottom ash, not fly ash,  
20 correct?

21          A.       Well, the ash -- there is ash in  
22 those ponds and the ash since they were last --  
23 last dredged there is no new ash going into those  
24 impoundments.

1 Q. And the ash in them is bottom ash,  
2 correct?

3 A. Correct.

4 Q. And the bottom ash from those ponds  
5 during Midwest Gen's ownership is not disposed of  
6 but rather is put to beneficial reuse, is that  
7 correct?

8 A. Correct.

9 Q. Because the low levels of  
10 constituents in that bottom ash satisfy the  
11 requirements for beneficial reuse?

12 A. Correct.

13 Q. Now, complainants' counsel also  
14 asked you whether those two inactive ponds had  
15 been capped, do you recall that?

16 A. Yes.

17 Q. And you said they had not been  
18 capped, correct?

19 A. Correct.

20 Q. Has it been Midwest Gen's practice  
21 with other ponds that it has closed to put a cap  
22 on them before the ash is removed?

23 A. No.

24 Q. And when these ponds were in active

1 use, they were exposed to precipitation, correct?

2 A. Correct.

3 Q. You recall complainants' counsel  
4 asking you if they are now exposed to  
5 precipitation?

6 A. Correct. They are exposed to  
7 precipitation. However, they're dewatered.

8 Q. And so the situation today is very  
9 similar to when those ponds were active in the  
10 sense of being exposed to precipitation, correct?

11 A. Correct.

12 Q. Has Illinois EPA indicated to  
13 Midwest Gen that those ponds cannot continue to  
14 hold ash?

15 A. No, they have not.

16 Q. Has Illinois EPA indicated to  
17 Midwest Gen that those ponds have to be capped  
18 now?

19 A. No, they have not.

20 Q. Okay. Turning to Exhibit 43. This  
21 is an e-mail dated July 26th, 2013, from you to  
22 Lynn Dunaway of Illinois EPA regarding information  
23 on the Midwest Gen ash ponds, do you recall if  
24 Mr. Dunaway requested this information from you?



1           A.        I'm not sure, but it could be  
2 because I think the date is similar to when the  
3 public hearing was for the NPDES permit for  
4 Waukegan station.

5           Q.        And why is that relevant that it was  
6 close to the date of the public hearing for  
7 Waukegan station?

8           A.        He probably just wanted to make sure  
9 that he understood the facts.

10          Q.        Regarding --

11          A.        About the impoundments and how  
12 things were handled at the site. So, for example,  
13 he -- he wanted to just have, you know, an  
14 understanding of how the bottom ash was handled,  
15 how the fly ash was handled. You know, all the  
16 things that are in here, he was looking for sort  
17 of a generic description.

18          Q.        Now, with respect to the second  
19 bullet on that e-mail, it states "Fly ash is the  
20 lighter ash that goes to our air pollution control  
21 equipment and is disposed dry. There are no fly  
22 ash ponds at Waukegan station," is that  
23 statement -- was that statement true and accurate  
24 at the time you sent this e-mail and is it still

1 true and accurate today?

2 A. It's kind of correct. I shouldn't  
3 have used the word disposed because it is  
4 beneficially used, but it is handled dry.

5 Q. Now, turning to the third bullet,  
6 "Bottom ash is a cinder-like material which is  
7 recycled for such purposes as grit on asphalt  
8 shingles," were you referring to the fact that  
9 Midwest Gen recycled for beneficial use purposes  
10 the bottom ash in its ponds?

11 A. Yes.

12 Q. And that one typical use of bottom  
13 ash is to produce the grit that is found on  
14 asphalt shingles?

15 A. That's my understanding.

16 Q. Moving to the fourth bullet. You  
17 were telling Mr. Dunaway that the bottom ash ponds  
18 at Midwest Gen stations were not leaking, that  
19 they have thick and impermeable liners that are  
20 watertight, that they are cleaned out and are not  
21 final ash disposal sites, were those all true and  
22 accurate statements to the best of your knowledge,  
23 information and belief?

24 A. Yes.

1           Q.       Moving to the fifth bullet. Same  
2 question. Are the statements there about mercury  
3 air pollution controls and the lack of detection  
4 in mercury in both water discharges and monitoring  
5 wells true and accurate statements to the best of  
6 your knowledge, information and belief?

7           A.       Yes.

8           Q.       And taking the last two bullets on  
9 that e-mail, are those statements true and  
10 accurate to the best of your knowledge,  
11 information and belief?

12          A.       Yes.

13          Q.       Okay. Moving onto -- I've placed  
14 before you exhibit -- Complainants' Exhibit 46.  
15 This is the draft summary of the May 5th, 2010,  
16 meeting between Midwest Gen and Illinois EPA and  
17 I'm going to direct your attention to the second  
18 page of it, last four digits of the Bates --  
19 excuse me -- last five digits of the Bates number  
20 37982 and specifically directing your attention to  
21 the paragraph numbered seven on the second page,  
22 do you recall that Illinois EPA's position was  
23 that the non-degradation of groundwater rule  
24 applied to the groundwater at the Midwest Gen

1 station?

2 A. Yes.

3 Q. Was it your understanding based on  
4 that meeting that Illinois EPA's position was that  
5 Midwest Gen had to establish an appropriate up  
6 gradient monitoring well as part of its monitoring  
7 network at the four stations that are involved in  
8 this case?

9 A. Yes.

10 Q. And was the Illinois EPA's position  
11 that the purpose of that well was to establish  
12 background groundwater conditions for these  
13 stations?

14 A. Yes.

15 Q. Now, the levels detected in the up  
16 gradient monitoring wells, was it the purpose in  
17 part for those wells that those levels in the up  
18 gradient wells would be compared to the levels  
19 detected in the down gradient monitoring wells to  
20 determine if the quality of the groundwater was  
21 degrading as it migrated through the Midwest Gen  
22 property?

23 A. That's correct.

24 Q. Now, after this meeting, did Midwest

1 Gen propose a network of groundwater monitoring  
2 wells for each of the four stations involved in  
3 this matter to address Illinois EPA's direction on  
4 what would be an acceptable groundwater monitoring  
5 network for each station?

6 A. Yes, we did.

7 Q. And did those proposed groundwater  
8 monitoring wells for each station include up  
9 gradient monitoring wells to address Illinois  
10 EPA's position that such up gradient wells were  
11 necessary to address the non-degradation  
12 requirement in the Illinois groundwater  
13 regulations?

14 A. Yes, that's correct.

15 Q. And did Illinois EPA approve the  
16 proposed groundwater monitoring well networks for  
17 each of the four Midwest Gen stations involved in  
18 this matter?

19 A. Yes, they did.

20 MS. FRANZETTI: No further  
21 questions.

22 HEARING OFFICER HALLORAN: Thank  
23 you, Ms. Franzetti. Ms. Bugel, you may redirect.

24 MS. BUGEL: Yes. I should just have

1 a couple of questions.

2 R E D I R E C T E X A M I N A T I O N

3 BY MS. BUGEL

4 Q. Would you please pull out Exhibit  
5 14C again. It should be in this stack.

6 A. 14C.

7 Q. 14C and let me know if you want any  
8 help finding it.

9 A. I don't want to get them out of  
10 order.

11 Q. If this helps --

12 A. Got it. Thank you.

13 Q. And could you please turn to page  
14 7167.

15 MS. NIJMAN: I'm sorry. What page  
16 are you referring to?

17 MS. BUGEL: Page 7167.

18 BY THE WITNESS:

19 A. Let me get my bearings for a minute.  
20 Okay.

21 BY MS. BUGEL:

22 Q. Are you ready?

23 A. Yes, I am. Sorry.

24 Q. And Ms. Franzetti asked you some

1 questions about the boring log on this page, do  
2 you remember that?

3 A. Yes, I do.

4 Q. And we were looking at the  
5 description, the entries under soil/rock  
6 description?

7 A. Yes.

8 Q. And referring to the first one, this  
9 says brown fine sand, fine gravel, black cinders  
10 ash, do you see that?

11 A. Yes, I do.

12 Q. And Ms. Franzetti asked you if it's  
13 possible that this could be -- there could be very  
14 little ash, do you remember that?

15 A. Yes.

16 Q. Is it also possible that there could  
17 be a lot of ash?

18 A. Yes.

19 Q. All right. That's all I have about  
20 that exhibit.

21 A. Let me just amend my answer  
22 slightly. It is possible. However, I think that  
23 since it's third in the description that it's  
24 possible that they're in the order of how much

1 there is, but you can't tell a percentage from  
2 this.

3 Q. And you said it's just possible that  
4 they're in the order of how much there is?

5 A. Yes.

6 Q. So you don't know for certain?

7 A. I don't know for certain.

8 Q. And I am now looking for -- I'm  
9 going back to the phase two ESA's and I'm looking  
10 for the one for Joliet. Got it. It's Exhibit  
11 20D.

12 A. Got it.

13 Q. And, in that, Ms. Franzetti was  
14 asking you questions about this phase two ENSR, do  
15 you remember that?

16 A. Yes.

17 Q. And I believe you identified some  
18 mistakes in this phase two ENSR?

19 A. Correct.

20 Q. And the mistakes indicated that some  
21 pages in here referred to Joliet 9, not Joliet  
22 29 --

23 A. Correct.

24 Q. -- is that correct? Can you please



1 turn to the site plan on page 23339?

2 A. Okay.

3 Q. And looking at this site plan, it  
4 does indicate that this is Joliet Generating  
5 Station 29 in the descriptive information in the  
6 lower right-hand corner, is that correct?

7 A. Correct.

8 Q. In looking at the site plan in  
9 this -- this -- on this page and actually looking  
10 at the -- what I'll call the figure, does that  
11 appear to be Joliet 29 station?

12 A. Yes, it does.

13 Q. So it is not Joliet 9 station that  
14 appears in this site plan?

15 A. No, it is not.

16 Q. Okay.

17 MS. BUGEL: Thank you. That's all  
18 the questions I have.

19 HEARING OFFICER HALLORAN: Thank  
20 you, Ms. Bugel. Ms. Franzetti, any re-cross?

21 MS. FRANZETTI: None.

22 HEARING OFFICER HALLORAN: Okay.  
23 Ms. Race, you may step down. Thank you so much.

24 THE WITNESS: Thank you.

1 MS. BUGEL: Can we go off the record  
2 for a moment?

3 HEARING OFFICER HALLORAN: Yes.

4 (Whereupon, a break was taken  
5 after which the following  
6 proceedings were had.)

7 MS. BUGEL: The other housekeeping  
8 matter while we're off the record.

9 HEARING OFFICER HALLORAN: We're on  
10 the record. Ms. Nijman asked to be on the record  
11 while we're discussing this exhibit.

12 MS. BUGEL: I'll do the other  
13 housekeeping matter on the record. Okay. We have  
14 discovered that the Waukegan annual groundwater  
15 monitoring report for July 2016 provided by  
16 Patrick Engineering found that Bates No. MWG 61553  
17 through 61574 was omitted from our exhibits with  
18 Ms. Race.

19 MS. GALE: I'm sorry? Are you  
20 saying that's a Patrick report?

21 MS. BUGEL: We will confirm right  
22 now. I will open the envelope.

23 MS. FRANZETTI: Oh, it's like the  
24 Academy Awards.

1 MS. BUGEL: Let's not have a repeat  
2 of was it the one Steve Harvey who got the -- it  
3 is a URS report, not a Patrick report. It is --  
4 so it looks like it is for the environmental land  
5 use control implementation and it is a URS report  
6 and it is one of the ones where Maria Race appears  
7 as a cc on that report.

8 MS. FRANZETTI: Tell you what,  
9 Faith, why don't you bring your copy over so we  
10 can take a look at it before we make a decision  
11 here on whether to just stipulate to its  
12 admission.

13 MS. BUGEL: And while I bring that  
14 over, I will also -- another housekeeping matter.  
15 This was another housekeeping matter from  
16 yesterday. And this is --

17 HEARING OFFICER HALLORAN: Thank  
18 you.

19 MS. BUGEL: I'll wait to discuss  
20 that.

21 MS. NIJMAN: This is your only copy  
22 at this point?

23 MS. BUGEL: That's your copy.

24 MS. NIJMAN: How would you like to

1 mark this?

2 MS. BUGEL: Who has the last where  
3 we left off yesterday?

4 MS. FRANZETTI: Counsel, I think you  
5 may want it to be part of your Group Exhibit F.

6 MS. BUGEL: Thank you.

7 MS. FRANZETTI: And that ended I  
8 believe at 42F. So you may want to consider it as  
9 43F, but double check. I'm just going off my  
10 notes.

11 MS. BUGEL: I already have a 43. So  
12 we're going to make it 42.5F.

13 HEARING OFFICER HALLORAN: We're on  
14 the record, correct?

15 MS. BUGEL: Yes.

16 MS. FRANZETTI: I see what you're  
17 saying.

18 MS. BUGEL: So 42.5F.

19 MS. FRANZETTI: Jen, do you want to  
20 stipulate to its admission? Mr. Hearing Officer,  
21 Ms. Bugel, we will stipulate to the admission of  
22 Complainants' Exhibit 42.5F so that there is no  
23 need to call -- re-call Ms. Race.

24 HEARING OFFICER HALLORAN: Okay.

1 Thank you. Complainants' Exhibit 42.5F is  
2 admitted by stipulation.

3 MS. BUGEL: I'm going to -- that's  
4 fine. I'm going to put these over here with the  
5 official stack.

6 HEARING OFFICER HALLORAN: I would  
7 like to have a copy.

8 MS. BUGEL: I'm sorry.

9 HEARING OFFICER HALLORAN: Everybody  
10 forgets me.

11 MS. BUGEL: That's hard. One other  
12 housekeeping matter is I provided you with  
13 Complainants' Exhibit 44, which is the e-mail that  
14 we agreed we would substitute yesterday. It had  
15 been a multipage document and now we have removed  
16 the extraneous pages and provided a single page  
17 44.

18 MS. FRANZETTI: That is acceptable  
19 to Midwest Gen.

20 HEARING OFFICER HALLORAN: Thank  
21 you. Complainants' Exhibit 44 is admitted.

22 MS. NIJMAN: Then, Faith, you  
23 mentioned something about the amended data, do you  
24 have that ready now or is that something --

1 MS. BUGEL: I do not have that  
2 ready, but we'll get that over here at some point  
3 today and Lindsay Dubin is handling our next  
4 witness for us.

5 HEARING OFFICER HALLORAN: I'm  
6 sorry. Ms. Dubin?

7 MS. DUBIN: Yes. Hi.

8 HEARING OFFICER HALLORAN: Hi.

9 MS. DUBIN: Complainants move to  
10 call Mr. Christopher Lux as an adverse witness.

11 HEARING OFFICER HALLORAN: Terrific.  
12 Mr. Lux?

13 MS. NIJMAN: I would like to  
14 understand the grounds for that motion.

15 HEARING OFFICER HALLORAN: For  
16 adverse?

17 MS. NIJMAN: Yes, sir.

18 HEARING OFFICER HALLORAN: I figured  
19 you guys worked it out. Evidently not. I thought  
20 he was Midwest's --

21 MS. NIJMAN: He is an employee of  
22 Midwest Generation, but that's not the party rule.

23 HEARING OFFICER HALLORAN: Party  
24 opponent and it's adverse. What is your

1 understanding?

2 MS. NIJMAN: Well, it depends on the  
3 seniority of the person. An adverse witness isn't  
4 always just someone that works there. Otherwise,  
5 the janitor would be an adverse witness speaking  
6 against you.

7 HEARING OFFICER HALLORAN: That  
8 could be it, but what is your understanding?

9 MS. NIJMAN: My understanding it  
10 depends in Illinois law on the seniority of the  
11 actual person and whether they have --

12 HEARING OFFICER HALLORAN: Let me  
13 look at my rules.

14 MS. DUBIN: We may not object. I  
15 just don't know what the grounds are for this  
16 witness.

17 HEARING OFFICER HALLORAN: It's  
18 Section 101.624, Ms. Nijman.

19 MS. NIJMAN: Yes.

20 HEARING OFFICER HALLORAN: Adverse  
21 witnesses at hearing upon motion granted by the  
22 Hearing Officer. Any party or any person for  
23 whose immediate benefit the proceeding is  
24 prosecuted or defended or any officers, directors,

1 managing agents or foremen of any party may be  
2 called as an adverse witness.

3 MS. NIJMAN: Correct.

4 HEARING OFFICER HALLORAN: Okay.  
5 Your argument is?

6 MS. NIJMAN: I did not hear that  
7 this witness met those requirements in the motion.

8 HEARING OFFICER HALLORAN: I'm going  
9 to allow it. Okay. It's my hearing and I have  
10 discretion.

11 MS. NIJMAN: Certainly.

12 HEARING OFFICER HALLORAN: Thank  
13 you. You may proceed, Ms. Dubin.

14 MS. DUBIN: I'm seeking permission  
15 to ask leading questions of the witness --

16 HEARING OFFICER HALLORAN: You may.

17 MS. DUBIN: -- because he is an  
18 adverse witness. Thank you for being here today,  
19 Mr. Lux.

20 THE COURT REPORTER: He's not sworn.

21 HEARING OFFICER HALLORAN: Yeah,  
22 swear in Mr. Lux.

23

24



1

2 WHEREUPON:

3

CHRISTOPHER LUX

4 called as a witness herein, having been first duly  
5 sworn, deposeth and saith as follows:

6

D I R E C T E X A M I N A T I O N

7

BY MS. DUBIN

8

Q. Mr. Lux, for what company do you

9

currently work?

10

A. NRG.

11

Q. NRG. And what is it that you do at

12

NRG?

13

A. Currently I'm the engineering

14

manager.

15

Q. And what are your responsibilities

16

as the engineering manager?

17

A. I have five engineers that work for

18

me and they cover the different processes of the

19

plant so we work together to develop budgets and

20

work through issues in those processes.

21

Q. And are you assigned or -- are you

22

assigned to a specific plant working for NRG?

23

A. I am.

24

Q. And is that plant Waukegan?

1           A.       It is.

2           Q.       And how long have you been working  
3 at the Waukegan plant?

4           A.       Off and on since 1992.

5           Q.       And NRG was preceded by -- before  
6 you were working at NRG, you were working for  
7 Midwest Generation, correct?

8           A.       That's correct.

9           Q.       And did you have the same job  
10 position with Midwest Generation that you do with  
11 NRG?

12          A.       I did.

13          Q.       And in your position, did you ever  
14 write e-mails or do you write e-mails as part of  
15 your job?

16          A.       I do.

17          Q.       And you did so on a regular basis,  
18 correct, or you do so on a regular basis?

19          A.       I do.

20          Q.       And it is a normal part of your work  
21 routine to send e-mails?

22          A.       It is.

23          Q.       And you receive e-mails as well as a  
24 part of your job, correct?

1           A.       I do.

2           Q.       And it is a normal part of your work  
3 routine to receive e-mails as well, correct?

4           A.       Correct.

5           Q.       So communicating by e-mail is one of  
6 your regular job activities, correct?

7           A.       Correct.

8           Q.       And are you -- have you worked --  
9 are you aware that there are coal ash ponds at the  
10 Waukegan plant?

11          A.       I am.

12          Q.       And do you have any job  
13 responsibilities relating to those ponds?

14          A.       It's one of the processes that our  
15 engineers work -- work on, yes.

16          Q.       And what are those processes?

17          A.       Well, you have a boiler process, you  
18 have a turbine process, you have a balance of  
19 plant process, which the coal ash ponds or ash  
20 ponds as I call them fall into, you have a coal  
21 handling process, fuel handling process, a  
22 controls process and then an electrical process.

23          Q.       And what type of work do you do that  
24 relates to those ponds, the coal ash ponds?

1           A.        Could you be more specific?

2           Q.        Sure.  Are you -- have you been  
3 involved -- are you aware that these ponds were  
4 relined?

5           A.        I am aware.

6           Q.        Were you involved in the relining  
7 process for those ponds?

8           A.        I was involved in that, yes.

9           Q.        And are you -- are you -- are you  
10 aware that these ponds are periodically cleaned  
11 out?

12          A.        I am aware, yes.

13          Q.        And are you aware that this is  
14 called dredging the ponds?

15          A.        Yes.  That is one term we will use  
16 for cleaning the ponds out, yes.

17          Q.        And are you at all involved in any  
18 way in the dredging process?

19          A.        A little.

20          Q.        And how so?

21          A.        Well, there is normally a contractor  
22 that is involved in the dredging process.  So, if  
23 asked, I will get involved with their contractor,  
24 safety orientation training and probably a pre-job

1 briefing with them.

2 Q. And are you at all responsible for  
3 maintaining the integrity or are you aware of the  
4 fact that these ponds are lined?

5 A. I am aware.

6 Q. Are you at all responsible for  
7 maintaining the integrity of these pond liners?

8 A. I'm one of many people that are  
9 responsible for that, sure.

10 Q. And in what way are you responsible  
11 for that?

12 A. Well, I've -- as you have stated, I  
13 was involved with the relining of the ponds. I'm  
14 involved when it's brought to my attention that  
15 there might be a problem with the liner on the  
16 pond, I'm involved somewhat as we discussed with  
17 the dredging, typically that's about it.

18 Q. Thank you. Now, I'd like to discuss  
19 the ponds a little bit on a general level and some  
20 terms.

21 Now, Waukegan has two active ash  
22 basins, correct?

23 A. Correct.

24 Q. And one of these basins is called

1 the west ash pond, correct?

2 A. Correct.

3 Q. And do you sometimes also refer to  
4 that as the west pond or what's the typical --

5 A. My typical term is the west ash  
6 pond.

7 Q. The west ash pond. And is the other  
8 active basin called the east ash pond?

9 A. Correct.

10 Q. And note that sometimes when I will  
11 refer to the west ash pond and east ash pond  
12 collectively I'll just refer to them as the ponds  
13 at Waukegan. So I'd like to talk to you a little  
14 bit first about the west ash pond.

15 Are you familiar with the term  
16 bottom ash?

17 A. I am.

18 Q. And what is this -- what is bottom  
19 ash?

20 A. Bottom ash is the bi-product of coal  
21 that ends up in the slag tanks on the operating  
22 boilers and -- and then that material is sluiced  
23 out to those ash ponds.

24 Q. And the west ash pond is used to

1 store bottom ash, correct?

2 A. Correct.

3 Q. Is the west ash pond used to store  
4 any other derivative of coal ash?

5 A. Not to my knowledge.

6 Q. And what purpose does the liner in  
7 the west ash pond serve?

8 A. I assume it's there to separate the  
9 bottom ash from the ground.

10 Q. And what is the cause for  
11 separation?

12 MS. NIJMAN: Objection.

13 BY MS. DUBIN:

14 Q. Why are you guys concerned with  
15 separating the bottom ash from the ground?

16 MS. NIJMAN: Objection. Vague.

17 HEARING OFFICER HALLORAN:

18 Sustained.

19 BY THE WITNESS:

20 A. Could you restate the question?

21 BY MS. DUBIN:

22 Q. Sure. Why do you have -- why is the  
23 pond lined?

24 A. To keep the bottom ash separated

1 from the ground.

2 Q. Are there then any concerns with  
3 having the bottom ash come into contact with the  
4 ground?

5 MS. NIJMAN: Objection. No  
6 foundation for this witness.

7 HEARING OFFICER HALLORAN: Do you  
8 want to rephrase, Ms. Dubin?

9 MS. DUBIN: Sure.

10 BY MS. DUBIN:

11 Q. Do you know -- do you know why folks  
12 have asked you -- I'm assuming Midwest Generation  
13 initially had asked you to line the ponds,  
14 correct?

15 MS. NIJMAN: Objection. Misstates.

16 HEARING OFFICER HALLORAN: Yeah,  
17 rephrase.

18 MS. DUBIN: Sure.

19 BY MS. DUBIN:

20 Q. Have you ever asked why you were  
21 relining the ponds?

22 A. Not that I remember.

23 Q. So are you familiar with a pond  
24 liner referred to as HDPE?



1 A. I am.

2 Q. And what does HDPE stand for?

3 A. I'd be guessing, but I believe  
4 high-density polyethylene. Something along those  
5 lines.

6 Q. Now, the bottom of the west ash pond  
7 is currently lined with HDPE, is that correct?

8 A. Correct.

9 Q. And then the sides of the west --  
10 west ash pond are also currently lined with HDPE,  
11 correct?

12 A. Correct.

13 Q. And do you know any other options  
14 for the different -- or do you know any options  
15 for the different subbases that a liner can go on?

16 MS. NIJMAN: Objection. Foundation.  
17 Vague.

18 BY MS. DUBIN:

19 Q. Are you familiar with geomembrane,  
20 for instance?

21 A. I've heard the term.

22 MS. NIJMAN: Objection.

23 BY MS. DUBIN:

24 Q. Are you aware that sometimes HDPE

1 liners can be installed on top of the layer of  
2 geomembrane?

3 MS. NIJMAN: Objection. Foundation.

4 HEARING OFFICER HALLORAN:

5 Overruled. He may answer if he's able.

6 BY THE WITNESS:

7 A. Can you restate the question?

8 BY MS. DUBIN:

9 Q. Sure. HDPE liners can be installed  
10 with a layer of geomembrane between the liner and  
11 the soil, correct?

12 MS. NIJMAN: Objection.

13 BY THE WITNESS:

14 A. Correct.

15 HEARING OFFICER HALLORAN: Excuse  
16 me. When Ms. Nijman objects, we have to stop --

17 MS. DUBIN: Of course. Of course.

18 HEARING OFFICER HALLORAN: -- so I  
19 can see what the objection is.

20 MS. DUBIN: Sure.

21 HEARING OFFICER HALLORAN: Ms.

22 Nijman?

23 MS. NIJMAN: Same foundation. There  
24 is no establishment that this witness would have

1 any knowledge of how liners are established. He  
2 is not a liner professional.

3 HEARING OFFICER HALLORAN: If he  
4 knows, he can answer. So, overruled.

5 BY MS. DUBIN:

6 Q. And was the HDPE installed on top of  
7 a geomembrane liner?

8 A. Where are we talking about?

9 Q. The west ash pond.

10 A. At Waukegan station, the HDPE liner  
11 is directly on the soil.

12 Q. And are you familiar with Hypalon?

13 A. I am.

14 Q. What is Hypalon?

15 A. Hypalon was the liner of the west  
16 and east ash ponds prior to putting in the HDPE  
17 liner.

18 Q. The bottom of the west ash pond used  
19 to be lined with Hypalon you said, correct?

20 A. I believe so, yes.

21 Q. And the sides as well?

22 A. Correct.

23 Q. Do you know when the Hypalon liner  
24 that preceded -- that immediately preceded HDPE

1 was installed?

2 A. I don't.

3 Q. And do you know if there was any  
4 other liner that existed before the Hypalon liner?

5 A. I do not know.

6 Q. And do you know if the Hypalon liner  
7 was installed when the pond was constructed?

8 A. I'd be guessing. I don't know for  
9 sure.

10 Q. Are you aware of whether there are  
11 any concerns with using a Hypalon liner?

12 MS. NIJMAN: Same objection.  
13 Foundation to this witness.

14 HEARING OFFICER HALLORAN: Ms.  
15 Dubin, could you rephrase?

16 MS. DUBIN: Yeah, absolutely.

17 BY MS. DUBIN:

18 Q. So Hypalon liners -- are Hypalon  
19 liners less effective than other liners?

20 MS. NIJMAN: Objection. Same  
21 objection.

22 HEARING OFFICER HALLORAN: The  
23 objection?

24 MS. NIJMAN: Vague, foundation for

1 this witness as to any basis for knowledge of what  
2 a Hypalon liners qualities are.

3 HEARING OFFICER HALLORAN: Okay.  
4 He's been answering so far so good.

5 MS. NIJMAN: He's been answering if  
6 it exists. He is not a person who has -- he  
7 barely said he knew what the term HDPE stood for.  
8 Now, we're talking about a whole different liner  
9 and it has not at all been established that he  
10 knows what it's made of or what its properties  
11 are.

12 HEARING OFFICER HALLORAN: Ms.  
13 Dubin?

14 MS. DUBIN: You were involved -- he  
15 is involved in the relining projects.

16 BY MS. DUBIN:

17 Q. And, sir, you were when -- you were  
18 working at Midwest Generation at a time those coal  
19 ash basins were lined with Hypalon, correct?

20 A. Correct.

21 Q. So are there any -- why did you not  
22 reline the ponds with Hypalon?

23 MS. NIJMAN: Same objection.

24 HEARING OFFICER HALLORAN: Could you

1 read the question back, please?

2 (Whereupon, the record was read  
3 as requested.)

4 MS. DUBIN: I'll clarify that.

5 HEARING OFFICER HALLORAN: Thank  
6 you.

7 BY MS. DUBIN:

8 Q. So you relined the ponds with  
9 Hypa- -- when you relined the ponds, you relined  
10 them with HDPE, correct?

11 MS. NIJMAN: I'm sorry to object  
12 again, but when you say you, are you saying him  
13 personally?

14 MS. DUBIN: I apologize. You as in  
15 Midwest Generation.

16 MS. NIJMAN: Thank you.

17 BY MS. DUBIN:

18 Q. Also, you were involved in the  
19 relining projects, correct?

20 A. I was involved in the relining  
21 project, correct.

22 Q. So when the ponds were relined with  
23 HDPE, why were they not instead relined with  
24 Hypalon?

1           A.       I don't have any idea.

2           Q.       I'll move onto the east ash pond  
3 now.

4                       Now, what contents does the east  
5 ash pond store coal ash?

6           A.       The same as the west ash pond.  
7 Bottom ash from the operating boilers.

8           Q.       And is the bottom of the east ash  
9 pond lined with HDPE?

10          A.       Currently it is, yes.

11          Q.       And are the sides lined with HDPE?

12          A.       Yes, they are.

13          Q.       And is there a geomembrane installed  
14 between the HDPE and the soil?

15          A.       No.

16          Q.       Now, the bottom of the east ash pond  
17 also used to be lined with Hypalon, correct?

18          A.       Prior to the relining, the bottom of  
19 the east ash pond was lined with Hypalon, correct.

20          Q.       And do you know if the east ash pond  
21 was ever lined with something else before the  
22 Hypalon that immediately preceded the HDPE?

23          A.       No, I don't know.

24          Q.       And do you know if the pond was

1 lined with Hypalon when it was originally  
2 constructed?

3 A. No, I don't know.

4 Q. Now, prior to the ponds being lined  
5 with the HDPE, the Hypalon liner was aging,  
6 correct?

7 MS. NIJMAN: Objection. No facts in  
8 evidence to support that. Assumes facts.

9 HEARING OFFICER HALLORAN: Ms.  
10 Dubin?

11 MS. DUBIN: Sorry?

12 HEARING OFFICER HALLORAN: No facts  
13 in evidence. Foundation.

14 BY MS. DUBIN:

15 Q. Was the Hypalon liner aging when --  
16 when the pond was relined with HDPE?

17 A. Which pond are we talking about?

18 Q. Both of the ponds.

19 A. Well, I -- I don't know what you  
20 mean by aging.

21 Q. I guess what do you mean by the  
22 term -- what does aging mean to you?

23 A. Well, I know they were put in  
24 pre-'92 when I started there. So they're -- when



1 they were relined in 2003, they would have been  
2 almost, what, 20 -- 20 years old. So if that's  
3 aging to you, then that would be aging.

4 Q. Thank you. So are you familiar with  
5 something called sloughing, is that how you  
6 pronounce it? S-L-O-U-G-H.

7 A. Generally, I'm aware of that, yes.

8 Q. And what is sloughing?

9 A. Well, as I know it, it's when the  
10 slope loses compaction and will begin to collapse  
11 or fall down.

12 Q. And before the east ash pond was  
13 relined, was it sloughing, were its sides  
14 sloughing?

15 A. I believe there was an instance  
16 where that occurred, yes.

17 Q. And before the west ash pond was  
18 relined, were the sides sloughing?

19 A. I don't remember the west pond ever  
20 sloughing.

21 Q. And you said there was -- there was  
22 only one incident where the east ash pond's sides  
23 were sloughing?

24 A. I can remember one incident.

1 Q. And when was that?

2 A. I don't know the timeframe.

3 Q. And how long was it sloughing before  
4 it was repaired?

5 A. I really don't know the timeframe on  
6 it. So I'm not -- I'm not a hundred percent sure.

7 Q. Now, is it right that sloughing  
8 walls would put pressure on the liner at the  
9 bottom of the pond?

10 A. It could.

11 Q. And is that what was happening with  
12 the east ash pond?

13 A. I guess it might have.

14 Q. Do you recall being deposed -- are  
15 you sure it might have happened?

16 A. I remember one incident where we had  
17 sloughing on the east ash pond.

18 Q. Thank you. Did it put pressure on  
19 the Hypalon liner at the bottom of the pond?

20 MS. NIJMAN: Objection to this  
21 witness -- number one, asked and answered. Number  
22 two, again, this witness's knowledge of what is  
23 happening at the bottom of the pond.

24 MS. DUBIN: Okay.

1 HEARING OFFICER HALLORAN: Ms.

2 Dubin?

3 BY MS. DUBIN:

4 Q. Do you remember being deposed in  
5 this matter?

6 A. Yes.

7 Q. Now, I'd like to draw your attention  
8 to -- yeah. I'd like to draw your attention to  
9 page 87 of your deposition. And then line 19.

10 MS. NIJMAN: Thank you.

11 BY MS. DUBIN:

12 Q. Now, starting at line 19.

13 MS. NIJMAN: Just a second. I'm  
14 sorry.

15 HEARING OFFICER HALLORAN: What  
16 page, Ms. Dubin?

17 MS. DUBIN: Eighty-seven, sir.

18 BY MS. DUBIN:

19 Q. So you said "And we also had the  
20 condition similar to Powerton where the walls were  
21 sloughing underneath the liner putting pressure on  
22 the liner at the bottom and leaving a gap between  
23 the liner and the soil near the surface and I had  
24 seen the liner, due to wind action, tear above the

1 surface where that gap occurred underneath where  
2 the soil wasn't supporting the liner," do you  
3 recall reviewing this transcript, this deposition  
4 transcript following your deposition?

5 A. Yes, I do.

6 Q. And is this an accurate depiction of  
7 what you stated --

8 A. Yes, it is.

9 Q. -- in your deposition? So just to  
10 clarify, is your recollection refreshed by this  
11 deposition?

12 A. Yes.

13 Q. Okay. So just to clear things up.

14 Did the sloughing walls at the  
15 Waukegan ponds put pressure on the liner at the  
16 bottom of the pond?

17 A. Yes, it did.

18 Q. And the sloughing then resulted in a  
19 gap between the liner and the soil near the  
20 surface of the Waukegan ponds?

21 A. The east ash pond, yes.

22 Q. And the Hypalon liner at the east  
23 ash pond was torn because of that gap between the  
24 liner and the soil, correct?

1           A.        There were occasions where it would  
2    tear, yes.

3           Q.        And do you know how many occasions?

4           A.        No, I don't.

5           Q.        Do you know when these tears would  
6    occur?

7           A.        No.

8           Q.        So are you aware that on June 11th,  
9    2012, Illinois EPA issued violation notices to --  
10   or a violation notice to Midwest Generation  
11   alleging violations of groundwater quality  
12   standards at Waukegan?

13          A.        I'm vaguely aware of that, yes.

14          Q.        Now, I'd like to call your attention  
15   to Complainants' Exhibit 112.

16                   MS. NIJMAN: I'm sorry. Is this a  
17   new exhibit?

18                   MS. DUBIN: Yes, this is a new --  
19   new exhibit.

20   BY MS. DUBIN:

21          Q.        And this exhibit is an e-mail that  
22   you had sent to William Gaynor and several other  
23   individuals March 27th, 2013. I'll give you a  
24   moment to take a look at that.

1 HEARING OFFICER HALLORAN: Is this  
2 111?

3 MS. DUBIN: One-twelve. I  
4 apologize.

5 (Document marked as Complainants  
6 Exhibit No. 112 for  
7 identification.)

8 BY MS. DUBIN:

9 Q. Are you familiar with that -- I'll  
10 let you finish.

11 A. Okay.

12 Q. Are you familiar with this e-mail?

13 A. Yeah, vaguely.

14 Q. And you wrote this e-mail to William  
15 Gaynor, correct?

16 A. Correct.

17 Q. And who is William Gaynor?

18 A. Bill Gaynor works at Powerton  
19 station. I'm not sure what his title is there.

20 Q. And your e-mail states that  
21 groundwater issues at Waukegan during -- that  
22 there were groundwater issues at Waukegan during  
23 our ash liner replacements, correct?

24 A. That's what the e-mail states, yes.

1 Q. And the ash liner replacements you  
2 were referring to in this e-mail are the liner  
3 replacements for the east pond and the west pond  
4 at Waukegan, correct?

5 A. It doesn't say which pond I was  
6 referring to, but it was one of the two.

7 Q. You mentioned replacements plural.  
8 So do you think is it your understanding you meant  
9 both?

10 A. No.

11 Q. Why did you mention replacements?

12 MS. NIJMAN: I'm sorry?

13 BY MS. DUBIN:

14 Q. Was there more than one liner  
15 replacement in one of the ponds?

16 A. There was, but the west ash pond did  
17 not require or did not have any water issues.

18 Q. When was -- when were there multiple  
19 liners replaced in the east ash pond or when were  
20 the different liners replaced at the east ash  
21 pond?

22 A. I'm confused.

23 Q. You said there were multiple liner  
24 replacements at the east ash pond, is that

1 correct?

2 A. Are you referring to the e-mail?

3 Q. I'm referring to your statement just  
4 now. So you mentioned that during your ash liner  
5 replacements plural, you experienced groundwater  
6 issues. I then asked whether or not there were --  
7 you were referring to both the east ash  
8 replacement and the west ash replacement.

9 A. I misspoke. It was during the east  
10 ash pond liner replacement there were water  
11 issues.

12 Q. Okay. Got it. Thank you. Now, the  
13 groundwater issues you discussed in your e-mail  
14 was that groundwater was settling into the bottom  
15 of these ponds, correct?

16 A. Honestly, I'm not sure if it was  
17 groundwater, rainwater, what kind of water it was,  
18 but it was water settling on the bottom of the  
19 pond, correct.

20 Q. Can you please explain what you mean  
21 by settling?

22 A. We had water puddling in the bottom  
23 of the pond during the liner replacement.

24 Q. And when water settles into the



1 bottom of the pond, it can create slop, correct?

2 A. Yes, I believe that's a term I used  
3 during my deposition.

4 Q. What does that term mean to you?

5 A. It's just a mixture of whatever is  
6 on the bottom of the pond; dirt, soil, getting wet  
7 and -- and, you know, you can't compact slop.

8 Q. And was there any coal ash in the  
9 bottom of the pond at that time?

10 A. Not that I was aware of, no.

11 Q. Now, the second paragraph in your  
12 e-mail notes that the liner may have  
13 bulged/rolled, correct?

14 A. I think there were -- I was  
15 referring to the secondary ash basin at Powerton  
16 station.

17 Q. Okay. Got it. And what does that  
18 mean for a liner to bulge/roll?

19 A. Well, I'm not sure what it meant at  
20 Powerton, but at Waukegan it meant that, you know,  
21 we had lost some of the slope and it slid down to  
22 the bottom.

23 Q. And when did this occur, the bulging  
24 and rolling?

1           A.       I don't know when it occurred at  
2   Waukegan exactly.

3           Q.       Did it occur with the HDPE liner or  
4   when the HDPE liner had been installed?

5           A.       No.

6           Q.       And had the bulging/rolling happened  
7   multiple times at Waukegan?

8           A.       Not that I remember.

9           Q.       Are you -- so you mentioned that  
10   you're familiar with the practice of dredging.

11                    Are you aware that coal ash pond  
12   liners can be torn during the dredging process?

13          A.       There is the potential.

14          Q.       And do you know what an excavator  
15   is?

16          A.       Yes.

17          Q.       What is an excavator?

18          A.       An excavator is a piece of machinery  
19   that has an arm on it with a bucket on the end.

20          Q.       And excavators are used to dredge  
21   the ponds at Waukegan, correct?

22          A.       They can be, but typically they're  
23   not actually.

24          Q.       And excavators contain steel

1 buckets, is that right?

2 A. Correct.

3 Q. And if an excavator gets too close  
4 to the liner during dredging, the steel bucket can  
5 puncture the liner, correct?

6 A. It could.

7 Q. Now, you're not aware of any more  
8 stringent dredging requirements since the June  
9 2012 notice of violation issued by IEPA to Midwest  
10 Generation, correct?

11 MS. NIJMAN: Objection. I'm --  
12 vagueness of the question. Misstates testimony.  
13 The notice had nothing to do with dredging.

14 HEARING OFFICER HALLORAN: This is a  
15 new area. Ms. Dubin, can you rephrase?

16 MS. DUBIN: Yeah.

17 BY MS. DUBIN:

18 Q. Did any of the dredging requirements  
19 change between when the notice of violation was  
20 issued and the -- and now?

21 A. Not that I'm aware of.

22 Q. Now, a company called Lafarge is the  
23 company that conducts the dredging for Waukegan,  
24 correct?

1           A.       Generally, yes.

2           Q.       And are you familiar with a company  
3 called Mineral Solutions?

4           A.       No, not really.

5           Q.       And liners at Waukegan have been  
6 punctured during the dredging process, correct?

7           A.       I don't remember a situation where  
8 that occurred. It may have, but I don't -- I  
9 can't remember one off the top of my head.

10          Q.       You don't have a vague memory of  
11 that having happened?

12          A.       It's possible it may have.

13          Q.       Now, in general, one way to  
14 determine whether a coal ash pond liner has been  
15 damaged is by conducting a visual inspection,  
16 correct?

17          A.       Can you restate that or re--

18          Q.       Sure. Are visual inspections  
19 conducted of the Waukegan ponds?

20          A.       Yes.

21          Q.       And are these visual inspections, in  
22 part, conducted to determine whether a liner at  
23 one of the ponds has been damaged?

24          A.       Sure, that's part of the inspection.

1           Q.       And at Waukegan employees conduct  
2 visual -- sorry. And effective visual inspections  
3 can only be conducted on portions of the liner  
4 that are not covered in ash, correct?

5           A.       Effective visual inspections of the  
6 liner can only be done on portions that are not  
7 covered, correct.

8           Q.       Are you familiar with the continuity  
9 method of inspections?

10          A.       Vaguely.

11          Q.       And would you be able to explain  
12 what that method is?

13          A.       No.

14          Q.       Is it your understanding that the  
15 continuity method of inspections would be able to  
16 determine whether or not a liner is damaged if  
17 it's covered by ash?

18          A.       I'm not sure if it can or cannot.

19          Q.       And are you aware of any time the  
20 continuity method has been used at Waukegan?

21          A.       I believe it was used when the two  
22 ash ponds were relined.

23          Q.       So you remember being deposed in  
24 this matter. I'd like to draw your attention to

1 your deposition transcript page 39, line 6. I  
2 asked

3 Q. And is this continuity  
4 method actually used at Waukegan?

5 A. It has not been to my  
6 knowledge.

7 Does this refresh your  
8 recollection of whether or not the continuity  
9 method has been used?

10 MS. NIJMAN: Objection. It's an  
11 improper impeachment if he has knowledge today.

12 HEARING OFFICER HALLORAN: I agree.  
13 Sustained.

14 BY MS. DUBIN:

15 Q. When did you -- when did you acquire  
16 the knowledge that the continuity method was used  
17 at Waukegan?

18 A. During preparation.

19 Q. During preparation for what?

20 A. For this hearing.

21 Q. Okay. And is it your understanding  
22 that the continuity method was used at one of the  
23 ponds at Will County after it was relined or are  
24 you aware of the fact that one of the Will County

1 ponds has been relined?

2 MS. NIJMAN: Objection to foundation  
3 on Will County.

4 BY MS. DUBIN:

5 Q. Are you --

6 HEARING OFFICER HALLORAN:  
7 Sustained.

8 BY MS. DUBIN:

9 Q. Are you aware that there are coal  
10 ash ponds at Will County?

11 A. Yes, I'm aware.

12 Q. Are you aware that the ponds have  
13 been relined, two of the ponds?

14 A. Yes, I believe two of the ponds have  
15 been relined at Will County.

16 Q. And is it your understanding that  
17 one of the ponds was relined in 2013?

18 A. Yes, I thought both ponds were  
19 relined in 2013, but, yes, I'm aware one of them  
20 was.

21 Q. And is it your understanding that  
22 the continuity method was used at one of the ponds  
23 at Will County after it was relined in 2013?

24 A. It's my general understanding that

1 it was in the specifications for their relining to  
2 have a continuity, yes.

3 Q. And a company called Leak  
4 Locations -- are you aware that the company called  
5 Leak Location Services was the one that conducted  
6 the continuity inspection at Will County?

7 A. No, I'm not aware of that.

8 Q. Other than visual inspections,  
9 you're not aware of any other methods used to  
10 inspect the liners at Waukegan, correct?

11 MS. NIJMAN: Objection. Misstates  
12 prior testimony.

13 HEARING OFFICER HALLORAN: I'm  
14 sorry, Ms. Nijman?

15 MS. NIJMAN: Misstates prior  
16 testimony.

17 HEARING OFFICER HALLORAN: Ms.  
18 Dubin?

19 BY MS. DUBIN:

20 Q. Other than that use of the  
21 continuity method following the relining of the  
22 Waukegan ponds, other than visual inspections, are  
23 you aware of other methods used to inspect the  
24 liners at Waukegan?



1 A. No, I'm not aware.

2 Q. Now, coal ash berms can be  
3 surrounded by berms, correct --

4 A. Correct.

5 Q. -- are you familiar with berms? And  
6 is it your understanding that berms help ensure  
7 that the ash within the ash ponds remain inside of  
8 the ash ponds?

9 A. Yes.

10 Q. And when there is a hole in a berm,  
11 is it less likely to be effective?

12 MS. NIJMAN: Objection to the  
13 term --

14 HEARING OFFICER HALLORAN: I can't  
15 hear you.

16 MS. NIJMAN: Objection to vague.

17 HEARING OFFICER HALLORAN: Yes,  
18 sustained.

19 BY MS. DUBIN:

20 Q. If there is -- are you aware of the  
21 fact that there sometimes can be holes in berms?

22 MS. NIJMAN: Same objection.

23 HEARING OFFICER HALLORAN: He may  
24 answer if he's able.

1 BY THE WITNESS:

2 A. I have never seen any holes in any  
3 berms before, no.

4 BY MS. DUBIN:

5 Q. I'd like to call your attention to  
6 Complainants' Exhibit 100.

7 (Document marked as Complainants  
8 Exhibit No. 100 for  
9 identification.)

10 BY MS. DUBIN:

11 Q. So -- now, this is an inspection of  
12 the ash pond berms that was conducted by Valdes  
13 Engineering Company and the report is dated May  
14 29th, 2015, are you familiar with this document?

15 A. I believe I have seen it before,  
16 yes.

17 Q. This document is addressed to you,  
18 correct?

19 A. It is.

20 Q. I'd like to draw your attention in  
21 particular to page 49273 of the document.

22 A. Okay.

23 Q. Now, if you take a look underneath  
24 observations at the fourth paragraph down, it says

1 that at about the center of pond one a tree has  
2 fallen near the top of the berm, photo five. The  
3 uprooted tree left a hole in the slope of the  
4 berm. No significant erosion was observed during  
5 our inspection.

6 What does this mean by it having  
7 left a hole in the slope of the berm?

8 A. Well, where the tree root came out  
9 it left a void in the berm, not a thru-hole into  
10 the pond. So in my -- from my reading this, it  
11 left a void where the root fell over and pulled  
12 out.

13 Q. How big was this void, do you know?

14 A. No, I don't.

15 Q. We talked about the walls of coal  
16 ash pond sloughing already. What does it mean  
17 for -- are you familiar with coal ash berms  
18 sloughing and are -- I should ask.

19 Are coal ash berms the same  
20 thing as coal ash walls? Is it your understanding  
21 that coal ash berms are the same thing as coal ash  
22 walls?

23 MS. NIJMAN: Object to form. I'm  
24 not sure what we're answering at this point.

1 BY THE WITNESS:

2 A. I'm confused.

3 BY MS. DUBIN:

4 Q. Sure.

5 HEARING OFFICER HALLORAN: Ms.

6 Dubin?

7 BY MS. DUBIN:

8 Q. What does the term coal ash pond  
9 wall mean to you?

10 A. Well, to me, it means it's one of  
11 the slopes of the ash pond.

12 Q. And what does the term coal ash pond  
13 berm mean to you?

14 A. The same thing. It's -- it's the  
15 entire structure that the slope of the pond is  
16 built out of.

17 Q. So are coal ash pond walls the same  
18 thing as coal ash pond berms?

19 A. Yes.

20 Q. Now, are there berms surrounding the  
21 east ash pond at Waukegan?

22 A. Yes.

23 Q. On all four sides of that one pond?

24 A. Yes, one of the berms is shared

1 between the east and west -- west ash pond, but,  
2 yes, there are berms all the way around the east  
3 ash pond.

4 Q. And then there are berms surrounding  
5 the west ash pond as well on three sides?

6 A. Yes, one of those sides would be,  
7 again, sharing with the east ash pond, correct.

8 Q. So in a way it almost looks like a  
9 rectangle surrounding the two ponds?

10 MS. NIJMAN: Objection. Vague.

11 MS. DUBIN: We'll skip that one.

12 HEARING OFFICER HALLORAN:

13 Sustained.

14 BY MS. DUBIN:

15 Q. So Valdes has done these -- turning  
16 back to Complainants' Exhibit 100, has Valdes done  
17 these inspections more than once?

18 A. Yes.

19 Q. How often would Valdes conduct these  
20 inspections?

21 A. Typically, annually.

22 Q. And was it part of your job to  
23 receive reports about these inspections?

24 A. Typically, yes.

1 Q. And would you review these reports?

2 A. Quickly, but yes.

3 Q. So I'd like you to take a look at  
4 Bates page 49272. So that's the first page of the  
5 report.

6 The second sentence under  
7 introduction says "The ponds were created by  
8 building a berm likely with onsite materials of  
9 mainly sand and bottom ash," correct?

10 A. That's what the report says, yes.

11 Q. And were the berms around the  
12 east -- were the berms built with bottom ash?

13 A. I don't know. I wasn't there when  
14 they were built.

15 Q. And I'd like you now to turn back to  
16 49273, the next page. The third paragraph under  
17 observations says "There is some minor stepping of  
18 the slope in a few areas indicating previous  
19 erosion or sloughing," what does the term stepping  
20 mean?

21 A. I'm -- I'm not exactly sure what it  
22 means. It's obviously tied to some type of  
23 erosion on the berm.

24 Q. Were you aware of this erosion

1 before it was reported by Valdes in this report?

2 A. I don't remember.

3 Q. Were you aware of the sloughing  
4 before hearing about it from Valdes?

5 A. Again, I'm not sure I remember  
6 knowing of it prior to the report.

7 Q. Now, back to the hole that was  
8 created -- or the void that was created in the  
9 berm by the falling tree.

10 Were you aware of that void  
11 before it was reported to you by Valdes?

12 A. I don't believe so.

13 MS. DUBIN: Now, I'd like to --  
14 complainants would like to move to admit  
15 Complainants' Exhibit 100 into evidence.

16 HEARING OFFICER HALLORAN: Ms.  
17 Nijman?

18 MS. NIJMAN: No objection.

19 HEARING OFFICER HALLORAN: Okay.  
20 Thank you. Complainants' Exhibit 100 is admitted.

21 MS. DUBIN: Just a housekeeping  
22 matter. I'd actually -- we discussed previously  
23 Complainants' Exhibit 112.

24 HEARING OFFICER HALLORAN: Correct.

1 MS. DUBIN: And I'd like to move for  
2 Complainants' Exhibit 112 to be admitted as well  
3 and as a reminder that's the e-mail that Mr. Lux  
4 sent to Mr. Gaynor.

5 MS. NIJMAN: No objection.

6 HEARING OFFICER HALLORAN: Thank  
7 you. Complainants' Exhibit 112 admitted.

8 BY MS. DUBIN:

9 Q. I'd like to discuss the pond liners  
10 a little bit now.

11 Now, you mentioned that the  
12 Hypalon liner in the east ash pond has torn in the  
13 past, correct?

14 A. Yes.

15 Q. And how many times has it torn?

16 A. I don't know.

17 Q. And has the Hypalon liner in the  
18 west ash pond torn?

19 A. I can't remember a case where it  
20 did.

21 Q. And has the HDPE in the west ash  
22 pond liner torn in the past?

23 A. Off the top of my head, I can't  
24 remember a case where the west ash pond had the



1 HDPE torn either.

2 Q. And has the HDPE in the east ash  
3 pond torn previously?

4 A. Yes, I believe it has.

5 Q. And to repair these tears the liners  
6 get patched with Hypalon, correct?

7 A. No.

8 MS. NIJMAN: Object. It's okay.  
9 Withdrawn.

10 BY MS. DUBIN:

11 Q. Did you used to repair these tears  
12 to the HDPE with Hypalon?

13 A. No, never.

14 Q. And are there certain temperatures  
15 below which liners cannot be repaired?

16 A. I'm not aware of any.

17 Q. And I'd now like to call your  
18 attention to Complainants' Exhibit 101.

19 (Document marked as Complainants  
20 Exhibit No. 101 for  
21 identification.)

22 BY MS. DUBIN:

23 Q. This exhibit is dated --

24 MS. NIJMAN: Before we look at it,

1 your Honor, before we even discuss --

2 HEARING OFFICER HALLORAN: I'm  
3 sorry?

4 MS. NIJMAN: We have an objection to  
5 the use of this exhibit at all before the witness  
6 even looks at it.

7 HEARING OFFICER HALLORAN: Okay.

8 MS. NIJMAN: This is a document  
9 similar to yesterday. It's from 1997. It's from  
10 a contractor to a ComEd employee prior to Midwest  
11 Generation taking over the facilities. It's not  
12 in any way addressed to or relating to Mr. Lux.  
13 There is no basis for admission and as an offer of  
14 proof I would submit that this witness has no  
15 knowledge of this document, the people on it or  
16 this company.

17 HEARING OFFICER HALLORAN: Okay.  
18 You said this is the same as the -- what was it --  
19 phase two ComEd?

20 MS. NIJMAN: Well, it's more -- it's  
21 actually more stringent in the sense that nobody  
22 has reviewed this.

23 HEARING OFFICER HALLORAN: Okay.

24 All right. Ms. Dubin?

1 MS. DUBIN: This document is dated  
2 August 7th, 1997. It's an ancient document. It  
3 was commissioned for ComEd. They were an agent of  
4 ComEd and they were also in privity with ComEd.

5 HEARING OFFICER HALLORAN: You know,  
6 I think that's too attenuated. I would sustain  
7 Ms. Nijman's objection. However, I will take it  
8 as an offer of proof I imagine this and Mr. Lux's  
9 testimony as to this Exhibit 101. So, sustained.

10 BY MS. DUBIN:

11 Q. I'd next like to call your attention  
12 to --

13 MS. DUBIN: Can we go off the record  
14 for one moment?

15 HEARING OFFICER HALLORAN: Sure,  
16 Ms. Dubin.

17 MS. DUBIN: Thank you.

18 (Whereupon, a break was taken  
19 after which the following  
20 proceedings were had.)

21 BY MS. DUBIN:

22 Q. Now, I wanted to discuss the Hypalon  
23 liner for just one more moment. You mentioned  
24 that there were tears to the Hypalon liner in the

1 west pond, were those tears on the bottom of the  
2 pond?

3 A. I don't think I mentioned tears in  
4 the west ash pond.

5 Q. I'm sorry. Were there tears in the  
6 east ash pond?

7 A. There were tears in the Hypalon on  
8 the east ash pond, at least one incident that I  
9 can remember.

10 Q. And that incident, was it on the  
11 bottom of the pond?

12 A. No.

13 Q. Do you know if there was any contact  
14 between the ash and the tear?

15 A. I don't believe there was.

16 Q. I'd like to now call your attention  
17 to Complainants' Exhibit 104. I'm sorry. I  
18 apologize. Complainants' Exhibit 102.

19 (Document marked as Complainants  
20 Exhibit No. 102 for  
21 identification.)

22 BY MS. DUBIN:

23 Q. And this is a -- I'll refer you --  
24 this is a purchase order that is dated -- it's a

1 purchase order with a delivery date of December  
2 3rd, 2007. Are you familiar with this document?

3 A. Generally, yes.

4 Q. Now, this document lists the Midwest  
5 Generation Waukegan contact as yourself, correct?

6 A. Correct.

7 Q. Does this appear to be a true and  
8 authentic copy of this document?

9 A. Yes, it does appear to be.

10 HEARING OFFICER HALLORAN: Ms.  
11 Dubin, where do I look for the date on this  
12 purchase order?

13 MS. DUBIN: So in the middle, you  
14 see kind of a bar. Underneath vendor's specific  
15 text in all caps you'll look three lines below  
16 that and see something kind of in a bar that says  
17 item, material description, supplier, unit -- unit  
18 delivery date.

19 HEARING OFFICER HALLORAN: I have  
20 it. Thank you.

21 MS. DUBIN: Great.

22 BY MS. DUBIN:

23 Q. Now, this purchase order states that  
24 this was for a torn section of the east ash pond

1 liner, is that correct?

2 A. That is correct.

3 Q. And the east ash pond was lined with  
4 HDPE at this time, correct?

5 A. This was 2007 so that is correct.

6 Q. Do you know how this tear occurred?

7 A. I can speculate that it occurred at  
8 the top of the ramp because that's what it says  
9 here in the northeast corner of the pond at --  
10 near the access ramp, so my speculation is it was  
11 damaged by equipment.

12 Q. I'm sorry. Can you please repeat  
13 that? Damaged by?

14 A. By a piece of equipment.

15 Q. And what was that equipment used  
16 for, do you know?

17 A. The piece of equipment would have  
18 been used to push bottom ash down the ramp and  
19 into the pond.

20 MS. DUBIN: And complainants move to  
21 admit Complainants' Exhibit 102 into evidence.

22 MS. NIJMAN: No objection.

23 HEARING OFFICER HALLORAN: Thank  
24 you. Complainants' Exhibit 102 admitted.

1 BY MS. DUBIN:

2 Q. I'd now like to call your attention  
3 to Complainants' Exhibit 103.

4 (Document marked as Complainants  
5 Exhibit No. 103 for  
6 identification.)

7 BY MS. DUBIN:

8 Q. Now, Complainants' Exhibit 103 is an  
9 e-mail from you to Wayne -- is it pronounced  
10 Ollila -- Ollila?

11 A. Correct.

12 Q. Ollila.

13 MS. NIJMAN: Can you hold on a  
14 second? I'm sorry, Lindsay. Just give me a  
15 second.

16 MS. DUBIN: Absolutely.

17 MS. NIJMAN: Mr. Hearing Officer, we  
18 have not agreed to authenticate this document just  
19 because of the issues with different dates. They  
20 don't appear related. It appears to be another  
21 one of those situations where unrelated e-mails  
22 are attached.

23 MS. DUBIN: Okay. In that case -- I  
24 see. They are -- they are separate e-mails. In

1 that case, can we just take a look at the top  
2 e-mail Bates 44621 and ignore the second e-mail  
3 for now and, yeah, you can just rip off the bottom  
4 e-mail and discard it.

5 MS. NIJMAN: So when you said ignore  
6 it for now --

7 MS. DUBIN: Sorry?

8 MS. NIJMAN: When you said ignore  
9 the second page for now, you -- just to confirm on  
10 the record, page 44622 -- page 44622 is not part  
11 of this Exhibit --

12 MS. DUBIN: Yes.

13 MS. NIJMAN: -- 102?

14 MS. DUBIN: Complainants' Exhibit --  
15 I apologize. Complainants' Exhibit 103 --

16 MS. NIJMAN: Five --

17 THE COURT REPORTER: Wait. I -- can  
18 you finish your statement?

19 MS. NIJMAN: Yes. To confirm, Bates  
20 page MWG 13-15\_44622 is not part of Exhibit 103,  
21 is that your understanding, Ms. Dubin?

22 MS. DUBIN: Yes Complainants'  
23 Exhibit 103 is only Bates page 44621.

24 MS. NIJMAN: Thank you.



1 MS. DUBIN: Thank you.

2 HEARING OFFICER HALLORAN: And what  
3 is the status on that? Do you want to offer it  
4 into evidence and, Ms. Nijman, your response?

5 MS. NIJMAN: We don't know yet.

6 HEARING OFFICER HALLORAN: Oh, I  
7 thought she admitted -- or offered it. I'm sorry.  
8 Go ahead, Ms. Dubin.

9 MS. DUBIN: Sure thing.

10 BY MS. DUBIN:

11 Q. Now, are you familiar with this  
12 e-mail?

13 A. Yes, I am.

14 Q. In it, you mentioned that there  
15 are -- I apologize. At the -- starting from the  
16 first e-mail at the bottom, that was sent from  
17 Wayne Ollila, correct?

18 A. That's correct.

19 Q. And is Mr. Ollila a Midwest  
20 Generation employee?

21 A. He is or was.

22 Q. What was -- what is Mr. Ollila's --  
23 what are his responsibilities with NRG Energy?

24 A. I believe he still works for NRG,

1 but with Midwest Generation and I believe with NRG  
2 he is an equipment operator.

3 Q. In it, he mentions that there are  
4 some possible rips in the east pond and two rips  
5 in the west pond liner, is that right?

6 A. Yes, that's what the e-mail says.

7 Q. And he mentioned that he would show  
8 them to you, he'd be happy to show them to you,  
9 right?

10 A. Correct.

11 Q. You replied to this e-mail, didn't  
12 you?

13 A. I did.

14 Q. And when you replied, you said "Next  
15 time you're at the plant, remind me and we'll take  
16 a ride to see these rips," correct?

17 A. "Next time I see you out in the  
18 plant, remind me and we'll take a ride to see  
19 them," yes.

20 Q. And by the plant, do you mean  
21 Waukegan?

22 A. Correct.

23 MS. DUBIN: Complainants move to  
24 admit Complainants' Exhibit 103 into evidence and,

1 to clarify, Complainants' Exhibit 103 is the  
2 content of the entire Bates page 44621.

3 MS. NIJMAN: No objection.

4 HEARING OFFICER HALLORAN: Thank  
5 you. Complainants' Exhibit 103 is admitted.

6 BY MS. DUBIN:

7 Q. I'd like to call your attention to  
8 Bates page 44623. Complainants' Exhibit 104.

9 (Document marked as Complainants  
10 Exhibit No. 104 for  
11 identification.)

12 BY MS. DUBIN:

13 Q. Are you familiar with this -- this  
14 is an e-mail you sent to all Waukegan employees  
15 and its security at Waukegan, correct?

16 A. It appears that way, yes.

17 Q. And are you familiar with this  
18 e-mail?

19 A. Yeah. Vaguely I am, yeah.

20 Q. Now, you mentioned that you will --  
21 you guys will be -- or Hayes Mechanical will be  
22 making repairs to the east pond liner, is that  
23 correct?

24 A. That's correct.

1           Q.       And you also mention that there will  
2           be three or five employees working to remove the  
3           remaining ash/slag from the top of the effected  
4           area and then will begin removing sections of the  
5           damaged liner, is that correct?

6           A.       That's what it reads, that's  
7           correct.

8           Q.       Now, what do you mean by effected  
9           area there?

10          A.       I believe I meant that that's the  
11          area where the liner was -- was damaged.

12          Q.       And was any ash touching the damaged  
13          area of the liner?

14          A.       Not that I recall. As I recall, the  
15          ash was further down on the liner and in order to  
16          make the repair we had to clear that area to get  
17          some slack so that we could tie in the new liner  
18          to the existing liner.

19          Q.       Why did you in your e-mail then  
20          state that you're going to remove the remaining  
21          ash/slag from the top of the effected liner area?

22          A.       Well, again, we had to push the  
23          material down off of the -- the effected location  
24          so that we could get some slack to -- to tie the

1 new liner or the repaired liner to the existing  
2 liner.

3 Q. But was the slag on top of the  
4 effected liner area?

5 A. As I recall, it was, you know, near  
6 the bottom of the effected area.

7 MS. DUBIN: Complainants move to  
8 admit Complainants' Exhibit 104 into evidence.

9 MS. NIJMAN: No objection.

10 HEARING OFFICER HALLORAN: Thank  
11 you. Complainants' Exhibit 104 is admitted.

12 BY MS. DUBIN:

13 Q. Now --

14 A. If I may, when I talk about top, I  
15 think I'm referring to a top of the liner. So not  
16 necessarily an elevation on -- on top of the liner  
17 and not under the liner.

18 Q. There were rips in the east ash pond  
19 in February 2015, correct?

20 A. Are we referring to this e-mail?

21 Q. No, we're going to be moving on from  
22 this e-mail now.

23 A. I don't remember any specific  
24 incident in 2015.

1 Q. Well, I'd like to call your  
2 attention to Complainants' Exhibit 105.

3 (Document marked as Complainants  
4 Exhibit No. 105 for  
5 identification.)

6 BY MS. DUBIN:

7 Q. This is an e-mail chain and the  
8 e-mail chain involves repairs made to the east and  
9 west ash ponds at Waukegan.

10 MS. NIJMAN: Hold on a second,  
11 please.

12 MS. DUBIN: Sure.

13 MS. NIJMAN: Thanks. Sorry. Go  
14 ahead.

15 BY MS. DUBIN:

16 Q. Are you familiar with this e-mail  
17 chain?

18 A. Yes. Vaguely, I am.

19 Q. Did you send the e-mails on this  
20 chain?

21 A. It appears that I did.

22 Q. And did you receive e-mails on this  
23 chain?

24 A. Yes, it appears that I did.

1 Q. Did you -- do you see that Mike  
2 Christy also sent e-mails on this chain?

3 A. I do.

4 Q. And who is Mike Christy?

5 A. Mike Christy is a project manager  
6 of -- for Hayes Mechanical.

7 Q. And what were Mike Christy's  
8 responsibilities with respect to Midwest  
9 Generation -- or I apologize -- at this time it  
10 was NRG?

11 A. Mike was the Hayes Mechanical  
12 project manager that handled the majority of the  
13 Waukegan station work that was brought to Hayes  
14 Mechanical.

15 Q. Now, do you remember how many tears  
16 there were in the east pond when the repairs that  
17 you discussed in this e-mail chain were made?

18 A. Without reading the e-mail, no, I  
19 don't.

20 Q. And do you remember how many tears  
21 there were in the west pond when these repairs  
22 were made?

23 A. No, I don't remember how many there  
24 were.

1 MS. DUBIN: Complainants would --  
2 complainants move to admit Complainants' Exhibit  
3 105 into evidence.

4 HEARING OFFICER HALLORAN: Ms.  
5 Nijman?

6 MS. NIJMAN: No objection.

7 HEARING OFFICER HALLORAN: Thank  
8 you. Complainants' Exhibit 105 is admitted.

9 MS. DUBIN: I'd like to call your  
10 attention now to Complainants' Exhibit 106.

11 (Document marked as Complainants  
12 Exhibit No. 106 for  
13 identification.)

14 BY MS. DUBIN:

15 Q. So this is an e-mail chain. The  
16 first e-mail is from Frederick Veenbaas and then  
17 you had subsequently forwarded this e-mail, are  
18 you familiar with this e-mail chain?

19 A. Yes, I vaguely remember this.

20 Q. Now, who is Frederick Veenbaas?

21 A. Fred Veenbaas is the environmental  
22 compliance specialist, process specialist at  
23 Waukegan station.

24 Q. Is he an employee of Midwest



1 Generation?

2 A. Midwest Generation, NRG. NRG.

3 Q. Now, Mr. Veenbaas wrote that there  
4 were several piles of fly ash in the first e-mail  
5 in the chain. So the one that appears on Bates  
6 44589, he wrote that there were several piles of  
7 flay ash dumped on the ground at Waukegan,  
8 correct?

9 A. That's what he states here, yes.

10 Q. And by the ground, does he mean  
11 outside?

12 MS. NIJMAN: Objection to what  
13 Mr. Veenbaas might have meant.

14 HEARING OFFICER HALLORAN:  
15 Sustained.

16 BY MS. DUBIN:

17 Q. You -- you later forwarded  
18 Mr. Veenbaas's e-mail, correct?

19 A. Yes, it appears that I did.

20 Q. What was your understanding of what  
21 Mr. Veenbaas meant when you forwarded this e-mail?

22 A. Give me a second to read the e-mail  
23 here.

24 Q. Sure.

1           A.       Can you ask me the question again,  
2 please?

3           Q.       Yes, absolutely. So when  
4 Mr. Veenbaas wrote that the ash was being dumped  
5 on the ground, when you forwarded this e-mail, was  
6 it your understanding by the ground he meant  
7 outdoors?

8           A.       I don't know exactly where he meant  
9 it was being dumped.

10          Q.       Now, turning back for a moment to  
11 Mr. Veenbaas's e-mail. In the first sentence, he  
12 said he discovered several piles of fly ash dumped  
13 on the ground near the fuel handling equipment  
14 sheds. Where are the fuel handling equipment  
15 sheds located?

16          A.       In the coal handling area.

17          Q.       And what portion -- this is at the  
18 Waukegan site?

19          A.       Yes.

20          Q.       And at what part of the site is this  
21 located?

22          A.       South of the main plant, north of  
23 the ash ponds.

24          Q.       And are the fuel -- fuel handling

1 equipment sheds located outside?

2 A. They are.

3 MS. DUBIN: Complainants move to  
4 admit Complainants' Exhibit 106 into evidence.

5 MS. NIJMAN: No objection.

6 HEARING OFFICER HALLORAN: Thank  
7 you. Complainants' Exhibit 106 is admitted.  
8 Let's go off the record for a minute, please.

9 (Whereupon, a break was taken  
10 after which the following  
11 proceedings were had.)

12 HEARING OFFICER HALLORAN: We'll go  
13 back on the record. We're going to go ahead and  
14 take a break for 15 and we'll see you about 10:47.  
15 Thank you.

16 (Whereupon, a break was taken  
17 after which the following  
18 proceedings were had.)

19 HEARING OFFICER HALLORAN: We're  
20 going to start. We're going to go back on the  
21 record, gentlemen. All right. We're back on the  
22 record. We just took a short break. Ms. Dubin is  
23 still doing her direct of Mr. Lux. You may  
24 continue. Thank you.

1 BY MS. DUBIN:

2 Q. You're aware that --

3 HEARING OFFICER HALLORAN: Ms.

4 Dubin, excuse me a minute. Ms. -- thank you. You  
5 may proceed. Sorry.

6 MS. DUBIN: No problem.

7 BY MS. DUBIN:

8 Q. Are you aware of there being coal  
9 ash ponds at the Powerton station?

10 A. Ash ponds what I would call them  
11 again, but, yes, I'm aware that there is an ash  
12 pond at Powerton.

13 Q. And have you ever been involved  
14 in -- are you aware that the -- at least one of  
15 the ash ponds at Powerton has been relined?

16 A. I am aware, yes.

17 Q. Were you at all involved in the  
18 relining of that pond?

19 A. I was involved, yes.

20 Q. And how are you involved?

21 A. For Powerton station, I was brought  
22 in as kind of a Midwest Gen fleet project manager  
23 to work with Powerton as far as schedule and --  
24 and budget. I was basically collecting the

1 information from them and reporting to the  
2 executives since we were under a time constraint  
3 for the CCA.

4 Q. I'd like to call your attention now  
5 to Complainants' Exhibit 701 or -- sorry. 107.  
6 This is an e-mail chain.

7 (Document marked as Complainants  
8 Exhibit No. 107 for  
9 identification.)

10 MS. NIJMAN: One second, please.

11 BY MS. DUBIN:

12 Q. This e-mail chain is entitled  
13 Powerton Secondary Ash Basin Future Cleaning.  
14 There are two e-mails on this chain. The first  
15 one is sent by William Gaynor and the second one  
16 is sent by Amy Hanrahan. We'll start with the  
17 earlier e-mail, so the one at the bottom of the  
18 page.

19 Do you know who -- we discussed  
20 Mr. Gaynor already, correct?

21 A. Correct.

22 Q. And he is -- was a Midwest Gen  
23 employee at the time?

24 A. Yes, at the time he was.

1           Q.       And are you familiar with this  
2 e-mail chain?

3           A.       Vaguely, yes.

4           Q.       And your name appears on this e-mail  
5 chain, correct?

6           A.       Yes, I'm cc'd on this.

7           Q.       Now, I'd like to take a look at the  
8 second sentence in Mr. Gaynor's e-mail. It says  
9 "If we do have to clean the basin periodically in  
10 the future, NRT expressed concern about the water  
11 infiltration we are currently experiencing."

12                       First off, who is or what is  
13 NRT?

14           A.       My understanding is they're a  
15 consultant that works with Midwest Generation.

16           Q.       And was there -- is there some kind  
17 of a contract between Midwest Generation and NRT?

18           A.       I don't know for sure.

19           Q.       What did they consult Midwest  
20 Generation on?

21           A.       I believe they were part of the  
22 development of the specifications for the relining  
23 of the ponds.

24           Q.       And the basin that is the subject of

1 Mr. Gaynor's e-mail is the secondary ash basin,  
2 correct?

3 A. Correct.

4 Q. And you believed that the water  
5 being infiltrated or the water that was  
6 infiltrating the basin was coming from the ground,  
7 correct?

8 MS. NIJMAN: Objection. Foundation.

9 HEARING OFFICER HALLORAN:

10 Sustained.

11 BY MS. DUBIN:

12 Q. Where was the -- do you know if the  
13 water that was infiltrating the basin was coming  
14 from the ground?

15 A. I don't know for sure, no.

16 Q. Did you form an impression at the  
17 time of this e-mail about when or where the water  
18 might have been coming from?

19 MS. NIJMAN: Objection.

20 Speculation.

21 HEARING OFFICER HALLORAN: You may  
22 answer. Overruled.

23 BY THE WITNESS:

24 A. It was my understanding that there

1 was some high river levels near the Powerton  
2 station. So it was very possible it could have  
3 come from, you know, the river flooding.

4 BY MS. DUBIN:

5 Q. And did you believe that it was --  
6 at some point it was coming from the ground?

7 MS. NIJMAN: Objection. Asked and  
8 answered.

9 HEARING OFFICER HALLORAN:  
10 Overruled. He may answer if he's able.

11 BY THE WITNESS:

12 A. Can you restate the question,  
13 please?

14 BY MS. DUBIN:

15 Q. Sure. So did you believe that the  
16 water was coming from the ground?

17 MS. NIJMAN: Objection. Foundation.

18 HEARING OFFICER HALLORAN: Could you  
19 rephrase that, please?

20 MS. DUBIN: Sure.

21 BY MS. DUBIN:

22 Q. Can -- is there water -- are you  
23 familiar with the concept or -- is there water  
24 located in the ground?



1 MS. NIJMAN: Ob- --

2 BY MS. DUBIN:

3 Q. In general, not at this site, but,  
4 in general, are you familiar with the fact that  
5 groundwater exists?

6 MS. NIJMAN: Vague. Objection.

7 HEARING OFFICER HALLORAN:

8 Overruled. You may answer.

9 BY THE WITNESS:

10 A. Well, I have a house with a well.  
11 So I assume there is water under the ground, yes.

12 BY MS. DUBIN:

13 Q. And was it your understanding or was  
14 it your belief that this water that was  
15 infiltrating the pond was coming from the ground?

16 MS. NIJMAN: Objection. Misstates  
17 the e-mail and testimony.

18 HEARING OFFICER HALLORAN:

19 Sustained.

20 BY MS. DUBIN:

21 Q. Well, I'd like to turn your  
22 attention to your deposition in this matter page  
23 74, please, and actually just so you know that  
24 we're definitely discussing this e-mail. You can

1 start at page 73 just for context. So line 19  
2 mentions that we're discussing Bates 22023 and in  
3 particular on page 74 I'd like to call your  
4 attention starting at line nine of the deposition  
5 and in that deposition, question, so do you know  
6 where the water that comes from this infiltrating  
7 comes from? Or sorry. So do you know where the  
8 water that does this infiltrating comes from and  
9 then your response following Ms. Nijman's  
10 objection was I don't know for sure, but I believe  
11 it's coming from the ground.

12 MS. NIJMAN: I'm going to object to  
13 the question and the form of the question and  
14 improper impeachment based on the fact that he  
15 already says on the prior page he vaguely recalls  
16 this, he was only cc'd and he is reading -- if you  
17 keep going, he is simply reading from the e-mail.

18 HEARING OFFICER HALLORAN: Ms.  
19 Dubin?

20 MS. NIJMAN: On line 20, the e-mail  
21 says the e-mails concern --

22 MS. DUBIN: I'm sorry. One-twenty?

23 MS. NIJMAN: Line 20 page 74 of the  
24 deposition.

1 BY MS. DUBIN:

2 Q. Did you have any reason to believe  
3 that Bill Gaynor was incorrect in his assessment  
4 of where this water was coming from?

5 MS. NIJMAN: Objection. Bill Gaynor  
6 doesn't say where it's coming from either.

7 HEARING OFFICER HALLORAN:  
8 Sustained.

9 MS. DUBIN: Sorry. Can we go off  
10 the record for just a moment, please?

11 HEARING OFFICER HALLORAN: Yes.

12 (Whereupon, a break was taken  
13 after which the following  
14 proceedings were had.)

15 MS. DUBIN: You mentioned that he  
16 was responding -- in responding to his question  
17 when he said "I believe it's coming from the  
18 ground," Ms. Nijman, you mentioned that he was  
19 saying it was coming from the ground based off of  
20 the content of the e-mail. However, if you read  
21 through Mr. Gaynor's e-mail again now, you'll see  
22 that Mr. Gaynor never said he believed where the  
23 water was coming from.

24 MS. NIJMAN: Objection. Vague.

1 MS. DUBIN: No, I'm just responding  
2 to you, Ms. Nijman.

3 MS. NIJMAN: Oh, I thought we were  
4 asking questions. I'm sorry.

5 MS. DUBIN: No. So --

6 MS. NIJMAN: I'm not quite sure what  
7 we're talking about.

8 MS. DUBIN: Sure.

9 MS. NIJMAN: I believe I objected  
10 and it was sustained, correct, Mr. Hearing  
11 Officer?

12 HEARING OFFICER HALLORAN: That's  
13 correct, Ms. Nijman.

14 MS. NIJMAN: Thank you.

15 BY MS. DUBIN:

16 Q. What was your --

17 MS. DUBIN: Complainants move to  
18 admit Complainants' Exhibit 107 into evidence,  
19 into the record.

20 MS. NIJMAN: Object. There is no  
21 basis for this witness's discussion of this  
22 e-mail. He was cc'd, he doesn't know anything  
23 about it, he can't discuss it, it's not relevant,  
24 not material.

1 HEARING OFFICER HALLORAN: I find it  
2 relevant, material and sufficient authentication.  
3 So I'll admit it over objection. Complainants'  
4 Exhibit 107 admitted.

5 MS. NIJMAN: We move to strike the  
6 exhibit and all testimony related to it for the  
7 record.

8 HEARING OFFICER HALLORAN: Denied.  
9 BY MS. DUBIN:

10 Q. I'd like to call your attention now  
11 to Complainants' Exhibit 108. Now, this is  
12 another e-mail --

13 (Document marked as Complainants  
14 Exhibit No. 108 for  
15 identification.)

16 MS. NIJMAN: Can you just hold on.  
17 We don't have any of the documents yet.

18 MS. DUBIN: Oh, yeah. Sorry. I'll  
19 wait until you guys have it in hand.

20 MS. NIJMAN: Thank you. Yeah, just  
21 give us a second.

22 MS. DUBIN: Whenever you're ready.

23 MS. NIJMAN: I'm sorry. Go ahead.  
24 We have it. If the witness is ready.

1 BY MS. DUBIN:

2 Q. Mr. Lux, are you familiar with this  
3 e-mail?

4 A. Yes, vaguely I am.

5 Q. This e-mail was also sent by  
6 Mr. Gaynor, correct?

7 A. That's correct.

8 Q. And you are one of the people that  
9 Mr. Gaynor sent this to, correct?

10 A. Correct.

11 Q. And do you see the second sentence  
12 of the second paragraph of this e-mail where it  
13 states "It appears the groundwater is leaching  
14 into the basin and under the existing liner"?

15 A. I see that.

16 Q. The basin at issue here was the  
17 secondary ash basin at Powerton, right?

18 A. That's what the subject line says,  
19 correct.

20 Q. Do you know if groundwater continued  
21 to leach into the basin after the existing liner  
22 was removed?

23 A. I don't know.

24 Q. And do you see the second sentence

1 of this e-mail, "The liner on the east wall of the  
2 basin may not have been constructed as designed or  
3 it may have been damaged in the past and altered"?

4 A. I see that.

5 Q. When they mention that it may not  
6 have been constructed as designed, do they mean  
7 the -- is it your understanding the liner they're  
8 referring to on the east wall -- I'll back up for  
9 a moment.

10 So was the Powerton secondary  
11 ash basin relined?

12 A. I believe it was, yes.

13 Q. And is it your understanding that  
14 this e-mail was sent during the course of the  
15 relining project?

16 A. It appears to be, yes.

17 Q. And when they mention that the liner  
18 on the east wall of the basin may not have been  
19 constructed as designed, was it your understanding  
20 that they were referring to the old liner that was  
21 being replaced or the new liner that they were  
22 relining with?

23 MS. NIJMAN: Objection to compound.

24 HEARING OFFICER HALLORAN:

1 Sustained.

2 BY MS. DUBIN:

3 Q. Was it your understanding the liner  
4 they are referring to here as not having been  
5 constructed as designed was the old liner of the  
6 pond?

7 A. That was my understanding, that it  
8 was the old liner, the existing liner in the  
9 secondary basin. It also goes onto say "No one  
10 can recall a time when the basin liner was damaged  
11 or altered." So --

12 Q. I'd like to --

13 MS. DUBIN: Complainants' move to  
14 admit Exhibit 108 into evidence.

15 MS. NIJMAN: No objection.

16 HEARING OFFICER HALLORAN: Thank  
17 you. Complainants' Exhibit 108 is admitted.

18 BY MS. DUBIN:

19 Q. Next, I'd like to please call your  
20 attention to Complainants' Exhibit 109.

21 (Document marked as Complainants  
22 Exhibit No. 109 for  
23 identification.)

24 MS. DUBIN: I'll give you a moment



1 to review it.

2 MS. NIJMAN: Mr. Hearing Officer, we  
3 have an issue with this document as well if,  
4 indeed, Ms. Dubin is planning on discussing it as  
5 an entire document because it references photos  
6 that aren't attached and I don't think the  
7 testimony can proceed accordingly.

8 HEARING OFFICER HALLORAN: Ms.  
9 Dubin?

10 MS. DUBIN: We'll take a look into  
11 the exhibit, but many of the e-mails that were  
12 produced to us were produced without attachments.  
13 That sometimes happen if you receive an e-mail  
14 with an attachment and then reply there is no  
15 longer an attachment sent to that e-mail. So --

16 MS. NIJMAN: That's correct, but the  
17 discussion relates to photos and the photos are  
18 not part of this e-mail.

19 MS. DUBIN: I plan on asking  
20 questions about the events described in the e-mail  
21 and not about the photos themselves.

22 MS. NIJMAN: Right. But the events  
23 refer to the photos.

24 MS. DUBIN: This is the form in

1 which they were produced to us.

2 MS. NIJMAN: I understand that. It  
3 just means it's not an authenticated document.

4 HEARING OFFICER HALLORAN: Produced  
5 by whom?

6 MS. NIJMAN: By Midwest Generation.  
7 It's how it appears in our files, but that's  
8 because Mr. Lux never saw the photos. He is just  
9 copied on this. It goes to authentication.

10 HEARING OFFICER HALLORAN: Ms.  
11 Dubin?

12 MS. DUBIN: This doesn't go to  
13 authentication. It is still a true and accurate  
14 copy because that's the way in which the entire  
15 e-mail chain appeared. If you look at the first  
16 e-mail in the chain, the first e-mail in the chain  
17 or the -- I should say the most recent e-mail in  
18 the chain likely didn't have attachments which is  
19 why Midwest Generation I'm assuming didn't produce  
20 it to us with attachments. So it's a true and  
21 accurate copy of the version of the e-mail that  
22 appears on the top of the page.

23 HEARING OFFICER HALLORAN: You know,  
24 I think it's sufficiently authenticated. You may

1 proceed with your questioning, Ms. Dubin. You're  
2 overruled.

3 BY MS. DUBIN:

4 Q. So I'd like you to please take a  
5 look at the first e-mail in the chain. And that  
6 e-mail appears on page 22766 and it was sent by  
7 Mr. Craig Wilson.

8 Is this -- this e-mail states  
9 that several areas of liner to the north of the  
10 weir wall hold the backing strips away and the  
11 liner is loose, correct?

12 A. That's what the e-mail says,  
13 correct.

14 Q. What is a weir wall?

15 A. A weir wall is a concrete structure  
16 that could be used for a distribution trough or  
17 some type of sump area. It's a concrete wall  
18 basically.

19 Q. And where was the weir wall located  
20 in relation to the coal ash ponds?

21 A. I'm not a hundred percent sure in  
22 this case.

23 Q. Are there weirs installed in or near  
24 coal ash ponds?

1           A.       At Waukegan station, I can talk to  
2     that. I mean, there is weir walls at our  
3     distribution trough. So where the sluice and slag  
4     come into the pond it spreads out, you know, the  
5     flow of the water into the pond on a distribution  
6     trough. So there are weir walls as part of that  
7     distribution trough. We also have a sump at  
8     Waukegan and there is concrete walls that form  
9     that sump with gates in them. So they exist  
10    either at a sump or a distribution area typically.

11           Q.       Does ash touch those concrete walls  
12    directly?

13           A.       The weir walls? Yeah, because they  
14    do in some cases come down and go to the bottom of  
15    the pond, yes.

16           Q.       And are those weir walls themselves  
17    lined at the Waukegan station?

18           A.       No. No, they're not -- not the weir  
19    walls themselves. The liner comes up to them and  
20    is secured to them.

21           Q.       And are the weir walls located -- do  
22    the weir walls ever touch the ground?

23                    MS. NIJMAN: Objection. Vague.

24                    HEARING OFFICER HALLORAN:

1 Sustained.

2 MS. DUBIN: I'll get -- I'll get  
3 back to this e-mail.

4 BY MS. DUBIN:

5 Q. So you -- this e-mail mentions that  
6 backing strips are being pulled away, what are  
7 backing strips?

8 A. I've heard them called as like  
9 batten strips or battening, but they're used to  
10 secure the liner to the concrete structure, the  
11 weir wall in this case.

12 Q. And Mr. Wilson is the one that sent  
13 this e-mail. Who is Craig A. Wilson?

14 A. Well, apparently from the e-mail, he  
15 works for the Terra Contracting Company, but I  
16 don't know him personally.

17 Q. And are you familiar with Terra  
18 Contracting Services?

19 A. Yeah, vaguely. I believe they were  
20 contracted to at least general contract the  
21 replacement of the liner at Powerton station.

22 Q. And they were contracted by Midwest  
23 Generation?

24 A. I believe so.

1 Q. Do you know which Powerton pond  
2 Mr. Wilson was referring to?

3 A. No, I don't.

4 Q. And this e-mail was forwarded to  
5 you, correct? If you look up the chain, it was  
6 forwarded to you in the latest version the top of  
7 the page 22765.

8 A. That's correct. I was cc'd on the  
9 September 24th, 2013, version, yeah.

10 MS. DUBIN: I'd like to --  
11 complainants move to admit Complainants' Exhibit  
12 109 into the record.

13 MS. NIJMAN: Objection.

14 HEARING OFFICER HALLORAN: I'm  
15 sorry?

16 MS. NIJMAN: Objection. This  
17 witness has no knowledge of the e-mails. It is an  
18 incomplete document. He is being asked to  
19 describe information and other information in this  
20 e-mail which, again, the complainants will simply  
21 quote to in the post-hearing brief even though  
22 they haven't asked about it. It's all -- it's  
23 unable -- it's prejudicial because we are unable  
24 to respond to it accurately.

1 MS. BUGEL: I really object to  
2 counsel's characterization of what we're going to  
3 do in our post-hearing brief. Obviously, we  
4 haven't briefed yet and that hasn't happened yet.

5 HEARING OFFICER HALLORAN: Okay,  
6 counsel, here we go. I'm going to admit it over  
7 objection and Exhibit No. 109 of complainants I  
8 find this sufficiently authenticated, it goes to  
9 the weight, not the admissibility, I find it  
10 somewhat relevant and material. So Complainants'  
11 Exhibit 109 is admitted.

12 MS. NIJMAN: And simply to avoid  
13 waiving the issue, we move to strike the exhibit  
14 and all testimony related thereto.

15 HEARING OFFICER HALLORAN: Denied.

16 BY MS. DUBIN:

17 Q. I'd next like to call your attention  
18 to Complainants' Exhibit 110.

19 (Document marked as Complainants  
20 Exhibit No. 110 for  
21 identification.)

22 BY MS. DUBIN:

23 Q. I'll give you a moment to review  
24 this. So this is an e-mail attaching several

1 photographs, is that correct?

2 A. It appears to be, yes.

3 Q. And are you familiar with this  
4 e-mail?

5 A. Vaguely, yes.

6 Q. And this e-mail was sent by Terry  
7 Kosmatka, correct?

8 A. Correct.

9 Q. And Terry was an employee of Midwest  
10 Generation, correct?

11 A. Correct.

12 Q. And you were one of the recipients  
13 of this e-mail, correct?

14 A. Correct.

15 Q. And this -- it's your understanding  
16 that these photographs attach -- or this e-mail  
17 attaches photographs of liner installation?

18 MS. NIJMAN: Objection to the  
19 reference of liner installation.

20 HEARING OFFICER HALLORAN: Ms.  
21 Dubin, can you rephrase?

22 MS. DUBIN: Sure.

23 BY MS. DUBIN:

24 Q. Do you see the first sentence of



1 this e-mail it notes that Brieser/Clean Air and  
2 Water is on their second day of liner  
3 installation?

4 A. I see that.

5 Q. And what do you believe they mean by  
6 liner installation?

7 A. Looking at the pictures, it looks  
8 like they're installing the geotextile and in  
9 another picture it appears they're installing  
10 Hypalon liner and in the third picture more  
11 geotextile or geomembrane, whatever you want to  
12 call it.

13 Q. Can you please turn to page 28032.  
14 So it's the first paragraph.

15 A. Yes.

16 Q. Do you see a vehicle that appears on  
17 the basin of the pond?

18 A. I see a small four-wheeler, yes.

19 Q. Four-wheeler. And do you know if --  
20 are you familiar with soil grading or --

21 MS. NIJMAN: Objection. Vague.

22 BY THE WITNESS:

23 A. No, I guess not.

24 HEARING OFFICER HALLORAN:

1 Sustained.

2 BY MS. DUBIN:

3 Q. Do -- do vehicles often -- are there  
4 often vehicles that drive on the basin -- or the  
5 ponds during liner installations?

6 MS. BUGEL: Objection. Vague.

7 HEARING OFFICER HALLORAN:

8 Sustained.

9 BY MS. DUBIN:

10 Q. Are vehicles used in the liner  
11 installation process?

12 A. Well, based on this picture, they've  
13 got a couple of SUV's hauling sandbags. So it  
14 looks like they were down in the bottom of the  
15 pond.

16 Q. Now, you're involved with pond  
17 relining projects, right?

18 A. At Waukegan, I have been and then as  
19 I stated before kind of gathered the schedule and  
20 budget information for the other stations.

21 Q. At the Waukegan station, what types  
22 of -- are there vehicles that ever drive on the  
23 basin of the pond during the liner installation  
24 projects?

1 A. On the base of the pond?

2 Q. Yeah, on the bottom of the pond.

3 A. Vehicles --

4 MS. NIJMAN: I'm going to object  
5 just to -- because there is two ponds and they're  
6 different relines and different time periods.  
7 Vague.

8 HEARING OFFICER HALLORAN: I think  
9 as a general question he can answer if he's able.

10 BY THE WITNESS:

11 A. I've seen dump trucks on the bottom  
12 of the pond at Waukegan before.

13 BY MS. DUBIN:

14 Q. When have you seen the dump trucks  
15 on the bottom of the pond?

16 A. During dredging operations as well  
17 as when the protective layer was being installed  
18 they would back over the sand that they were  
19 laying down and dump more sand so that we could  
20 continue to install the protective layer.

21 Q. And the sand itself is the  
22 protective layer?

23 A. Well, there is 12 inches of sand at  
24 Waukegan as the protective layer with six inches

1 of limestone on top of that.

2 Q. And the sand is above the HDPE  
3 liner?

4 A. Correct, it is on the HDPE liner.

5 Q. So the truck will -- and I want to  
6 make sure I'm getting this correct.

7 So the truck will dump sand as  
8 the protective layer and then drive over that  
9 sand?

10 A. The truck will back down the ramp.  
11 In the process of installing a new liner, you have  
12 nothing on the bottom of the pond but the liner.  
13 So they will back down the ramp, dump a pile of  
14 sand, the sand will get spread, another truck will  
15 come in, back over that sand, dump some more sand,  
16 spread some more and continue until the entire  
17 bottom of the pond has been covered in sand, then  
18 they will do the same process for the limestone.

19 Q. And you said that dump trucks are  
20 used in the dredging process as well, correct?

21 A. Correct.

22 Q. What other -- is it routine for dump  
23 trucks to be used?

24 MS. NIJMAN: Object to vague.

1 BY MS. DUBIN:

2 Q. Are dump trucks used every time the  
3 ponds are dredged?

4 A. At Waukegan, when the ponds are  
5 dredged, I've seen dump trucks used, yes.

6 Q. What do these dump trucks look like  
7 as far as I guess do you understand how many  
8 wheels these dump trucks have?

9 A. I can't remember off the top of my  
10 head.

11 MS. NIJMAN: Don't speculate.

12 BY THE WITNESS:

13 A. But, I mean, I know what a general  
14 dump truck looks like.

15 BY MS. DUBIN:

16 Q. I guess I'll ask -- say -- does it  
17 look like kind of -- is it about the size of a  
18 garbage truck that you would see that picks up  
19 folk's garbage on a daily basis?

20 A. Yeah, generally.

21 Q. And do the dump trucks drive into  
22 the pond during the dredging process?

23 A. Yes, they will come down the ramp  
24 onto the protective layer or whatever slag is

1 still on the bottom of the pond.

2 Q. And are there any other vehicles  
3 that enter the pond during the dredging process?

4 A. Not that I'm aware of.

5 Q. And what equipment is used in the  
6 dredging process?

7 A. Normally an end-loader.

8 Q. And what is an end-loader?

9 A. An end-loader is a piece of  
10 equipment with four rubber tires and a big bucket  
11 in the front.

12 Q. And is the bucket -- is that a metal  
13 bucket?

14 A. Typically, yes.

15 Q. And how is that bucket used?

16 A. It's used to -- the operator will  
17 generally drive into the slag that's in the pond  
18 and fill his bucket up and then back up slowly and  
19 move over to where the dump truck is and dump it  
20 into the back of the dump truck.

21 Q. Thank you. I just wanted to turn  
22 you back to Complainants' Exhibit 110.

23 MS. DUBIN: Complainants move to  
24 enter Complainants' Exhibit 110 into -- into

1 evidence.

2 MS. NIJMAN: No objection.

3 HEARING OFFICER HALLORAN: Thank  
4 you. Complainants' Exhibit 110 is admitted.

5 BY MS. DUBIN:

6 Q. Turning now to Complainants' Exhibit  
7 111.

8 (Document marked as Complainants  
9 Exhibit No. 111 for  
10 identification.)

11 MS. NIJMAN: We have objected to  
12 these documents as completely unauthenticated as  
13 no date, no reference and as an offer of proof  
14 this witness will testify that he is not aware --  
15 he did not take the photos, he is not aware of  
16 what they're -- whether the photo, in fact,  
17 reflects a particular site or where it was taken.

18 HEARING OFFICER HALLORAN: Ms.  
19 Dubin?

20 MS. NIJMAN: Or when it was taken.

21 BY MS. DUBIN:

22 Q. Do you recognize these photos,  
23 Mr. Lux?

24 MS. NIJMAN: Are you making an offer

1 of proof?

2 HEARING OFFICER HALLORAN: She is  
3 making an offer of proof because I'm not going to  
4 be able to rule either way just based on your  
5 word. I have to find out.

6 BY MS. DUBIN:

7 Q. Do you recognize these photos, sir?

8 A. No, it's kind of hard to tell. This  
9 second one could be Powerton, but it's very  
10 difficult to tell.

11 Q. All right.

12 MS. DUBIN: We'll move on. We're  
13 fine with Midwest Gen. We will withdraw this.

14 HEARING OFFICER HALLORAN: You're  
15 going to withdraw this?

16 MS. DUBIN: Yes.

17 HEARING OFFICER HALLORAN: Thank  
18 you.

19 BY MS. DUBIN:

20 Q. Now, I just have a couple of other  
21 questions.

22 Have you ever worked -- you  
23 mentioned NRT. Have you worked with NRT before  
24 directly?



1           A.       No.

2           Q.       Are you aware of NRT being onsite on  
3 a daily basis with pond relining or have -- I'll  
4 rephrase that.

5                               Is NRT at all involved with  
6 relining the ponds at -- at the different -- at  
7 any of the sites?

8                               MS. NIJMAN: I'm going to object to  
9 foundation in the sense that Mr. Lux talked about  
10 Waukegan relining and very limited knowledge of  
11 the other relinings and has no basis.

12                              HEARING OFFICER HALLORAN: Do you  
13 want to rephrase and see what happens?

14                              MS. DUBIN: Sure.

15                              HEARING OFFICER HALLORAN: Thank  
16 you.

17 BY MS. DUBIN:

18           Q.       Do you know if any other of the  
19 sites at issue here used NRT to reline or work  
20 with NRT on relining ponds -- ash ponds?

21           A.       Well, I think I stated that they  
22 were used to help develop the specification, but  
23 other than that I really don't know what their  
24 involvement was.

1 Q. And are you familiar with a company  
2 called Brieser?

3 A. Brieser is what I call them, yes.

4 Q. Brieser.

5 A. And they were the general contractor  
6 for the replacement of the liner at at least  
7 Joliet and I think they might have been involved  
8 also in Will County.

9 Q. And were you involved at all at the  
10 relining of the Will County ponds?

11 A. Again, similar to Powerton, I was  
12 kind of a fleet project manager pulling schedule  
13 and budget information from each of the stations  
14 to report to the executives.

15 Q. What was Brieser's role in the pond  
16 relinings, to your knowledge?

17 MS. NIJMAN: Asked and answered.

18 BY MS. DUBIN:

19 Q. Would Brieser be onsite during a  
20 daily basis during pond relinings, to your  
21 understanding?

22 A. Yes, as a general contractor, they  
23 would normally have at least one person there  
24 during the project.

1 Q. Are you familiar with somebody named  
2 Ted Mills at Brieser?

3 A. No.

4 MS. DUBIN: Can we go off the record  
5 for just one more moment?

6 HEARING OFFICER HALLORAN: Sure.  
7 We're off the record.

8 (Whereupon, a break was taken  
9 after which the following  
10 proceedings were had.)

11 HEARING OFFICER HALLORAN: All  
12 right. I think we're back on the record.

13 MS. DUBIN: Yes, thank you.

14 HEARING OFFICER HALLORAN: Thank  
15 you.

16 MS. DUBIN: Just as a matter of  
17 housekeeping, we'd like to withdraw from the  
18 record Complainants' Exhibit 101 just to -- or we  
19 move to withdraw Complainants' Exhibit 101. We're  
20 withdrawing our motion, I apologize, to put  
21 Complainants' Exhibit 101 into the record. We  
22 just don't want to clutter up the record.

23 HEARING OFFICER HALLORAN: All  
24 right. That's the one I took as an offer of

1 proof?

2 MS. DUBIN: Yes, exactly.

3 HEARING OFFICER HALLORAN: Ms.

4 Nijman, any problem with that?

5 MS. NIJMAN: There was never any  
6 questioning and it was never admitted. So I'm not  
7 sure what we're withdrawing, but, no, no problem.

8 HEARING OFFICER HALLORAN: Withdrawn  
9 the offer of proof. Thank you. Okay.  
10 Complainants' Exhibit 101 is withdrawn.

11 MS. DUBIN: I'm sorry. We're  
12 finished.

13 HEARING OFFICER HALLORAN: You're  
14 finished. Do you need a moment, Ms. Nijman?

15 MS. NIJMAN: Sure. That would be  
16 helpful.

17 HEARING OFFICER HALLORAN: Five  
18 minutes.

19 MS. NIJMAN: That would be great.

20 HEARING OFFICER HALLORAN: Thank  
21 you. We're off the record.

22 (Whereupon, a break was taken  
23 after which the following  
24 proceedings were had.)

1 HEARING OFFICER HALLORAN: We're  
2 back on the record. Ms. Nijman will be crossing  
3 Mr. Lux. Thank you.

4 C R O S S E X A M I N A T I O N

5 BY MS. NIJMAN

6 Q. Mr. Lux, you talked about your  
7 career at Midwest Gen at the Waukegan facility and  
8 you said you started somewhere around 1992?

9 A. Correct.

10 Q. But you said you were off and on  
11 there, does that mean there were years that you  
12 were away from that facility?

13 A. Yes.

14 Q. You also talked about receiving  
15 e-mails as a regular course of your day, do you  
16 remember that testimony?

17 A. Yes.

18 Q. Now, when you receive an e-mail and  
19 you're just copied on it, you don't assume that  
20 what people have said in the e-mail is true, do  
21 you?

22 A. Not necessarily, no.

23 Q. Because you don't know what it is  
24 they're saying?

1 A. Correct.

2 Q. All you can do is base it on your  
3 impression, correct?

4 A. Correct.

5 Q. And also any e-mails you receive  
6 would be limited in time at which they're  
7 received, correct?

8 A. Correct.

9 Q. So you may not know if there is a  
10 follow-up or correction to that e-mail, correct?

11 A. Correct.

12 Q. You talked about one of your  
13 responsibilities for the liners, particularly at  
14 Waukegan, is integrity, do you remember that  
15 testimony, integrity of the liners?

16 A. Somewhat, yes.

17 Q. Okay. Maybe if I say it, do you  
18 recall testimony about inspections of the liners?

19 A. Yes.

20 Q. Okay. Sorry. And how often are the  
21 liners at Waukegan inspected?

22 A. At least daily and sometimes  
23 multiple times during the day.

24 Q. And how would that be multiple

1 times?

2 A. Well, we have an operation that runs  
3 three shifts a day. So we'd have an equipment  
4 operator, a wastewater operator sometimes he is  
5 known as, part of his rounds would be to go past  
6 those ash ponds each shift.

7 Q. And you mentioned that the  
8 inspections would be limited to the liner that you  
9 can see?

10 A. That's correct.

11 Q. At Waukegan west and east ponds, how  
12 much of the liner can you see on a daily basis?

13 A. You can see probably half of the  
14 slope, the liner that is on the slope.

15 Q. So what roughly would be the  
16 distance between the bottom of the pond and the  
17 top of the liner?

18 A. It's between 20 and 25 feet.

19 Q. And so the water and ash in the  
20 liner comes to about ten feet if you can see about  
21 half of the liner?

22 A. That's correct.

23 Q. So you -- your people can inspect  
24 more than half of the liner they see?

1           A.       Correct.

2           Q.       When the individuals you mentioned  
3 go out and inspect the ponds, sometimes three  
4 times a day, what do they do if they notice damage  
5 to a liner?

6           A.       Well, they notify their supervisor  
7 and then as you saw in one of the previous  
8 exhibits I get notified and then a repair process  
9 begins.

10          Q.       So is it fair to say that any repair  
11 is identified or -- excuse me. Any tear would be  
12 identified and repaired?

13          A.       Absolutely, yes. I mean, the liners  
14 are a high priority for us. So if I'm -- if I'm  
15 notified that there is a tear in it, we'll begin  
16 the process right away of making sure that --  
17 that, you know, we've got a contractor in place to  
18 work with it and that the water level of the pond  
19 if there happens to be water in it is beneath that  
20 tear. Just by the fact of the inspection, it's  
21 normally going to be above the waterline.

22          Q.       Do you recall any tears below the  
23 waterline at the Waukegan liners?

24          A.       No, I don't.



1 Q. You testified a little bit about  
2 something called sloughing, do you recall that?

3 A. Yes.

4 Q. And you said you think there was an  
5 incident and you mentioned you didn't know too  
6 much about the incident, do you recall that?

7 A. Yes, it was a long time ago.

8 Q. And then with regard to that  
9 incident, you said that that might put pressure on  
10 the liner, do you recall that?

11 A. Yes.

12 Q. When you made the statement of  
13 pressure on the liner, were you referencing under  
14 the waterline of the liner? In other words,  
15 beneath the ash that you were concerned about the  
16 liner?

17 A. Well, the pressure would be  
18 basically, you know, anything above where the  
19 bulge was. So depending where the bulge was  
20 located, it could be above the waterline  
21 certainly.

22 Q. And we don't know in this case?

23 A. No, I don't recall.

24 Q. You also mentioned just now and also

1 with Ms. Dubin a liner bulge, is that the same  
2 thing as the sloughing, it's the same incident?

3 A. Yes.

4 Q. Not two separate occasions?

5 A. Not that I'm referencing, no.

6 Q. And the sloughing or liner bulge,  
7 was that repaired?

8 A. Yes. We went in, the pond was  
9 dredged -- drained, dredged and then we went in  
10 and cutback the liner to expose the slope  
11 underneath, laid in some waffle material that  
12 would be used to stabilize the slope, re-compacted  
13 in new soil in those locations and then patched  
14 the liner, at the time it was Hypalon, back over  
15 the top of the repaired slope.

16 Q. Thank you. You were asked about  
17 dredging by Ms. Dubin and it's true, isn't it,  
18 that you take actions to prevent the liner from  
19 being damaged during dredging?

20 A. Absolutely.

21 Q. And what actions would you take to  
22 prevent the liner from being damaged?

23 A. Well, I mentioned I would do a  
24 pre-job brief with Lafarge, the contractor that

1 typically does the dredging, and would remind them  
2 of the fact that, you know, we do not, cannot put  
3 any holes in the liner. For that reason, they  
4 would typically leave quite a bit of material on  
5 the slopes of the liner. They didn't want to get  
6 into it. So they would stay on top of the  
7 protective layer on the base of the pond and only  
8 clean that material generally.

9 Q. So not -- if I understood you  
10 correctly, you said there is 12 inches of sand at  
11 Waukegan, then there is six inches of limestone  
12 and you're also saying that then Lafarge would  
13 also leave some of the ash they would be driving  
14 on so that they don't damage anything on the  
15 bottom?

16 A. Correct.

17 Q. Have you ever seen the limestone  
18 layer impacted or damaged during dredging at  
19 Waukegan?

20 A. No, I haven't.

21 Q. So you have never seen that Lafarge  
22 even gets to the limestone layer?

23 A. No, I have never seen that. I might  
24 add there are also in our new ash ponds, and I

1 think the old ones had them, too, warning posts.  
2 The warning posts are -- are basically a 20-foot  
3 tall fence post that is cemented into a concrete  
4 block and those concrete blocks are placed at the  
5 edge of the bottom of the pond near the beginning  
6 of the slope and they're used -- they're put every  
7 hundred feet or so and they're used to help the  
8 dredging contractor identify where the floor ends  
9 and the slope begins. So those -- those warning  
10 posts are helpful to keep them away from the  
11 slopes of the pond.

12 Q. Thank you. I'd like to go back to a  
13 couple of the documents that were put in front of  
14 you.

15 Exhibit 102, which is Bates  
16 11573, and we're going to put it up so we can see  
17 it and you don't have to run around.

18 HEARING OFFICER HALLORAN: What  
19 exhibit was that, Ms. Nijman?

20 MS. NIJMAN: One-o-two.

21 HEARING OFFICER HALLORAN: Thank  
22 you.

23 MS. NIJMAN: Complainants' Exhibit  
24 102.

1 BY MS. NIJMAN:

2 Q. And you talked -- I need my glasses.  
3 Can you see that all right or would you rather  
4 have it in front of you?

5 A. No, I can see it fine. Thank you.

6 Q. So in Exhibit 102, you testified  
7 about exposing the torn section of the east ash  
8 pond liner and I want to clarify a couple of  
9 things there.

10 You stated that the tear was  
11 near the top of the liner, correct?

12 A. Correct.

13 Q. It was above the ash, correct?

14 A. Yes.

15 Q. And above the waterline?

16 A. Yes.

17 Q. And that in order to repair the tear  
18 you had to -- even though it was above the ash,  
19 you had to push ash away to get to a lower piece  
20 of the liner, am I understanding that correctly?

21 A. That's correct. We needed to have  
22 some extra liner freed up so that we could have  
23 play in it, we could do the welding process or the  
24 fusion process they use when they patch the liner.

1 Q. So it's not like a bike tire when  
2 you put on a tiny, little patch, you need to use a  
3 big piece of lining material to repair an area  
4 once it's torn?

5 A. Depending on how big the area is,  
6 yes, that's correct. A lot of times we left the  
7 size of the patch up to Clean Air and Water, the  
8 liner contractor, because that's their business.  
9 They do those repairs.

10 Q. And they would tell you how much --

11 A. Right.

12 Q. -- liner --

13 A. We would go in there and we'd clear  
14 what we thought was correct and then they'd come  
15 in and say "Well, you did way too much" or "You  
16 only need to do this."

17 Q. You mentioned in your testimony that  
18 you believed this tear occurred at the top of the  
19 ramp, correct?

20 A. Yes.

21 Q. And you explained that the reason  
22 that would happen is because equipment at the top  
23 of the ramp, which is above the waterline,  
24 correct --

1           A.       Correct.

2           Q.       -- would be pushing ash down the  
3 ramp, is that right?

4           A.       Bottom ash, yes.

5           Q.       Yes. So as they're pushing bottom  
6 ash down the ramp, you're saying that the -- the  
7 bucket could scrape the liner on the ramp, is that  
8 correct?

9           A.       Yeah. You know, typically there is  
10 a gravel road around the outside of the pond. So  
11 they'd be up on the gravel road when they started,  
12 they would drop the bucket down and then start  
13 pushing material down the ramp and as you get to  
14 the top of the ramp we know that the liner is  
15 buried in the ground at the top. So there is some  
16 amount of ramp material over the top of it, but it  
17 doesn't take much to push that down with the  
18 bottom ash and they got into the liner.

19          Q.       And in your experience, is that  
20 usually where tears of the liner occur?

21          A.       Yes.

22          Q.       And are they always repaired?

23          A.       Absolutely.

24          Q.       And they're visible?

1           A.       Yes.

2           Q.       All right.  Can we turn to Exhibit  
3 108, which is Bates page 22014.

4                    You were testifying regarding  
5 this document and this document concerns the  
6 secondary basin, correct?

7           A.       At Powerton station, that is  
8 correct.

9           Q.       The secondary basin is a finishing  
10 basin, correct?

11          A.       I believe, to my knowledge, that's  
12 what it is used for, yes.

13          Q.       A finishing basin would take de  
14 minimis, very small amounts of ash, is that  
15 correct, if any?

16          A.       That's correct.

17          Q.       And a finishing basin wouldn't need  
18 to be dredged, correct?

19          A.       That's correct.

20          Q.       Concerning these e-mails at -- this  
21 e-mail from Bill Gaynor at Powerton, you don't  
22 know what he meant when he started talking about  
23 the conditions at Powerton, correct?  In other  
24 words, did you see the incident at Powerton that



1 Mr. Gaynor was referencing?

2 A. I -- I did -- I was not at Powerton  
3 during that incident, no.

4 Q. Mr. Gaynor is not a liner  
5 specialist, correct?

6 A. Not to my knowledge, no. I think he  
7 serves somewhere in project roles.

8 Q. And Mr. Gaynor is not a groundwater  
9 expert, correct?

10 A. Yeah. Again, correct.

11 Q. And as to the time period, are you  
12 familiar with when the secondary basin was  
13 relined?

14 A. Well, the e-mail has March on here  
15 of 2013. So I base it off of that.

16 Q. So the concern that Mr. Gaynor  
17 raised as far as you could tell was based on the  
18 old liner in the pond?

19 A. Yeah, that's what I believe was the  
20 case.

21 Q. And in the secondary ash basin after  
22 it was relined, are you aware there was a drainage  
23 system installed in the secondary ash basin?

24 A. Yeah, I believe there was now that I

1 think about it.

2 Q. And that was to assist them in  
3 installing the liner, correct?

4 A. That's correct. I had suggested  
5 something similar.

6 Q. All right. Let's move to Exhibit  
7 112, which I think is Bates No. 22020. Now, this  
8 e-mail talks about -- there was a discussion here  
9 about, quote, groundwater.

10 Now, you've already said that  
11 you don't know what the water was that is being  
12 referenced in this e-mail, correct, what  
13 groundwater meant?

14 A. Yeah, I don't -- I don't know if it  
15 came from the ground or if it was rain, but it was  
16 sitting on the bottom of the pond at Waukegan.

17 Q. And you also suggest or you state in  
18 this e-mail that the water table elevation  
19 required sand to keep the liner down and so you  
20 needed a weight on top, is that correct?

21 A. Well, what we did -- reading the  
22 e-mail we -- we put in this drain tile to a sump  
23 location and then installed the liner. Actually,  
24 it was slop at the time. So after we got the pump

1 in place, it dried everything out, we were able to  
2 compact the floor and make it look nice and  
3 pretty, the bottom of the pond, do the compacting  
4 that was required per the specification, then the  
5 liner went in over the top of that and then we  
6 started bringing in the sand and the limestone and  
7 we covered just about the entire bottom of the  
8 pond with sand and limestone before pulling out  
9 our pump from a corner location and then finished  
10 covering the pump location with a patch of liner,  
11 sand and limestone and that completed the  
12 installation of the liner, at least the mechanical  
13 portion of it.

14 Q. So the water that would have been  
15 storm water as you said you made sure it was dried  
16 out before the liner went on, then you put a  
17 weight, the sand and the limestone on top of it,  
18 correct?

19 A. Yes, on top of the liner, on top of  
20 the area. Yes.

21 Q. Let's look at Exhibit 100, which was  
22 49272, and that is the report from Valdes from May  
23 29th of 2015, correct?

24 A. Correct.

1 Q. And I think you said that Valdes  
2 came out regularly to inspect the berms at  
3 Waukegan, is that correct?

4 A. At least annually, yes.

5 Q. And that's because it's part of the  
6 NPDES permit, wastewater permit system, correct?

7 A. I believe so.

8 Q. And when Valdes says in here that  
9 the berm was constructed likely with onsite  
10 materials consisting of mainly sand and bottom ash  
11 you stated you had no knowledge of that, correct?

12 A. Correct.

13 Q. And is there any basis to believe  
14 that Valdes would have knowledge of it?

15 A. No.

16 Q. So that's an assumption they're  
17 making as far as you can tell?

18 A. As far as I can tell, that's an  
19 assumption. I don't believe Mike Smith worked at  
20 the station in the '70s.

21 Q. This document also on page 49283 if  
22 you look at it it's a photograph of a small  
23 slit-like tear in that liner.

24 A. It's difficult to see.

1           Q.       So when Valdes would go out in  
2 addition to the inspections that you talked about  
3 that happened sometimes three times a day, Valdes  
4 would go out on an annual basis for the permit  
5 purposes to inspect?

6           A.       Correct.

7           Q.       And so in addition to the other  
8 inspections you do, you have a liner inspector  
9 coming out who can also notify you if a tear  
10 occurs?

11          A.       Yes.

12          Q.       And, in fact, they did so in this  
13 case?

14          A.       Yes.

15          Q.       And when you got this report and you  
16 saw this tear, what did you do?

17          A.       We would have put it into a process  
18 to get it repaired right away.

19          Q.       And where is this tear, can you tell  
20 from this photo?

21          A.       Not from the photo. It says on the  
22 caption "West side at north end of pond two." I  
23 don't remember if pond two was the east or west  
24 pond on the original drawings.

1 Q. Well, the area is right by some  
2 grass, correct?

3 A. Correct.

4 Q. So is that the top of the liner?

5 A. Yeah, it appears to be the top of  
6 the liner where it's toed into the ground.

7 Q. And is that anywhere near the ash?

8 A. No, you can't see any ash in this  
9 photograph.

10 Q. And is that anywhere near the  
11 waterline line?

12 A. No. As I stated before, the  
13 waterline is typically ten feet down on the slope.  
14 So it would have been at least ten feet away.

15 Q. And if you turn to -- let me ask you  
16 this.

17 The Valdes berm inspections, is  
18 that a regular part of ensuring safety of the  
19 ponds at Waukegan?

20 A. Absolutely, yes.

21 Q. And if you turn to page 49274, there  
22 are several recommendations in the report, do you  
23 see those recommendations?

24 A. I do.

1 Q. And when you see those  
2 recommendations, do you respond to them?

3 A. Yes, almost always.

4 Q. Okay. So one was rebuilding some  
5 areas along the berm, along the fence line, was  
6 that done?

7 A. Yes.

8 Q. And that was to ensure as it says  
9 here no erosion of the berm, correct?

10 A. Correct.

11 Q. Let's look at Exhibit 105, which was  
12 49286 Bates number. So I note on page 49289 of  
13 this document that's an invoice, correct?

14 A. That's a purchase order.

15 Q. Okay. And then what is on the next  
16 page 49290?

17 A. A continuation of the purchase  
18 order.

19 Q. And what does that purchase order  
20 tell you?

21 A. It is done -- it was written to make  
22 repairs to the east and west ash pond liners.

23 Q. So is this, again, evidence that  
24 when there is a tear it's repaired, correct?

1           A.       Correct, yes.

2           Q.       This tear that is referenced in 2015  
3 to your recollection, were any tears that were --  
4 you were aware in 2015, were they below or above  
5 the waterline?

6           A.       To my knowledge, all of the tears  
7 that we have repaired were above the waterline.

8           Q.       And do you recall the west pond in  
9 this -- in the middle of the page of the first  
10 page 49286, it says "The west pond continues to  
11 dry out for dredging," so was the pond in use?

12          A.       It doesn't sound like it, no. If it  
13 was drying out for dredging, it was not in  
14 operation. We could not be putting water in it.

15          Q.       Let's look at Exhibit 104 Bates  
16 44623. This e-mail you're discussing the repairs  
17 to the east ash pond liner, correct --

18          A.       Correct.

19          Q.       -- on the top line? Again, this is  
20 just evidence that you address each tear as it  
21 arises?

22          A.       Yes, that's correct.

23          Q.       If I'm sort of counting -- let me  
24 ask you this.



1                   The Waukegan ash ponds were  
2 lined in the years -- relined with HDPE in 2003  
3 and then late in 2004?

4           A.       Correct.

5           Q.       And since that time, since 2003,  
6 2004, I'm counting about five or six tears in the  
7 liner, does that sound about right?

8           A.       I think that's about right, yeah.

9           Q.       And they were all above the  
10 waterline to your recollection?

11          A.       That's correct.

12          Q.       And they were all repaired to your  
13 recollection?

14          A.       That's correct.

15          Q.       And that's part of your job, right,  
16 to make sure they're repaired?

17          A.       That's correct.

18          Q.       Looking at Exhibit 106, which is  
19 Bates 44588. This was the discussion you had with  
20 Ms. Dubin about fly ash that Mr. Veenbaas was  
21 reporting some fly ash being dumped.

22                   Now, based on this e-mail, you  
23 can see that this was done by contractors to the  
24 Waukegan station, correct?

1           A.       Well, I sent my e-mail to  
2 contractors, yes.

3           Q.       Okay. Those were outside  
4 contractors?

5           A.       That's correct.

6           Q.       And if you look at the last page,  
7 44589, it states "Please let our contractors know"  
8 in the middle of the paragraph, the bottom  
9 paragraph of the page, "Please let our contractors  
10 know."

11          A.       I see that.

12          Q.       Does that tell you that Mr. Veenbaas  
13 was also talking about contractors?

14          A.       It appears that way.

15          Q.       And when a contractor mistakenly  
16 dumps material on the ground, what's the process  
17 at Waukegan?

18          A.       Well, as soon as it is identified,  
19 it's scooped up and put in the proper dumpster,  
20 lined dumpster in these cases.

21          Q.       So it wouldn't sit there for any  
22 length of time?

23          A.       No.

24          Q.       Because there are people walking

1 around the Waukegan station all the time it's  
2 operating, correct?

3 A. That's correct.

4 Q. So when you train your employees and  
5 your contractors, do you tell them to watch for  
6 this type of incident and make sure they report  
7 it?

8 A. Absolutely.

9 Q. And that's, again, part of your  
10 responsibilities, correct?

11 A. Correct.

12 Q. And that this e-mail from Fred and  
13 then from you is evidence of your care in caring  
14 for the Waukegan station, correct?

15 A. Correct.

16 Q. Let's look at Exhibit 109 again,  
17 Bates 22934. This is the document that doesn't  
18 have the photos attached to it.

19 MS. NIJMAN: Without waiving our  
20 objection --

21 HEARING OFFICER HALLORAN: So noted.

22 MS. NIJMAN: Thank you.

23 BY THE WITNESS:

24 A. Which exhibit was it again?

1 BY MS. NIJMAN:

2 Q. This is 109, Bates 22765.

3 A. Got it.

4 Q. Now, again, you did not write any of  
5 these e-mails, correct?

6 A. No, I did not. It doesn't appear.

7 Q. You were copied on the last e-mail,  
8 is that correct?

9 A. That's correct.

10 Q. And do you recall seeing any of the  
11 attached photos that are referenced by Craig  
12 Wilson?

13 A. No, I don't.

14 Q. So you would have no way to  
15 interpret this e-mail, correct?

16 A. Correct.

17 Q. Do you have any knowledge of what  
18 was referenced by a mis-installed liner at  
19 Powerton?

20 A. Well, just based on the previous  
21 e-mail it just talks about the backing strips  
22 pulling away, but mis-installed liner, no. I  
23 would assume that perhaps the batten strips, maybe  
24 the pieces that were used to secure it to the

1 concrete, came loose.

2 Q. And that would be at the top of the  
3 liner, correct?

4 A. Well, it would be wherever it  
5 secures to the concrete weir wall.

6 Q. And that would be at this time  
7 the --

8 A. The pond was in a relining process  
9 right now so it was completely empty. It has been  
10 relined.

11 Q. Thank you. Turning to Exhibit 110.  
12 That's Bates 28031. So I want to clear up a  
13 couple of things here.

14 Again, you were just copied on  
15 this e-mail, correct?

16 A. It was sent to me.

17 Q. I'm sorry. You're right. You're in  
18 the to line. Okay.

19 And it says that Brieser Clean  
20 Air and Water is on their second day on liner  
21 installation?

22 A. That's what it says.

23 Q. And is it your understanding that  
24 that would be the liner installation process?

1           A.       The process.

2           Q.       Not actually installing the HDPE  
3 liner?

4           A.       It could be, but more than likely on  
5 the second day they're just beginning to lay down  
6 the geotextile that went underneath their liner.

7           Q.       And you mentioned that you thought  
8 the second photo 28033 I think you said in your  
9 testimony that you thought that was Hypalon, but  
10 I'd like you to take -- if you look at the screen,  
11 there is a closer up, you can see the edges are  
12 black, do you see that?

13          A.       I do.

14          Q.       And do you see a lot of sun  
15 reflecting off of that black material?

16          A.       Yeah, I do.

17          Q.       And given that this photograph  
18 appears at the same time as the other two on the  
19 very same date, the second day of installation,  
20 what does it tell you about this photo 28033, the  
21 material there?

22          A.       It's probably geotextile and not  
23 liner -- Hypalon liner -- or HDPE liner.

24          Q.       To your knowledge -- let me just

1 point out the front page 28031 the description of  
2 the photographs all say second day, second day,  
3 second day, correct?

4 A. Correct.

5 Q. So they would have to be doing the  
6 geotextile here, correct, because it's all  
7 happening at the same time?

8 A. Yeah. Most likely, yes.

9 Q. Thank you.

10 MS. NIJMAN: I am finished with  
11 cross and we agreed to do direct immediately  
12 following.

13 HEARING OFFICER HALLORAN: Okay.

14 MS. NIJMAN: So I can start that  
15 now.

16 HEARING OFFICER HALLORAN: Let's go  
17 off the record for a minute.

18 (Whereupon, a break was taken  
19 after which the following  
20 proceedings were had.)

21 HEARING OFFICER HALLORAN: Ms.  
22 Dubin, redirect, please.

23

24

1 R E D I R E C T E X A M I N A T I O N

2 BY MS. DUBIN

3 Q. Is it possible to inspect a liner  
4 that is covered in ash?

5 A. Not --

6 Q. Visually.

7 A. Not without removing the ash, no.

8 Q. And what is a waterline?

9 A. It's the operating level of the  
10 pond, the water level in the pond.

11 Q. So is the water level in the pond,  
12 is that anything below the water level is where  
13 there is going to be ash?

14 A. Not necessarily, no.

15 Q. Can you inspect below a waterline?

16 A. No.

17 Q. Now, Ms. Nijman said that the liners  
18 are inspected three times a day, is that correct?

19 MS. NIJMAN: Objection. I wasn't  
20 testifying.

21 MS. DUBIN: You mentioned they were  
22 inspected that many times.

23 HEARING OFFICER HALLORAN:

24 Sustained. Rephrase.



1 BY MS. DUBIN:

2 Q. Sure. Are the liners inspected  
3 three times a day in Waukegan?

4 A. There are equipment operators that  
5 typically are known as wastewater operators on  
6 each shift and they will pass by those ash ponds  
7 and do a visual inspection, you know. Obviously  
8 on nights it's kind of difficult, but they will do  
9 a visual inspection of ponds as they drive by.

10 Q. Three times a day?

11 A. They're on three shifts a day,  
12 correct.

13 Q. And is there a system for reporting  
14 liner tears?

15 A. Nothing really. Basically, the  
16 liner repairs are brought to their supervisor, the  
17 supervisors know that I'm involved with the  
18 repairs, so they get in contact with me and I  
19 start the process with the vendor contractor.

20 Q. And when a liner bulges, can this  
21 happen below the waterline of a pond?

22 A. I'm not sure. I have never seen it  
23 happen below the waterline.

24 Q. And how long has Lafarge worked --

1    how long has Lafarge been used to dredge the ponds  
2    at Waukegan?

3           A.       I really don't know for sure.  I'm  
4    not in charge of their contract as far as, you  
5    know, negotiating and issuing purchase orders.

6           Q.       How far back do you remember Lafarge  
7    working at Waukegan?

8           A.       Well, at least I think since the  
9    beginning of Midwest Generation.  So, 2000  
10   timeframe.

11          Q.       And I want to get one thing clear.  
12   So you mentioned when equipment will go on a ramp  
13   that gets lowered into the pond the liner will  
14   tear, would you mind clarifying that for me.  You  
15   mentioned that the liner might tear towards the  
16   top having something to do with the ramp.

17          A.       So ramps are installed over the top  
18   of the HDPE liner at both ends of the ponds.  The  
19   ramp is -- I don't remember the exact details, but  
20   I know they have a geotextile that goes down over  
21   the top of the liner and then there is some  
22   mixture of sand and stone that is put down to form  
23   the ramp.  If we're in an outage or something like  
24   that, we might vacuum into a vacuum truck some

1 bottom ash and we will position the backing truck  
2 on the ramp above the waterline if there is any  
3 ash or if that pond is in service he will back  
4 down the ramp as far as he can and then unload the  
5 bottom ash onto the ramp.

6 After time, we get, you know,  
7 enough bottom ash on the ramp we have to send  
8 somebody out there and push the bottom ash down  
9 the ramp into the pond to make more room for  
10 again, you know, if we had to dump more bottom ash  
11 from the vacuum truck onto the ramp or in that  
12 location.

13 So there is a gravel road around  
14 the edge of the pond. Somebody would go out there  
15 and typically an end-loader or a small Bobcat and  
16 would set the bucket down and then begin scraping  
17 the ground, pushing the bottom ash down as it  
18 goes. At the beginning, at the top of the ramp,  
19 they're just scraping down and they would get into  
20 the liner near the top of the ramp. The thickness  
21 of the ramp might have been a little bit thinner  
22 at the top of the ramp because as you come up out  
23 of the pond the ramp is going to have to level out  
24 with the road that surrounds the pond.

1 Q. And is this during the dredging  
2 process?

3 A. No, this would be, you know,  
4 as-needed.

5 Q. And do you monitor -- are you  
6 monitoring Lafarge at all times when they are  
7 dredging the ponds?

8 A. At all times, no.

9 Q. Are you out there a couple hours a  
10 day monitoring Lafarge --

11 A. No.

12 Q. -- as they're dredging? Are you out  
13 there on a daily basis monitoring Lafarge?

14 A. Not necessarily.

15 Q. What type of work does Valdes -- am  
16 I pronouncing that right Valdes?

17 A. Valdes --

18 Q. Valdes.

19 A. -- Engineering. They're an  
20 engineering firm.

21 Q. And do they -- what type of  
22 engineering work do they do?

23 A. They do across the board as far as I  
24 know.

1 Q. Are -- do they regularly -- are you  
2 aware do they typically inspect pond berms, are  
3 you -- do you know? Is that one of the services,  
4 I guess, they offer?

5 MS. NIJMAN: Object to compound.

6 MS. DUBIN: That's fair.

7 HEARING OFFICER HALLORAN: You may  
8 answer.

9 BY THE WITNESS:

10 A. They do our pond inspections.

11 BY MS. DUBIN:

12 Q. Do you know if they do pond -- berm  
13 inspections anywhere else?

14 A. I'm not aware.

15 Q. And how often does Valdes conduct  
16 inspections of the Waukegan ash pond berms?

17 A. Typically annually.

18 Q. Turning to Complainants' Exhibit  
19 106. This is Mr. Veenbaas's e-mail about the fly  
20 ash piles that was subsequently forwarded to  
21 Mr. Lux. You mentioned before, and let me know if  
22 I'm mischaracterizing, it's your responsibility to  
23 kind of make sure that these problems don't  
24 happen, is that correct?

1           A.       The dumping of the fly ash on the  
2 ground?

3           Q.       Mm-hmm.

4           A.       Well, it's every station employee's  
5 responsibility, but certainly as an engineering  
6 manager I'm responsible for it as well.

7           Q.       And the e-mail about halfway through  
8 Mr. Veenbaas writes "Please let our contractors  
9 know that indiscriminate dumping on the grounds of  
10 station property is an unacceptable practice," was  
11 it a contractor that dumped these fly ash piles?

12          A.       I'm not a hundred percent sure, but  
13 I think based on my response I assumed it was.

14          Q.       And which contractor was this?

15          A.       Well, we had two projects going on  
16 at the time. So it was addressed to two different  
17 contractors and their contract administrator in my  
18 middle e-mail dated September 12th.

19          Q.       And turning to Complainants' Exhibit  
20 108. I just want to clarify actually.

21                    When was the Powerton secondary  
22 ash basin relined?

23          A.       It was done in 2013 I'm pretty sure.

24          Q.       Got it.

1 MS. DUBIN: That's all the questions  
2 I have.

3 HEARING OFFICER HALLORAN: Thank  
4 you, Ms. Dubin. Ms. Nijman, re-cross?

5 MS. NIJMAN: Very briefly.

6 R E C R O S S E X A M I N A T I O N

7 BY MS. NIJMAN

8 Q. We've been talking about the  
9 dredging process and we never really clarified the  
10 steps involved and I want to just confirm that  
11 when Lafarge goes into dredge ash out of the  
12 Waukegan ponds first the ponds are dewatered,  
13 correct?

14 A. Correct.

15 Q. Which means that there is only ash  
16 remaining in the pond to be able to handle,  
17 correct?

18 A. Correct.

19 Q. And so at that time there is even  
20 more of the pond liner that's available, correct?

21 A. Well, potentially, yes.

22 Q. If the waterline is, in fact, above  
23 the ash line, then you now can see more of the  
24 liner?

1           A.       Yes. In the areas where the ash  
2 isn't covering the slope, certainly, yeah. And  
3 that's about another half of the pond that is  
4 exposed.

5           Q.       Ms. Dubin asked you about Lafarge  
6 being -- you being with Lafarge at all times and  
7 obviously you would be unemployed if you were  
8 following Lafarge around this whole time, but is  
9 there somebody from the Midwest Gen station out  
10 there during the dredging process?

11          A.       Periodically.

12          Q.       And so they're watching what is  
13 happening during this dredging process?

14          A.       Yeah, progress certainly.

15          Q.       And if they saw a tear, they would  
16 inform you of the tear?

17          A.       Just like always, yes.

18                   MS. NIJMAN: That's all I have.

19                   HEARING OFFICER HALLORAN: Thank  
20 you. Anything further, Ms. Dubin?

21                   MS. DUBIN: No further questions.

22                   HEARING OFFICER HALLORAN: Let's go  
23 off the record for a minute.

24



1 (Whereupon, a break was taken  
2 after which the following  
3 proceedings were had.)

4 HEARING OFFICER HALLORAN: It's  
5 about 12:15. We've decided to take a one-hour  
6 lunch. Everybody back here -- everybody please be  
7 back here by 1:15. Thank you.

8 (Whereupon, a break was taken  
9 after which the following  
10 proceedings were had.)

11 HEARING OFFICER HALLORAN: All  
12 right. We're back on the record at approximately  
13 1:22. We just came back from a lunch break. At  
14 present, Mr. Lux is on the stand still still under  
15 oath. Ms. Nijman is going to direct as if in her  
16 case in chief. They had an agreement earlier so  
17 Mr. Lux wouldn't have to wait around for another  
18 day. So, Ms. Nijman, you may proceed.

19 MS. NIJMAN: Thank you.

20 D I R E C T E X A M I N A T I O N

21 BY MS. NIJMAN

22 Q. I will refer back to obviously some  
23 of the prior testimony, so I'm not repeating.

24 You discussed earlier the

1 Waukegan ponds, that there are two ponds, correct?

2 A. Correct.

3 Q. Are those ponds used sequentially?

4 A. One pond is typically in service and  
5 the other pond is typically out of service drained  
6 of water.

7 Q. And we talked about from time to  
8 time ash is removed from the ponds and you're  
9 familiar with that process?

10 A. Yes, the dredging process, you know,  
11 when we had three units operating at the station  
12 in higher capacity factors we might dredge one  
13 pond one year while operating with the other pond  
14 and then the next year take the pond that was in  
15 operation out of service and dredge that pond and  
16 put the one that was just dredged back in service.

17 So it would be about every other  
18 year a pond would get -- would get dredged. Now,  
19 more recently our capacity factors are down on the  
20 operating units and, therefore, not as much bottom  
21 ash is generated. So it's -- it's a longer  
22 timeframe in between dredging.

23 Q. So if it's a longer timeframe in  
24 between dredging, let's just take one pond at a

1 time, what's the timeframe? How often would the  
2 ponds today be dredged?

3 A. Three to four years between dredging  
4 a pond.

5 Q. And how long do you think that has  
6 been the case?

7 A. Within the last five to ten years.  
8 It's continued to drop off. We had one unit  
9 retired in 2007 and it dropped off significantly  
10 then and then the last two units have -- their  
11 capacity factors have been falling since -- since  
12 that timeframe.

13 Q. When ash is in those ponds, is it  
14 evenly distributed throughout the pond?

15 A. No, typically the bottom ash comes  
16 in on one leg of the pond. The pond is a big U  
17 shape so to speak with a berm down the middle to  
18 kind of divide it, not completely because you  
19 still can come around the other side, but you'll  
20 typically just find the bottom ash at the -- near  
21 the distribution trough or in that leg of the  
22 pond. The other leg of the pond coming back  
23 normally just has water and maybe a little bit of  
24 bottom ash at the bottom of it. Very little, not

1 enough to worry about it.

2 Q. So when you talked about dredging,  
3 we're not dredging the whole pond, is that what  
4 I'm understanding?

5 A. Correct. We're -- we're basically  
6 just dredging half of the pond and sometimes even  
7 less than that. It just depends on, like I said,  
8 how many units are operating.

9 Q. We were also speaking earlier today  
10 about vehicles entering the pond and you said that  
11 vehicles enter the pond during installation of the  
12 new liners and in dredging and you've had  
13 opportunity to see those vehicles I think you  
14 said.

15 A. That's correct.

16 Q. How do the vehicles operate in the  
17 ponds?

18 A. So during the installation process,  
19 the vehicle will come down the ramp. Initially,  
20 they may back down the ramp to begin the process  
21 of spreading the sand, the protective layer over  
22 the liner. So they may back down the ramp and  
23 dump that first load until we get a large enough  
24 area of sand cover on the bottom of the liner to

1 allow a truck some room to come down and slowly  
2 turn around and back up and then dump his load.  
3 So that's with the new liner installation, the  
4 protective layer specifically.

5                   For dredging, much the same  
6 thing. There is not a lot of room in the bottom  
7 of the pond for multiple vehicles. So you will  
8 only see one vehicle come down the ramp.  
9 Typically right at the base of the ramp he will  
10 turn around. The end-loader has already been in  
11 the pond for a matter of time trying to dry things  
12 out and moving material around a little bit to  
13 prepare for loading trucks. So he'll come down  
14 the bottom of the ramp with the vehicle and slowly  
15 turn around, get in position to accept the load  
16 and then drive straight back up the ramp and out  
17 of the property.

18           Q.       Is it -- you said there wasn't a lot  
19 of room, are they driving quickly, are they doing  
20 stopping and starting motions, do you know?

21           A.       Well, I mean, you might see one  
22 U-turn basically. That's all you're going to see.  
23 No, they're not driving quickly. In a lot of  
24 cases, you know, they're trying to maneuver around

1 some of the piles that have been staged and such  
2 so they have to go slow.

3 Q. And when you say they do a U-turn,  
4 is that after ash has been removed from a larger  
5 area?

6 A. Well, for the most part, but, again,  
7 there is normally a small layer of ash left over,  
8 the limestone and the protective layer. Lafarge  
9 doesn't want to get down into the protective  
10 layer. So they will come down and slowly make a  
11 U-turn. As the pond is dredged, there is a little  
12 more room to do it. You know, it's not a  
13 racetrack down there and we have -- you know, if  
14 it's dry, you certainly have, you know, the  
15 concern of airborne emissions, too. So we don't  
16 want them running around down there.

17 Q. Is that part of the operator's  
18 training to ensure that they behave methodically  
19 when they're in the ponds?

20 A. Well, I mean, the pre-job briefing I  
21 described before it all goes into the same thing.  
22 We don't want them getting carried away down  
23 there. They need to go methodically. They need  
24 to go carefully to make sure they don't tear the

1 liner up. So that's -- that's expressed to them  
2 clearly.

3 Q. Once the ash ponds are dredged, does  
4 the station conduct any inspections of the pond  
5 before it gets used again?

6 A. Yeah, typically one of us, one of  
7 the managers, it may be me, it may not be me, go  
8 out and we do a walk through to make sure that  
9 Lafarge didn't get into any of the liner on the  
10 slopes or, you know, make sure we don't see any  
11 protective layer damage. We'll check out the  
12 ramp, make sure the ramp is still intact and in  
13 place and then release it for operations whenever  
14 they need to do use it again.

15 Q. Would you remind me again when the  
16 east pond was relined with HDPE, what year that  
17 was?

18 A. That was 2003.

19 Q. And the date of the west pond?

20 A. It was late 2004. I actually  
21 thought it might have been 2005, but it was late  
22 2004.

23 Q. And did you have occasion to see  
24 what was under the HDPE liners at both ponds when

1 they were being relined?

2 A. I did.

3 Q. And what was under?

4 A. They're -- when they -- when they  
5 pulled the old liner out, it was basically dirt,  
6 soil that you saw. Part of the process for  
7 relining the pond included compacting the floor  
8 and the slopes. We actually re-sloped the ponds.  
9 They were originally two-to-one slopes, we went to  
10 two-and-a-half-to-one slopes to help prevent some  
11 of the sloughing we had talked about earlier and  
12 so with the compactor they, you know, would run up  
13 and down the sides, the slopes, as well as the  
14 base and compact it smooth.

15 Q. What kind of equipment would be used  
16 to make it smooth?

17 A. As I stated, a rubber tire compactor  
18 would normally do it.

19 Q. When you say a compactor, is that  
20 the same as a drum roller?

21 A. Yes, it is.

22 Q. Do you know -- I'm going to assume,  
23 but I'll ask you, do you know what bottom ash  
24 looks like?



1           A.       Yeah, I have a general idea what it  
2 looks like.

3           Q.       Note the sarcasm on the record,  
4 please.

5                       Bottom ash is what you deal with  
6 every single day, is that correct --

7           A.       Sure. Yes.

8           Q.       -- in your job?

9           A.       Yes.

10          Q.       Yes. Did you see bottom ash  
11 underneath the new HDPE liners?

12          A.       No.

13          Q.       There has been some question in this  
14 case whether the Waukegan ponds were ever relined  
15 some time in 2002 and then relined again in 2003  
16 and 2004, are you aware of any lining in 2002?

17          A.       No.

18          Q.       To your knowledge, what was the  
19 liner in 2002, was that still the Hypalon?

20          A.       It was still the Hypalon in 2002.

21          Q.       Have you ever been told not to fix a  
22 tear that occurs at one of the ponds?

23          A.       No.

24          Q.       Have you ever decided not to fix a

1 tear that occurs?

2 A. No.

3 Q. Since Midwest Gen began operating  
4 the Waukegan station in 1999, how would you  
5 describe their treatment of compliance matters?

6 A. Oh, compliance is right up there  
7 with safety. So they're both at the top of the  
8 list. You don't want to get anybody hurt and you  
9 don't want to do anything to the environment to  
10 hurt the environment.

11 MS. NIJMAN: Thank you. That's all  
12 I have.

13 HEARING OFFICER HALLORAN: That's  
14 all you have. Thank you. Ms. Dubin?

15 MS. DUBIN: A couple of questions.

16 C R O S S E X A M I N A T I O N  
17 BY MS. DUBIN

18 Q. I just want to confirm how often did  
19 you state the ponds at Waukegan are dredged?

20 A. Now, it's less frequently. Three to  
21 four years in between a pond dredging.

22 Q. Are you aware that Midwest  
23 Generation -- sorry. I'll skip that.

24 When you say you dredge half the

1 pond, the half of the pond that you dredge is the  
2 section of the pond that contains the ash,  
3 correct?

4 A. That's correct.

5 Q. And when you say that the vehicle  
6 will come down the ramp during the dredging  
7 process, a vehicle will come down the ramp and  
8 then turn around in the basin -- turn around, do  
9 you mean turn around just on the ramp or turn  
10 around on the basin of the pond?

11 A. The ramp is like a single lane  
12 highway and you don't want to be messing around on  
13 the ramp. You go off the edge the truck could end  
14 up on its side and fall into the pond. So  
15 typically they will drive down the pond for safety  
16 purposes and once they get to the bottom of the  
17 ramp they will turn around there.

18 MS. DUBIN: That's all the questions  
19 I have.

20 HEARING OFFICER HALLORAN: Any more?

21 MS. NIJMAN: That's it.

22 HEARING OFFICER HALLORAN: Thank  
23 you, Mr. Lux. You may step down. Complainants'  
24 witness.

1 MS. DUBIN: Complainants' move to  
2 call Rebecca Maddox.

3 MS. NIJMAN: This time I have a  
4 problem. She is not an employee of ours and this  
5 time I think --

6 HEARING OFFICER HALLORAN: Ms.  
7 Dubin?

8 MS. DUBIN: Ms. Maddox was a former  
9 employee of both NRG Energy and Midwest Generation  
10 and are you representing --

11 HEARING OFFICER HALLORAN: Let's --  
12 let's get her under oath --

13 MS. DUBIN: Oh, sure.

14 HEARING OFFICER HALLORAN: -- and  
15 we'll figure it out. Thanks. Just raise your  
16 right hand, Ms. Maddox.

17 WHEREUPON:

18 REBECCA MADDOX  
19 called as a witness herein, having been first duly  
20 sworn, deposeth and saith as follows:

21 HEARING OFFICER HALLORAN: Okay.  
22 You may proceed to see whether or not we can call  
23 her an adverse.

24

1           D I R E C T                   E X A M I N A T I O N

2                                   BY MS. DUBIN

3           Q.       Ms. Maddox, are you being  
4 represented by an attorney in this matter?

5           A.       I am.

6           Q.       And what attorney are you being  
7 represented by?

8                   HEARING OFFICER HALLORAN:   Could you  
9 have the witness spell her name?

10                   MS. DUBIN:   Oh, yeah.   Absolutely.

11                   HEARING OFFICER HALLORAN:   Thank  
12 you.

13 BY MS. DUBIN:

14           Q.       How do you spell your first name?

15           A.       Rebecca, R-E-B-E-C-C-A, Maddox, M,  
16 as in Mary, A-D-D-O-X.

17                   HEARING OFFICER HALLORAN:   Thank  
18 you.

19 BY MS. DUBIN:

20           Q.       Now, by what attorney are you being  
21 represented by in this matter?

22           A.       Jennifer Nijman and Kristen Gale.

23           Q.       To your knowledge, are Jennifer  
24 Nijman and Kristen Gale also representing Midwest

1 Generation in this matter?

2 A. Yes, they are.

3 Q. And were you a -- did you formally  
4 work for NRG Energy?

5 A. Yes.

6 Q. And did you formally work for  
7 Midwest Generation?

8 A. Yes.

9 MS. DUBIN: We'd like to call  
10 Ms. Maddox as an adverse witness because her  
11 former employer is the party at issue and she is  
12 being represented by the same attorney as the  
13 party at issue. So the --

14 HEARING OFFICER HALLORAN: Ms.  
15 Nijman?

16 MS. NIJMAN: The Illinois law is  
17 actually quite clear that the adversity of a  
18 witness depends upon who they are employed by but  
19 at the time they testify because the issue is do  
20 they have a bias for or against the company and if  
21 they're no longer working for the company, they  
22 have no reason to have a bias. So there is no  
23 basis to hold her as an adverse witness.

24 HEARING OFFICER HALLORAN: I agree

1 with Ms. Nijman. It's too attenuated. She is a  
2 former employee. So, therefore, no, you cannot  
3 treat her as an adverse witness. Thank you.

4 BY MS. DUBIN:

5 Q. Ms. Maddox, where are you currently  
6 employed?

7 A. I'm employed at Exelon.

8 Q. And what is it that you do at  
9 Exelon?

10 A. I'm a senior environmental  
11 specialist for the nuclear -- nuclear fleet in  
12 Illinois.

13 Q. And where were you working before  
14 working for Exelon?

15 A. I was with NRG and Midwest  
16 Generation.

17 Q. And what were you doing when you  
18 were working for NRG?

19 A. Environmental specialist.

20 Q. And what did that job entail?

21 A. Ensuring compliance at -- I was at  
22 Will County station and compliance with  
23 environmental regulations at the station.

24 Q. Did your job involve -- ever involve

1 compliance with the coal ash ponds at the Will  
2 County station?

3 A. Yes.

4 Q. And what aspects -- in what way did  
5 you ensure that the coal ash ponds were in  
6 compliance with those regulations?

7 A. Which regulations are you --

8 Q. Any regulations that you're  
9 responsible for determining compliance with.

10 MS. NIJMAN: Objection. Vague and  
11 overbroad.

12 HEARING OFFICER HALLORAN:

13 Sustained.

14 BY MS. DUBIN:

15 Q. What law -- what aspects of  
16 environmental compliance are you concerned with?

17 A. With the ponds?

18 Q. Yes.

19 A. At the time when I was there, we had  
20 a Compliance Commitment Agreement to ensure that  
21 all the aspects at least that pertain to Will  
22 County station were met for that CCA.

23 Q. And were you -- did you have the  
24 same position with Midwest Generation?



1           A.       Yes.

2           Q.       And what aspects of the coal ash  
3 ponds did you oversee? And I can rephrase that  
4 for you.

5                               Were you involved at all in the  
6 inspection process for the coal ash ponds at Will  
7 County?

8           A.       In terms of operation or in terms  
9 of --

10          Q.       Any -- any elements of it, the  
11 overseeing, coordinating, doing it yourself.

12                               MS. NIJMAN: Objection to compound  
13 and vague.

14                               HEARING OFFICER HALLORAN:  
15 Sustained. Ms. Dubin?

16 BY MS. DUBIN:

17          Q.       Were you involved with -- did you  
18 inspect the ponds personally ever?

19          A.       Ever? Yes.

20          Q.       Did you coordinate inspections with  
21 the ponds?

22          A.       No coordination, no.

23          Q.       Did anybody report the results of  
24 inspections to you?

1 A. Casually if there was an issue.

2 Q. And were you involved in determining  
3 whether the liner at the -- are you aware of the  
4 fact that the coal ash ponds are lined?

5 A. Currently or --

6 Q. To the best of your knowledge.

7 A. Yes.

8 Q. Were you ever involved with  
9 determining whether the liners were effective?

10 A. Yes.

11 Q. And were you ever involved in issues  
12 if the liners became torn?

13 A. Yes.

14 Q. And when did you begin working for  
15 Midwest Generation?

16 A. 2008.

17 Q. And what is your understanding of --  
18 did you ever send e-mails as a part of your job?

19 A. I did.

20 Q. And did you ever receive e-mails as  
21 part of your job?

22 A. Yes.

23 Q. I'd like to move on. So have you  
24 ever heard the term slag?

1 A. Yes.

2 Q. What is your understanding of the  
3 term slag?

4 A. It's a bi-product from coal  
5 combustion.

6 Q. And is that a form of coal ash?

7 A. It's a different type of -- I  
8 wouldn't -- I wouldn't say it's coal ash, but it's  
9 a type of combustion bi-product.

10 Q. And have you ever heard the term  
11 bottom ash?

12 A. Yes.

13 Q. What's bottom ash?

14 A. Same thing. It's combustion  
15 bi-product.

16 Q. So I'd like to use the Will County  
17 phase two environmental.

18 HEARING OFFICER HALLORAN: I'm  
19 sorry?

20 MS. DUBIN: We're going to be using  
21 an exhibit of complainants from yesterday, the  
22 Will County Phase Two Environmental Site  
23 Assessment. This has already been -- do you -- do  
24 we -- okay.

1 BY MS. DUBIN:

2 Q. In front of you, Complainants'  
3 Exhibit 18D, if you don't mind turning to Bates  
4 page 5739 and I can provide you guys with a copy  
5 if you are unable to find it yourself.

6 MS. NIJMAN: Just give us a minute.  
7 It's a big stack plus I'd like to show our  
8 continued objection to these documents and the  
9 testimony related to these documents and renew our  
10 motion to strike as to all of the pre-Midwest  
11 Generation ENSR, E-N-S-R, reports that have been  
12 entered.

13 HEARING OFFICER HALLORAN: So noted.  
14 Permission to strike denied.

15 MS. DUBIN: Sorry?

16 HEARING OFFICER HALLORAN: I denied  
17 her motion to strike and I noted that she has  
18 objected to this before.

19 MS. NIJMAN: May I have the page  
20 number again, Lindsay?

21 MS. DUBIN: Yes, absolutely. It's  
22 5739.

23 MS. NIJMAN: Thank you.

24

1 BY MS. DUBIN:

2 Q. You'll note -- is this a site plan  
3 of Will County?

4 A. It is.

5 Q. I'd like to point out a few areas  
6 that are on the site plan and I thought it would  
7 just be easier for folks to be able to see it  
8 themselves.

9 MS. NIJMAN: I guess I'll object to  
10 the extent we have no foundation that this witness  
11 has any basis to know anything about this report  
12 or this plan.

13 HEARING OFFICER HALLORAN:  
14 Sustained.

15 MS. DUBIN: I'm just using this for  
16 demonstrative purposes so folks could see what ash  
17 areas we're covering. This wouldn't reflect --  
18 sorry.

19 MS. NIJMAN: Unfortunately, the  
20 document has been admitted into evidence. So it's  
21 no longer for demonstrative purposes. So I don't  
22 see how that can work. Objection.

23 MS. DUBIN: We're not asking  
24 Ms. Maddox about the substance of the exhibit.

1 We're just asking her if she is familiar with  
2 areas that appear on it.

3 HEARING OFFICER HALLORAN: I'm going  
4 to allow it as demonstrative evidence. It may  
5 assist the board. Thank you.

6 MS. DUBIN: Thank you.

7 HEARING OFFICER HALLORAN: Excuse  
8 me. Allow it for demonstrative purposes for your  
9 purpose.

10 MS. DUBIN: Yes. Yes.

11 HEARING OFFICER HALLORAN: Thank  
12 you.

13 MS. DUBIN: Perfect.

14 BY MS. DUBIN:

15 Q. Are you aware of impoundments that  
16 store coal ash at Will County?

17 A. Yes.

18 Q. And are you aware of an impoundment  
19 referred to as one north?

20 MS. NIJMAN: I'm going to object to  
21 the leading nature of the questions.

22 HEARING OFFICER HALLORAN:  
23 Sustained.

24

1 BY MS. DUBIN:

2 Q. What are -- what are the names of  
3 the impoundments that store coal ash at Will  
4 County?

5 A. When I was employed there, it was  
6 one north, one south, two south and three south.

7 Q. Now, is one north actively receiving  
8 coal ash?

9 MS. NIJMAN: Objection. This  
10 witness is no longer employed by the company.

11 HEARING OFFICER HALLORAN:  
12 Sustained.

13 BY MS. DUBIN:

14 Q. To the best of your knowledge -- or  
15 at the time you were employed there, was one north  
16 actively receiving coal ash?

17 A. While I was employed there, yes.

18 Q. And while you were employed there,  
19 did one north continue -- or did one north store  
20 slag?

21 A. While I was employed there, yes.

22 Q. While you were employed there, did  
23 it continue to store -- up until the time you left  
24 working there, was it storing slag?

1 A. The best that I can recall, yes.

2 Q. Do you know what one north -- or is  
3 one north lined with any material?

4 A. Yes.

5 Q. And what is it lined with?

6 A. Poz-o-pac if I recall correctly.

7 Q. And do you know when it was first  
8 lined with poz-o-pac?

9 A. No.

10 Q. And do you know if a cover was  
11 placed over the top of one north?

12 MS. NIJMAN: Again, we're going on  
13 with leading questions continuously. Objection.

14 HEARING OFFICER HALLORAN: I agree.  
15 She is not adverse. It's direct. So, sustained.

16 BY MS. DUBIN:

17 Q. Was a -- is there a cover over one  
18 north?

19 MS. NIJMAN: Objection. Leading.

20 MS. DUBIN: Not all question -- not  
21 all yes or no questions are leading. It's just a  
22 yes or no.

23 HEARING OFFICER HALLORAN:

24 Overruled. She may answer if she's able.



1 BY THE WITNESS:

2 A. Currently?

3 BY MS. DUBIN:

4 Q. Since up until when you finished  
5 working there.

6 A. What do you mean by cover?

7 Q. Are you familiar with the term cap?

8 A. Mm-hmm, yes.

9 Q. Is there -- up until you left, was  
10 there ever a cap placed --

11 A. No.

12 Q. -- over one north? And up until the  
13 time you left, was one north open to  
14 precipitation?

15 A. Yes.

16 Q. Was one north surrounded -- are you  
17 familiar -- was one north pond surrounded by  
18 berms?

19 MS. NIJMAN: Again, these are all  
20 yes/no questions forcing her to answer the way  
21 counsel wants her to. That is the definition of  
22 leading.

23 MS. DUBIN: Yes or no questions are  
24 not leading questions.

1 MS. NIJMAN: Yes --

2 MS. DUBIN: She can answer no if  
3 she'd like. It's different than saying are such  
4 and such, right. It's just -- otherwise, it's  
5 difficult to find an answer to something.

6 MS. NIJMAN: Well, you need to ask  
7 open-ended questions to get the information you  
8 want.

9 HEARING OFFICER HALLORAN: I agree  
10 with Ms. Nijman. Ms. Dubin, sustained.

11 BY MS. DUBIN:

12 Q. Is there anything that surrounds the  
13 ponds?

14 A. Yes.

15 Q. And what surrounds the ponds?

16 A. It's a basin. It's -- there -- it's  
17 a berm. The poz-o-pac is the liner. It's a weir  
18 from what I remember.

19 Q. And what is the berm made out of?

20 A. I don't recall.

21 Q. And what is the -- what is a weir?

22 A. The weir is a steel -- piece of  
23 steel basically that was on the west side of the  
24 pond that would hold back the solid material and

1 allow for the water to passthrough to go to the  
2 wastewater treatment facility.

3 Q. And are there any other ponds at  
4 Will County that you are familiar?

5 A. Yes.

6 Q. Which other ponds?

7 A. One south, two south and three  
8 south.

9 Q. And is one south an active pond?

10 A. Currently?

11 Q. Since you -- until you left working  
12 at Midwest or NRG.

13 A. Define active.

14 Q. Was one south pond receiving coal  
15 ash when you were working there?

16 A. No.

17 Q. When you were working there, what  
18 were the contents of the -- of -- was there  
19 anything inside of one south pond?

20 MS. NIJMAN: Object to compound.

21 I'm not sure --

22 HEARING OFFICER HALLORAN:

23 Sustained.

24

1 BY MS. DUBIN:

2 Q. Was there anything inside of one  
3 south pond when you left NRG?

4 A. Yes.

5 Q. What was inside of it?

6 A. Slag.

7 Q. And was one south pond lined when  
8 you were working there?

9 A. If I recall correctly, yes, it was  
10 poz-o-pac.

11 Q. And were either of the ponds --  
12 sorry.

13 Was pond one south ever relined  
14 when you were working there?

15 A. No.

16 Q. How about one north?

17 A. No.

18 Q. And is one south capped?

19 A. No.

20 Q. And is one south open to  
21 precipitation?

22 MS. NIJMAN: Again, object --

23 HEARING OFFICER HALLORAN: You're  
24 going back into leading questions, Ms. Dubin.

1 Sustained.

2 BY MS. DUBIN:

3 Q. We'll move onto two south. So you  
4 mentioned which of the -- which of the ash  
5 ponds -- are any of the ash ponds active --  
6 actively receiving coal ash?

7 MS. NIJMAN: Objection as to time  
8 period.

9 BY MS. DUBIN:

10 Q. When you were working there, were  
11 any of the ponds actively receiving coal ash?

12 A. Yes.

13 Q. I just want to note for the record  
14 when I mention anything in the present tense, it  
15 would only cover the span of time when you were  
16 there.

17 MS. NIJMAN: I can't agree to that.  
18 I'm sorry.

19 HEARING OFFICER HALLORAN: I can't  
20 agree to that either. You have to make the record  
21 clear.

22 MS. DUBIN: That's fair.

23 HEARING OFFICER HALLORAN: Thank  
24 you.

1 MS. DUBIN: So would you mind  
2 reading the question back.

3 HEARING OFFICER HALLORAN: You can  
4 ask me and I'll ask Mr. Brickey.

5 MS. DUBIN: Oh, sure. Okay.

6 HEARING OFFICER HALLORAN:  
7 Mr. Brickey, can you read the last question back,  
8 please.

9 (Whereupon, the record was read  
10 as requested.)

11 BY MS. DUBIN:

12 Q. Which of the ponds were actively  
13 receiving coal ash?

14 A. Two south and three south.

15 Q. And are you familiar with HDPE?

16 A. I am.

17 Q. Are either of these ponds lined with  
18 HDPE?

19 MS. NIJMAN: Objection. Leading.

20 HEARING OFFICER HALLORAN: She can  
21 answer if she is able. Overruled.

22 BY THE WITNESS:

23 A. When I was employed there, yes, they  
24 were relined with HDPE.

1 BY MS. DUBIN:

2 Q. When was the HDPE liner installed in  
3 two south pond?

4 A. In two south? I mean, I don't  
5 recall the specific date. During my employment  
6 there, it was.

7 Q. Was two south pond always lined with  
8 HDPE?

9 A. It was not always lined, no, with  
10 HDPE.

11 Q. What was it lined with before HDPE?

12 A. Poz-o-pac.

13 Q. And was three south pond always  
14 lined with HDPE?

15 MS. NIJMAN: Objection. Leading.

16 BY MS. DUBIN:

17 Q. So --

18 THE COURT REPORTER: Is there an  
19 answer?

20 BY MS. DUBIN:

21 Q. Would you mind walking me --

22 HEARING OFFICER HALLORAN:

23 Sustained, Ms. Dubin.

24 MS. DUBIN: I'll withdraw and

1 rephrase the question.

2 HEARING OFFICER HALLORAN: Thank  
3 you.

4 BY MS. DUBIN:

5 Q. Would you mind walking me through  
6 the history of what two south pond has been lined  
7 with starting from construction.

8 MS. NIJMAN: Object to foundation.

9 BY MS. DUBIN:

10 Q. To your knowledge.

11 A. To my knowledge, it's poz-o-pac and  
12 then relined with HDPE.

13 Q. Was it lined with that poz-o-pac  
14 when it was constructed?

15 A. To the best of my ability and the  
16 documents that I had available to me, yes, at the  
17 time I was employed there.

18 Q. And is -- what else -- is HDPE the  
19 only liner that is currently in two south pond or  
20 when you were there? I apologize.

21 A. Can you rephrase? Can you repeat  
22 that?

23 Q. Sure. Is there also poz-o-pac in  
24 the -- in two south pond?



1 MS. NIJMAN: Objection. Vague.

2 Asked and answered.

3 HEARING OFFICER HALLORAN:

4 Mr. Brickey, could you read the question back,  
5 please.

6 (Whereupon, the record was read  
7 as requested.)

8 MS. DUBIN: I'll -- I'll rephrase my  
9 question.

10 HEARING OFFICER HALLORAN: Thank  
11 you.

12 BY MS. DUBIN:

13 Q. Would you mind walking me through  
14 the different layers of materials that appear  
15 between the soil and where the coal ash would be  
16 placed?

17 MS. NIJMAN: Object to foundation.

18 BY MS. DUBIN:

19 Q. At the time you were working there.

20 MS. NIJMAN: Same objection. This  
21 witness has not identified that she has a basis to  
22 know this.

23 HEARING OFFICER HALLORAN: Ms.

24 Dubin?

1 MS. DUBIN: She has been talking  
2 about the liner. She knows it's been lined with  
3 HDPE. She knows it was lined with poz-o-pac.

4 HEARING OFFICER HALLORAN: I'll let  
5 her answer if she is able. Objection overruled.  
6 You can answer, Ms. Maddox, if you're able.

7 BY THE WITNESS:

8 A. I can't describe the history. I can  
9 only provide what I know based on the liner when  
10 that was installed. Two layers of poz-o-pac when  
11 the liner was put in, then the top layer of  
12 poz-o-pac was removed.

13 BY MS. DUBIN:

14 Q. And would you mind walking me  
15 through the history of the liner for three south  
16 pond?

17 A. It's the same thing. When I --  
18 again, all I can go on for history is the  
19 documents that I had available to me at the time  
20 and it was two layers of poz-o-pac and when the  
21 HDPE liner was installed the top layer of  
22 poz-o-pac was removed and the HDPE liner was  
23 installed.

24 Q. Thank you. I'd like to call your

1 attention to Complainants' Exhibit 300. This is  
2 page -- Bates page 27001.

3 (Document marked as Complainants  
4 Exhibit No. 300 for  
5 identification.)

6 MS. NIJMAN: I'm sorry. Are we  
7 done --

8 HEARING OFFICER HALLORAN: Do we  
9 have that?

10 MS. DUBIN: We're passing it out  
11 right now.

12 BY MS. DUBIN:

13 Q. I'll give you a moment to take a  
14 look at this.

15 HEARING OFFICER HALLORAN: I'm ready  
16 if Ms. Nijman is ready.

17 MS. NIJMAN: Yes, sir.

18 HEARING OFFICER HALLORAN: Thank  
19 you.

20 BY MS. DUBIN:

21 Q. Are you familiar with this e-mail?

22 A. I'm not.

23 MS. NIJMAN: I'm sorry. I'm just  
24 noting this document has a page three on it. I

1 don't know if this is complete.

2 MS. DUBIN: It's the -- it's within  
3 an e-mail chain so this is the e-mail that was  
4 received on July 17th at 6:32 a.m.

5 MS. NIJMAN: But you're not showing  
6 her the rest of the e-mail chain?

7 MS. DUBIN: We're showing the  
8 original e-mail that was sent and then the e-mail  
9 right after that.

10 MS. NIJMAN: Okay. Objection.

11 MS. DUBIN: I'm not sure about the  
12 production or the order of production following  
13 that.

14 MS. NIJMAN: I'm not sure either and  
15 I don't know how then we could be sure. So I'm  
16 objecting to the authenticity of this document.

17 HEARING OFFICER HALLORAN: Ms.  
18 Dubin?

19 MS. DUBIN: The preceding page -- we  
20 just checked. The preceding page of what was  
21 produced to us was not a part of this e-mail  
22 chain.

23 MS. NIJMAN: Okay. Well, we'll  
24 check with the witness's knowledge I suppose that

1 this does not appear to be complete. I mean, I  
2 don't know what to say.

3 MS. DUBIN: This is how it was  
4 produced to us.

5 MS. NIJMAN: Understood, but it  
6 doesn't mean it's a complete chain of e-mails. I  
7 also raised my objection -- same objection again  
8 that she is just copied on it and should not be an  
9 admissible document.

10 MS. DUBIN: So I'm just combining my  
11 questions to the contents of the e-mail that was  
12 produced to us and --

13 HEARING OFFICER HALLORAN: I'll  
14 allow you to ask some questions and then we'll  
15 decide. Thank you.

16 BY MS. DUBIN:

17 Q. Ms. Maddox, did you receive this  
18 e-mail?

19 A. My name is on the e-mail so it would  
20 have appeared I received it.

21 Q. And who is Jeff Beaudry?

22 A. He was the balance -- he is the  
23 balance of plant specialist at Will County station  
24 along with the turbine specialist.

1 Q. And did you regularly -- have you  
2 received e-mails for Mr. Beaudry before this?

3 A. Yes.

4 Q. Did you exchange e-mails following  
5 this e-mail?

6 A. Yes.

7 MS. NIJMAN: I'm going to object  
8 because the witness has -- was cc'd. She didn't  
9 exchange an e-mail.

10 BY MS. DUBIN:

11 Q. On what -- did you -- have you  
12 communicated with Jeff Beaudry when you were  
13 working at Midwest Generation?

14 A. I communicated with him, yes.

15 Q. And on what matters did you  
16 communicate with him?

17 A. Anything related to the plant  
18 operation.

19 Q. And do you see in his e-mail, he  
20 mentions that "The existing poz-o-pac floor is  
21 different than the site drawings. Because of this  
22 we will need to take two core samples to determine  
23 what we actually have"?

24 A. I see that, yes.

1           Q.       What -- was the poz-o-pac floor  
2 different than the site drawings?

3           A.       I really don't remember.

4           MS. NIJMAN:  Objection.  Objection  
5 to foundation.

6           HEARING OFFICER HALLORAN:  Ms.  
7 Dubin?

8           MS. DUBIN:  I'll ask a different  
9 question.

10          BY MS. DUBIN:

11          Q.       Do you know if Mr. Beaudry was  
12 referring to the poz-o-pac floor?

13          MS. NIJMAN:  Can -- and we also have  
14 looked up this document as well.  It's a four-page  
15 series --

16          MS. GALE:  Seven, eight, nine, 12  
17 pages.

18          MS. NIJMAN:  So we're objecting to  
19 one page taken out of context.

20          MS. BUGEL:  Can we take a moment to  
21 check?

22          HEARING OFFICER HALLORAN:  Sure.  
23 Off the record.

24

1 (Whereupon, a break was taken  
2 after which the following  
3 proceedings were had.)

4 HEARING OFFICER HALLORAN: We're  
5 back on the record, Steven. Thank you.

6 MS. DUBIN: So I'd like to correct  
7 my previous statement. This actually was a part  
8 of an e-mail chain that was -- that continued  
9 beyond the conversation that is on this page.

10 MS. NIJMAN: I will also note that  
11 our further objection upon looking at the document  
12 is it does not appear Ms. Maddox is cc'd on any of  
13 the other chain of e-mails and in addition the  
14 witness pointed out to me just now that the -- in  
15 the middle of the page, it says forwarded by Jeff  
16 Beaudry, Will County on 7/23/14 which isn't the  
17 date of the e-mail. So none of this is --

18 MS. DUBIN: This is the format in  
19 which it was produced to us.

20 HEARING OFFICER HALLORAN: I'm not  
21 comfortable taking this with --

22 MS. DUBIN: Sure.

23 HEARING OFFICER HALLORAN: -- all  
24 the issues and problems and questions. So



1 obviously I'll have to take it as an offer of  
2 proof and any questions surrounding this e-mail,  
3 Ms. Nijman, is taken as an offer of proof.

4 MS. NIJMAN: Thank you.

5 HEARING OFFICER HALLORAN: Thank  
6 you.

7 BY MS. DUBIN:

8 Q. Are you familiar with something  
9 called geocells?

10 A. Yes.

11 Q. What function do geocells serve?

12 A. In what context?

13 Q. With having to do with coal ash  
14 ponds.

15 MS. NIJMAN: Objection. Vague.

16 HEARING OFFICER HALLORAN:  
17 Sustained.

18 BY MS. DUBIN:

19 Q. Are you familiar with geocells being  
20 used in coal ash ponds?

21 A. Can you be more specific?

22 Q. Sure. Are pond liners placed on top  
23 of geocell? Are you familiar -- when someone  
24 says -- what do you think of when -- what is

1 geocell to you?

2 MS. NIJMAN: Objection to form.

3 Compound.

4 HEARING OFFICER HALLORAN:

5 Sustained. Rephrase.

6 MS. DUBIN: Sure.

7 HEARING OFFICER HALLORAN: Thank

8 you.

9 MS. DUBIN: I'd like to renew my  
10 request to ask leading questions. This witness  
11 has been briefed by and conducted preparations  
12 with Midwest Generation. Although you guys you do  
13 mention -- you mentioned that the leading  
14 questions can only be asked of witnesses whose  
15 interests align with the party at issue, a party  
16 to the case, and given that she has -- is being  
17 prepared and represented by the same counsel as  
18 opposing counsel and given that she was a former  
19 employee of both NRG and Midwest Generation I  
20 think that her interests, it's clear, do align  
21 with those of the opposing party and it's very  
22 difficult to be able to extract information from  
23 her.

24 HEARING OFFICER HALLORAN: Ms.

1 Nijman?

2 MS. NIJMAN: I think it's  
3 inappropriate to blame the witness when the  
4 attorney is unable to ask a non-leading question  
5 and it is not appropriate then to suggest that the  
6 witness is not answering when she is trying to  
7 understand what she is supposed to answer. If you  
8 ask a direct, non-leading question, she will  
9 answer to the best she can. As far as  
10 preparation, you have not established anything as  
11 to who was actually present at preparation,  
12 including counsel for Exelon, her own employer.  
13 So we do not have a situation of a witness who is  
14 doing anything other than trying to remember what  
15 she did when she was employed there.

16 HEARING OFFICER HALLORAN: I'm going  
17 by the four corners of Section 101.624 and I'm  
18 standing on my ruling that I made earlier. So,  
19 no, I can't allow you to treat her as an adverse  
20 witness. Motion denied. Thank you.

21 BY MS. DUBIN:

22 Q. So what is -- what is geocell?

23 MS. NIJMAN: Objection. Foundation.

24

1 BY MS. DUBIN:

2 Q. Are you familiar with geocell?

3 A. I'm familiar with it, yes.

4 Q. What is geocell?

5 A. To the best that I can remember,  
6 concrete placed in like a honeycomb structure,  
7 but, again, this is what I recall from being  
8 employed at Midwest Gen.

9 Q. And why was geocell -- why did  
10 people use geocell at Midwest Generation?

11 A. It was used in the ash pond lining  
12 project at two -- two south.

13 Q. And was it used at three south?

14 A. No.

15 Q. Where was the geocell placed at two  
16 south?

17 A. If I recall correctly, on the side  
18 slopes of the pond.

19 Q. Was it placed on the bottom of the  
20 pond?

21 A. I don't recall it being placed on  
22 the bottom of the pond.

23 Q. Why was it placed on the side slopes  
24 of the pond?

1           A.        To allow for additional protection  
2 during operation and cleanup.

3           Q.        Now, I'd like you to take a look at  
4 the map that I have in front of you, the --

5                    MS. NIJMAN: We long put that away.

6                    MS. DUBIN: Sorry?

7                    MS. NIJMAN: We put that away.

8                    MS. DUBIN: We're holding to that  
9 for a little while, the map.

10                   HEARING OFFICER HALLORAN: What map  
11 is that?

12                   MS. DUBIN: The site plan of Will  
13 County that we were using as a demonstrative  
14 earlier.

15                   HEARING OFFICER HALLORAN:  
16 Exhibit -- Exhibit --

17                   MS. DUBIN: Exhibit 18D.

18                   HEARING OFFICER HALLORAN: Thank  
19 you. To the best of my recollection, the Bates  
20 number of this again is 5739.

21 BY MS. DUBIN:

22           Q.        If you look about -- vertically  
23 about halfway up the site on the left-hand side,  
24 you'll see south ash pond three, then two and then

1 one and between south ash pond one and north ash  
2 pond, you'll see a little rectangle sticking out  
3 called retention basin, what's the retention  
4 basin?

5 A. Retention basin when I was employed  
6 there at Midwest Generation it received slag from  
7 units one and two when they were operating.

8 Q. Was there slag in the pond when you  
9 left working at NRG?

10 A. No.

11 Q. Was there slag in the pond?

12 MS. NIJMAN: Objection to the term  
13 pond.

14 MS. DUBIN: Sure.

15 MS. NIJMAN: Misstates.

16 BY MS. DUBIN:

17 Q. Was slag in the basin at any point  
18 when you were working at NRG?

19 A. Yes.

20 Q. When was the slag removed?

21 A. Can you be more specific in the  
22 timeframe?

23 Q. What year? You mentioned that when  
24 you left NRG there wasn't slag there and when you

1 were working there was slag there for part of it,  
2 so at what part did it cease to be there?

3 A. The contractor would periodically  
4 remove the slag for beneficial reuse.

5 Q. And it removed all the contents of  
6 the slag?

7 A. Correct.

8 Q. Okay. I'd next like you to take a  
9 look at the map for -- look at something called --  
10 referred to on the map as the slag and bottom ash  
11 dumping area, please, and you'll see that on the  
12 southeast portion of the property.

13 A. Yes, I see it.

14 Q. And are you familiar with this area?

15 MS. NIJMAN: Objection. Vague.

16 HEARING OFFICER HALLORAN:

17 Overruled. You may answer if you're able.

18 BY THE WITNESS:

19 A. I'm only familiar with the area just  
20 as on the map and that location.

21 BY MS. DUBIN:

22 Q. Have you ever heard anybody refer to  
23 the slag and bottom ash dumping area when you were  
24 working there?

1           A.       No.

2                   MS. NIJMAN:  Objection.

3  BY MS. DUBIN:

4           Q.       Is there any slag there now on the  
5  bottom ash?

6                   MS. NIJMAN:  Objection.

7                   HEARING OFFICER HALLORAN:  Okay.  
8  You need to speak up, Ms. Nijman.

9                   MS. NIJMAN:  I will.

10                  THE COURT REPORTER:  Hold on.  I  
11  didn't get the question.

12                  HEARING OFFICER HALLORAN:  What are  
13  you objecting to, Ms. Nijman?

14                  MS. NIJMAN:  The time period.  
15  Again, we have no time period.

16                  HEARING OFFICER HALLORAN:  The time  
17  period, Ms. Dubin.  And please speak up,  
18  Ms. Nijman.

19                  MS. NIJMAN:  Will do.

20                  THE COURT REPORTER:  I don't have  
21  the question that was objected to.

22                  HEARING OFFICER HALLORAN:  Could you  
23  re-ask the question?

24                  MS. DUBIN:  Absolutely.



1 HEARING OFFICER HALLORAN: Thank  
2 you.

3 BY MS. DUBIN:

4 Q. Was there any slag located in that  
5 area when you were working for NRG?

6 A. Not that I recall, no.

7 Q. And when you were working for  
8 Midwest Gen?

9 A. Again, not that I recall.

10 Q. Was there any bottom ash in that  
11 area when you were working at the Will County  
12 site?

13 A. No.

14 Q. And do you know if anybody tested  
15 that area for slag to see if slag was located  
16 there?

17 A. I am not aware of that.

18 Q. And did anybody test that area to  
19 see if there was bottom ash located there?

20 MS. NIJMAN: Objection to foundation  
21 as why this witness would know about testing.

22 HEARING OFFICER HALLORAN:  
23 Sustained.

24

1 BY MS. DUBIN:

2 Q. And I'll move onto an area called  
3 the slag dumping area.

4 Would you mind taking a look at  
5 that map again and you'll see in the middle of the  
6 site there is an oval shaped area called the slag  
7 dumping area. It's kind of a small oval next to a  
8 building called the switch yard just to the right  
9 of there.

10 A. I see that.

11 Q. Are you familiar with this -- have  
12 you ever heard anybody refer to this slag dumping  
13 area before?

14 A. No.

15 Q. Are you aware of any slag having  
16 been placed in that area before?

17 MS. NIJMAN: Object to leading.

18 HEARING OFFICER HALLORAN:

19 Sustained.

20 BY MS. DUBIN:

21 Q. What's located in that area up until  
22 the time you left NRG?

23 A. It's -- if I can recall correctly, a  
24 road. I really don't remember.

1 MS. BUGEL: Can we have a moment to  
2 confer?

3 HEARING OFFICER HALLORAN: Yes,  
4 we're off the record.

5 (Whereupon, a break was taken  
6 after which the following  
7 proceedings were had.)

8 HEARING OFFICER HALLORAN: We're  
9 back on the record. You may proceed, Ms. Dubin.

10 BY MS. DUBIN:

11 Q. Thank you for your time, Ms. Maddox.  
12 I know you're not working for NRG anymore. So I  
13 appreciate you making it out here.

14 A. Yes.

15 Q. I'd like to place in front of you  
16 now Complainants' Exhibit 302, which is Bates  
17 pages 28850.

18 (Document marked as Complainants  
19 Exhibit No. 302 for  
20 identification.)

21 BY MS. DUBIN:

22 Q. So it starts on 28849.

23 HEARING OFFICER HALLORAN: Let's  
24 take a minute, please. Hold on. Okay. You may

1 proceed.

2 BY MS. DUBIN:

3 Q. So if you don't mind taking a look  
4 at Bates page 28850.

5 A. Yes.

6 Q. You'll see that this is labeled as a  
7 field change request, what is a field change  
8 request?

9 A. If we're using a time that I was  
10 there at Midwest Generation, using a contractor  
11 and if there was a change in the scope of work  
12 that is different from the original scope, the  
13 contractor will complete this field change request  
14 to get approval to complete that additional work.

15 Q. And you'll see that -- was the field  
16 change request placed by Brieser Construction?

17 A. It was.

18 Q. And you'll see the -- what is the  
19 description of the field change request?

20 A. Which field change request?

21 Q. Why was the field change request  
22 placed? The one on page 28850.

23 A. I'm sorry. Can you repeat the  
24 question again?

1 Q. Sure. What was the purpose of this  
2 field change request?

3 A. So the description of the change  
4 request is written as cut holes in liner to pump  
5 out groundwater. CAWS, C-A-W-S, will then patch  
6 the holes.

7 Q. What is CAWS?

8 A. Clean Air Water Systems. They were  
9 the company that installed the liner.

10 Q. And did you -- is your signature on  
11 this request?

12 A. It is.

13 MS. DUBIN: Complainants would --  
14 complainants move to enter Complainants' Exhibit  
15 302 into evidence.

16 HEARING OFFICER HALLORAN: Ms.  
17 Nijman?

18 MS. NIJMAN: No objection.

19 HEARING OFFICER HALLORAN: Thank  
20 you. Complainants' Exhibit 302 is admitted.

21 BY MS. DUBIN:

22 Q. We're placing in front of you  
23 Complainants' Exhibit 303, which is 28862 to  
24 28863.

1 MS. NIJMAN: Can you just wait one  
2 minute?

3 MS. DUBIN: Sure.

4 MS. NIJMAN: Thank you.

5 (Document marked as Complainants  
6 Exhibit No. 303 for  
7 identification.)

8 BY MS. DUBIN:

9 Q. What is -- you'll see this is a  
10 storm water construction site inspection report,  
11 what does that mean?

12 A. For the three south ash pond, we  
13 received a storm water construction permit from  
14 Illinois EPA and part of that permit requirement  
15 was to conduct periodic storm water site  
16 inspections and this is a report from one of those  
17 inspections.

18 Q. Does your name appear on this  
19 document?

20 A. It does.

21 Q. And did you fill this document out?

22 A. Yes.

23 Q. And you'll see that when -- there is  
24 a question here that says "Are there any

1 discharges at the time of inspection," and what  
2 was your response to that?

3 A. The box yes is checked.

4 Q. And what was your description?

5 A. The description is written water is  
6 seeping through cracks in second POP, or  
7 poz-o-pac, layer.

8 MS. DUBIN: Complainants move to  
9 enter Complainants' Exhibit 303 into evidence.

10 MS. NIJMAN: No objection.

11 HEARING OFFICER HALLORAN: Thank  
12 you. Complainants' Exhibit 303 is admitted.

13 BY MS. DUBIN:

14 Q. I'd like to place in front of you  
15 Complainants' Exhibit 304.

16 (Document marked as Complainants  
17 Exhibit No. 304 for  
18 identification.)

19 BY MS. DUBIN:

20 Q. Did you -- are you familiar with  
21 this e-mail?

22 A. Not familiar with it, no.

23 Q. Did you send this e-mail?

24 A. My name is listed as from. So, yes.

1 Q. And would you mind taking a look at  
2 it just to refresh your memory.

3 A. Mm-hmm. Yes.

4 Q. Would you mind, please, describing  
5 the contents of this e-mail.

6 MS. NIJMAN: Objection. It's a full  
7 page e-mail on three --

8 HEARING OFFICER HALLORAN: Rephrase.

9 MS. DUBIN: Sure.

10 BY MS. DUBIN:

11 Q. Was this -- what was the -- what was  
12 the subject of this e-mail?

13 A. Subject says 3S or three south pond  
14 request.

15 Q. And does this have to do with  
16 dredging of the ponds?

17 A. I believe so, yes.

18 MS. DUBIN: Complainants move to  
19 enter Complainants' Exhibit 304 into evidence.

20 MS. NIJMAN: Have we established any  
21 materiality for this document? Are you going to  
22 ask anything about it?

23 MS. DUBIN: It's about pond dredging  
24 and we have previously established that pond



1 dredging can lead to punctured liners.

2 MS. NIJMAN: Not with this witness.

3 HEARING OFFICER HALLORAN: Why don't  
4 you ask a few more questions.

5 MS. DUBIN: Absolutely.

6 BY MS. DUBIN:

7 Q. You mentioned needing to -- the  
8 second sentence of your last full paragraph states  
9 "So, it's imperative that we keep on removing any  
10 standing water in the pond," what do you mean by  
11 standing water here?

12 A. Just water that is remaining in the  
13 pond, storm water, rain water.

14 Q. Why was it imperative that you keep  
15 removing it?

16 A. That's the process for dredging. We  
17 have to dewater the ash in order to remove it  
18 effectively.

19 Q. And you -- was the pond being  
20 continuously pumped during this process?

21 A. I don't remember.

22 Q. And are there any other types of  
23 water that can be standing water in a pond?

24 MS. NIJMAN: Objection. Vague.

1 HEARING OFFICER HALLORAN: Rephrase,  
2 please.

3 MS. DUBIN: Sure.

4 BY MS. DUBIN:

5 Q. What type of water accumulates --  
6 can accumulate in the bottom of a pond such as  
7 this one?

8 A. Well, this pond is used for bottom  
9 ash and processed water. So it's from the boiler  
10 and sluice water that comes to the pond. So it's  
11 processed water plus any rainwater.

12 MS. DUBIN: Complainants move to  
13 enter Complainants' Exhibit 304 into evidence.

14 MS. NIJMAN: No objection.

15 HEARING OFFICER HALLORAN: Okay.  
16 Thank you. Complainants' Exhibit 304 is admitted.

17 BY MS. DUBIN:

18 Q. During your time at Midwest  
19 Generation, how many groundwater monitoring wells  
20 were at Will County?

21 A. I don't recall the exact number.

22 Q. And were these -- what were these  
23 groundwater monitoring wells -- what areas were  
24 they placed in?

1           A.       When I was there around the various  
2 areas around the ash ponds; one north, two south,  
3 three south.

4           Q.       And when were these placed near  
5 those ponds?

6           A.       I don't remember the exact year.

7           Q.       And were there any other wells  
8 located -- were -- so which ponds, I guess, were  
9 being monitored by these wells specifically?

10           MS. NIJMAN:  Objection to foundation  
11 and compound question.

12           HEARING OFFICER HALLORAN:  Can you  
13 rephrase?  Thank you.

14           BY MS. DUBIN:

15           Q.       You mentioned these wells were being  
16 used to monitor -- or they were being located --  
17 they were located near certain coal ash ponds, is  
18 that right?

19           A.       That's correct.

20           Q.       What coal ash ponds were they  
21 located -- at which coal ash ponds were they  
22 located?

23           A.       They were installed on one north,  
24 one south, two south and three south.

1 Q. And by whom were they installed?

2 A. I don't recall.

3 Q. And were they installed all at the  
4 same time?

5 A. That, I don't recall either.

6 Q. Do you recall any other wells aside  
7 from the ones that you mentioned?

8 A. No.

9 Q. You were deposed in this matter, is  
10 that correct?

11 A. That's correct.

12 Q. So I'd like to direct your attention  
13 to page 102 of your deposition. So it looks like  
14 if you don't mind starting at line 15 of page 102.

15 Q. And were there any  
16 monitoring wells onsite before those wells were  
17 installed in 2010?

18 A. I was aware of two.

19 Q. Okay. Were they located --  
20 where were they -- where were they located?

21 A. Near the north diesel tank  
22 farm.

23 Q. Where is that?

24 A. Just north of the main

1 parking lot by our diesel fuel tanks.

2 Does that refresh your memory?

3 A. That does, yes. Thank you.

4 Q. And were these used to monitor the  
5 coal ash ponds?

6 A. They were not.

7 Q. I'd like to discuss dredging a  
8 little bit.

9 Is bottom ash from -- or are any  
10 of the ponds dredged at Will County?

11 MS. NIJMAN: Object to time frame.

12 MS. DUBIN: Sustained.

13 BY MS. DUBIN:

14 Q. When you were present at Will  
15 County.

16 A. Yes, they were dredged.

17 Q. And which ponds were dredged at Will  
18 County when you were there?

19 A. Two south and three south.

20 Q. And are you aware of pond liners  
21 ever becoming torn during the dredging process at  
22 Will County?

23 A. Yes.

24 Q. And would you mind describing any

1 incident or incidents where that occurred, please?

2 A. The one incident I recall was on  
3 three south pond.

4 Q. How -- who conducts the dredging at  
5 Will County?

6 A. Lafarge.

7 Q. And how long has Lafarge been  
8 working at Will County or dredging at Will County  
9 or when you were there?

10 A. They were there when I started and I  
11 can't answer when they began the contract there.

12 Q. And I'd like to move onto  
13 inspections.

14 How are the ponds at Will County  
15 inspected? During your time there, were they  
16 inspected?

17 A. How were they inspected?

18 Q. Were they inspected?

19 A. I would say they were, yes.

20 Q. How were they inspected when you  
21 were at Will County?

22 A. So equipment operators would always  
23 be heading out in that area just as part of normal  
24 rounds that you can easily see as the roads they

1 travel around -- you can easily see the ponds and  
2 notice as part of their daily routines other  
3 individuals, myself included at the time, would  
4 also go out there just to check on the operation  
5 of the pond, just overall general status of it and  
6 operations. But it's really anyone that would be  
7 out in that area you have to drive by those anyway  
8 so that's how those inspections would be done.

9 Q. Would they -- would folks inspect  
10 the ponds other -- other ways than just by looking  
11 at them?

12 A. I would say no.

13 Q. I'm trying to skip a few things to  
14 save everybody some time.

15 Now, what parts of the pond are  
16 you -- are you able to see the entire pond when  
17 you look at the pond to inspect it?

18 A. Depending on the stage if it's being  
19 dredged, but typically, no.

20 Q. And what parts of the pond are you  
21 not able to see when you inspect it?

22 A. The bottom.

23 Q. When you -- can you see -- how much  
24 ash is dredged when -- is all of the ash removed

1 during the dredging process?

2 A. No.

3 Q. What remains during the dredging  
4 process?

5 A. It varies, but typically ash on the  
6 side slopes will remain and if there is just any  
7 remaining ash in the bottom that just isn't  
8 getting removed for whatever reason or for time  
9 constraints to get the pond back in service.

10 Q. Is there always kind of a remaining  
11 ash on the bottom of the pond?

12 A. I would say typically, yes.

13 Q. Are you ever -- is it possible to  
14 see the liner after the pond has been dredged?

15 A. No.

16 Q. So can you conduct a visual  
17 inspection of the bottom of the pond after it's  
18 been dredged?

19 MS. NIJMAN: Asked and answered.  
20 Leading.

21 HEARING OFFICER HALLORAN:

22 Sustained.

23 BY MS. DUBIN:

24 Q. I'm going to place in front of you a



1 document marked Complainants' Exhibit 305.

2 (Document marked as Complainants  
3 Exhibit No. 305 for  
4 identification.)

5 BY MS. DUBIN:

6 Q. I'll have you take a moment to  
7 review this.

8 MS. NIJMAN: We object to the use of  
9 this document. It starts on page four of the  
10 e-mail. It also --

11 MS. DUBIN: Can you --

12 HEARING OFFICER HALLORAN: Excuse  
13 me, Ms. Dubin. Ms. Nijman is talking.

14 MS. DUBIN: Oh, my gosh. I'm so  
15 sorry.

16 MS. NIJMAN: I'll try to speak  
17 louder. Sorry.

18 MS. DUBIN: No. No. I apologize.

19 MS. NIJMAN: All right. The  
20 document starts on page four and Ms. Maddox is a  
21 cc on some and we don't know where the rest of it  
22 is.

23 MS. DUBIN: So there were a bunch  
24 of -- this was within a bunch of documents that

1 were produced to us in a big bundle and we'll have  
2 someone here take a look at that, pull that up  
3 right now for you and feel free to pull it up for  
4 yourselves, too, if you like, but basically when  
5 it was produced to us there were page numbers for  
6 different e-mails and often e-mail chains would  
7 start kind of halfway through a page and then  
8 you'd see a new subject line and a new e-mail  
9 page, is that what you're seeing, Ms. Gale?

10 MS. GALE: I'm seeing it's 20 pages.

11 MS. DUBIN: Sorry?

12 MS. GALE: It's a 20-page -- the  
13 whole thing is 20 pages.

14 MS. NIJMAN: We object to the use  
15 and admission of this document.

16 HEARING OFFICER HALLORAN: My  
17 question is, again, as I stated yesterday. You  
18 had all this time to try to take a look at these  
19 and come to an agreement and it hasn't happened  
20 and I'm just curious as to why and what the  
21 parties have been doing. I don't know. Again,  
22 this case was originally set for hearing I think  
23 in June, July, something like that. So you even  
24 had that much more time. This is a 2013 e-mail.

1 I don't know if I'm being rhetorical or what, but  
2 I don't know where the rest of the pages are and  
3 the cc's are -- some are and some aren't.

4 MS. BUGEL: Hearing Officer, we --  
5 I -- we do understand your concern. I would say  
6 the parties, you know, we -- we did our best to  
7 cooperate. The parties -- there was some  
8 contention over exhibits and concern over exhibits  
9 and the -- one of the issues we were dealing with  
10 in this case was the volume of exhibits and I will  
11 represent for complainants that we spent our time  
12 trying to reduce that volume before the hearing.  
13 That is where a lot of our efforts were spent.

14 MS. DUBIN: Yeah, so --

15 HEARING OFFICER HALLORAN: Ms.  
16 Nijman, your objection again?

17 MS. NIJMAN: The objection still  
18 stands. It's an incomplete document. We're  
19 looking at it on our computer. We see that the  
20 prior page is the same date, it appears to be  
21 related and yet we don't have it. I object to the  
22 use of this document as unauthenticated and not a  
23 true, accurate copy.

24 MS. DUBIN: If you take a look at --

1 do you have -- we can show you -- the e-mail on  
2 the page that immediately precedes this one, Bates  
3 page 27130, has a completely different subject  
4 line or -- I'm sorry. 27129. We don't have that  
5 in front of us because it was part of a different  
6 e-mail chain and the way it was produced to us it  
7 had a different subject line.

8 MS. GALE: The first page of this is  
9 Jeff Beaudry's file.

10 MS. NIJMAN: Yeah, we're having a  
11 struggle because when this was produced it was  
12 from another person's file Jeff Beaudry. This  
13 witness is being asked to talk about e-mails for  
14 another person's file that are then being taken  
15 out of order and out of context.

16 HEARING OFFICER HALLORAN: I don't  
17 feel comfortable taking this into evidence if it  
18 is offered. I will take it as an offer of proof.

19 MS. DUBIN: Okay. Well, that's  
20 fair, but would we be able to discuss it? Because  
21 this e-mail was sent to Rebecca Maddox.

22 HEARING OFFICER HALLORAN: Within  
23 the -- well, Ms. Nijman?

24 MS. DUBIN: And she sent e-mails,

1 some of the e-mails in here are from Ms. Maddox,  
2 some are to Ms. Maddox and the complainants, you  
3 know, can't be -- I don't think we should be -- we  
4 should be able to produce documents in the way  
5 that they were produced to us and the e-mail that  
6 preceded this has a different subject line and  
7 although it comes from somebody else's files, it  
8 was still an e-mail that was sent to Ms. Maddox  
9 and ones that were sent from her as well.

10 MS. NIJMAN: It's just unfair to the  
11 witness, especially not -- a witness that is not  
12 even employed by the company anymore to take  
13 something out of context like this. It's  
14 prejudicial to my client to take something out of  
15 context like this. There was an opportunity if  
16 you wanted to call or depose Mr. Beaudry and that  
17 was never taken. Instead, trying to take it out  
18 of context for this witness is prejudicial.

19 HEARING OFFICER HALLORAN: Yeah,  
20 again, I don't feel comfortable taking it into  
21 evidence. If offered, I'll take it as an offer of  
22 proof and the questions and testimony surrounding  
23 this e-mail will be taken under an offer of proof  
24 as well.

1 MS. DUBIN: We'll take a look at  
2 Bates page 27135, please.

3 BY MS. DUBIN:

4 Q. It's the last one. Now, did you  
5 write this e-mail, Ms. Maddox?

6 A. Bates page 27135?

7 Q. At the very bottom, that's where it  
8 starts. So if you'll see the from and then the  
9 following page down is the -- what appears to be  
10 the body of your e-mail.

11 A. It appears that I did on -- the from  
12 is my name.

13 Q. And this e-mail discusses certifying  
14 whether or not there were -- are leaks in the  
15 geomembrane of the slide slope of pond two, do you  
16 remember encountering this issue ever?

17 MS. NIJMAN: Object to leading.

18 HEARING OFFICER HALLORAN:

19 Sustained.

20 BY THE WITNESS:

21 A. I'm sorry. Can you repeat?

22 MS. NIJMAN: There was an objection.

23 It was sustained.

24 HEARING OFFICER HALLORAN: I

1 sustained it. You have to rephrase. Sorry.

2 BY MS. DUBIN:

3 Q. Are you familiar with the contents  
4 of this e-mail?

5 A. If you can just give me a few  
6 seconds to reread it again.

7 Q. Absolutely.

8 A. Okay.

9 Q. Do you remember the issue being  
10 discussed in this e-mail?

11 A. I do, yes.

12 Q. And what was the issue here?

13 A. That the leak location was not able  
14 to be performed on the side slopes only because of  
15 the geocell installation.

16 Q. And what is leak location?

17 A. It's just the final check of the  
18 liner integrity. However, there is checks  
19 throughout the installation process of that liner  
20 that confirms that there are -- that the seams are  
21 installed correctly, are an intact. So this is  
22 just another -- another way to check that the  
23 liner was installed correctly.

24 Q. We'll put this one aside.

1 MS. DUBIN: Complainants are  
2 actually moving to enter Complainants' Exhibit 305  
3 into evidence.

4 HEARING OFFICER HALLORAN: Okay. We  
5 heard Ms. Nijman's objection. I'm going to take  
6 it as an offer of proof. The only thing I am  
7 comfortable with with the e-mail is it's my  
8 birthday August 27th.

9 MS. NIJMAN: That's mine, too.

10 HEARING OFFICER HALLORAN: Virgo.

11 MS. NIJMAN: Virgo.

12 HEARING OFFICER HALLORAN: So offer  
13 of proof and the surrounding questions and  
14 testimony surrounding Ms. Maddox's testimony is  
15 taken as an offer of proof.

16 MS. DUBIN: Sir, if I may, if we  
17 produced -- if we came in tomorrow with documents  
18 showing kind of like the huge Bates range  
19 beforehand and you were able to review kind of the  
20 Bates page that immediately precedes this one to  
21 see if you believe that this is within the same  
22 e-mail chain, would you be comfortable doing that  
23 and then having it admitted?

24 HEARING OFFICER HALLORAN: Possibly,



1 but Ms. Nijman has to take a look at it, too.

2 MS. DUBIN: Absolutely.

3 MS. NIJMAN: And I would  
4 vociferously object to the extent that Ms. Maddox  
5 would no longer be here. We're trying to get her  
6 done in one day because she comes from quite a  
7 distance. She was subpoenaed here and we all  
8 agree that she would be done in a day.

9 HEARING OFFICER HALLORAN: You can  
10 bring it in. I can't guarantee anything.

11 MS. DUBIN: Great. Thank you.

12 BY MS. DUBIN:

13 Q. I'm putting in front of you now an  
14 exhibit marked Complainants' Exhibit 306 and this  
15 is one page. It's Bates page 48612.

16 (Document marked as Complainants  
17 Exhibit No. 306 for  
18 identification.)

19 MS. NIJMAN: It's two pages?

20 MS. DUBIN: It should just be one  
21 page. Complainants' Exhibit 306.

22 BY MS. DUBIN:

23 Q. Ms. Maddox, are you familiar with  
24 this e-mail?

1 A. I am.

2 Q. And was this e-mail sent by you?

3 A. It was.

4 Q. I'll give folks a moment to review  
5 this e-mail.

6 Ms. Maddox, what is -- what --  
7 what are your concerns about the new liner in the  
8 pond?

9 MS. NIJMAN: Objection. Leading.

10 HEARING OFFICER HALLORAN:

11 Sustained.

12 BY MS. DUBIN:

13 Q. In this, you mention "Our fear is  
14 that the membrane will be punctured anyways with  
15 Lafarge continually going in and out of the ponds  
16 to dig up ash," what was -- what was the  
17 background behind that fear?

18 A. So from what I recall, and again  
19 this is the e-mail when I first started working  
20 here, so this was a station concern, not just mine  
21 in particular but just overall station concerns  
22 having never been -- not very familiar with the  
23 geomembrane, no one at the station were familiar  
24 with geomembrane, these were just concerns with

1 how this liner would operate in the pond.

2                   So it's just general -- it's  
3 just questions prior to the start of the pond  
4 liner replacement just bringing them up as points  
5 of discussion. Again, when I was there and my  
6 colleagues at the time, none of us had any  
7 background with working with a geomembrane liner.  
8 So we're just bringing up our concerns at the time  
9 to discuss and get answers.

10           Q.       You also mentioned a question -- you  
11 raise a question "Are you performing any type of  
12 annual leak detection of the liner after  
13 installation and use," what type of leak detection  
14 did you have in mind?

15           A.       Just any type of leak detection.  
16 Again, being completely unfamiliar with this type  
17 of technology, it was just a point to bring up to  
18 ask the questions because that's a part of  
19 everyone's job at the station is to kind of  
20 challenge and bring up questions of concern.

21           Q.       You mentioned the very last sentence  
22 of your first numbered point "We really feel this  
23 liner even with the cushion and warning layers  
24 will not be able to withstand the constant heavy

1 equipment traffic at Will County," what's the  
2 basis for that fear?

3 A. There is really no basis because  
4 none of us -- I don't have any background. I'm  
5 not an expert on geomembrane liners. This is just  
6 something that was brought up just concern being  
7 almost like a layperson not understanding how this  
8 technology works, the type of equipment it can  
9 support. Again, just bringing up concerns that  
10 experts would provide us additional information  
11 on.

12 Q. And what did you mean by constant  
13 heavy equipment traffic?

14 A. I would probably say that that's not  
15 the correct type of terminology. It would not be  
16 constant. It would just be during dredging of  
17 those ponds. So the use of the word constant  
18 is -- is a misnomer and not correct.

19 MS. DUBIN: Complainants move to  
20 admit Complainants' Exhibit 306 into evidence.

21 MS. NIJMAN: No objection.

22 HEARING OFFICER HALLORAN: Thank  
23 you. Complainants' Exhibit 306 is admitted.

24

1 BY MS. DUBIN:

2 Q. I'm now placing -- I'm now -- we're  
3 now placing in front of you Complainants' Exhibit  
4 311.

5 (Document marked as Complainants  
6 Exhibit No. 311 for  
7 identification.)

8 BY MS. DUBIN:

9 Q. I'll give you a moment to review.  
10 Whenever you're ready.

11 HEARING OFFICER HALLORAN: I'm  
12 ready.

13 BY MS. DUBIN:

14 Q. Ms. Maddox?

15 HEARING OFFICER HALLORAN: Okay.  
16 We're ready.

17 BY MS. DUBIN:

18 Q. I'd like you to turn to the second  
19 page. This is an e-mail sent by Raymond Wolan,  
20 who is Mr. Wolan?

21 A. At the time, he was a shift  
22 supervisor.

23 Q. And did he work for Midwest  
24 Generation?

1           A.       He did.

2           Q.       And what do you mean by a shift  
3 supervisor?

4           A.       So he ran the operations shift. In  
5 2010, he could have just had a different position.  
6 He was in the operations department so he could  
7 have been a shift supervisor or just an extra  
8 management personnel in the operations department.

9           Q.       And he refers to Mineral Solutions,  
10 who -- who is Mineral Solutions?

11          A.       So that's some old terminology.  
12 It's old terminology for Lafarge. So he's just  
13 using some outdated company name.

14          Q.       So he mentions "They're telling me  
15 they don't have a machine to be able to clean 3S  
16 pond," by they he means -- technically means  
17 Lafarge?

18                   MS. NIJMAN: Objection. Leading.

19 BY MS. DUBIN:

20          Q.       Who does he mean by they?

21          A.       That would be Lafarge, yes.  
22 Correct.

23          Q.       Turning to your e-mail the last  
24 sentence if you don't mind taking a look at point

1 number three.

2 A. Okay.

3 Q. You said "This has been a bone of  
4 contention with them on how they were going to  
5 clean this out," what do you mean by a bone of  
6 contention?

7 A. Just concerns, again, with  
8 operations of -- for operation of that pond.  
9 Again, just to ensure that it's operating  
10 correctly and they can dredge it properly. Again,  
11 it's just concerns that were brought up there.  
12 Just again just bringing up a concern that we  
13 will -- that the station would work with them on.

14 Q. Okay.

15 MS. DUBIN: Complainants move to  
16 admit Complainants' Exhibit 311 into evidence.

17 MS. NIJMAN: No objection.

18 HEARING OFFICER HALLORAN:  
19 Complainants' Exhibit 311 is admitted.

20 BY MS. DUBIN:

21 Q. We're now going to be placing in  
22 front of you an exhibit marked Complainants'  
23 Exhibit 307.

24

1 (Document marked as Complainants  
2 Exhibit No. 307 for  
3 identification.)

4 BY MS. DUBIN:

5 Q. This is an e-mail that you sent to  
6 other Midwest Gen -- Generation employees on June  
7 26th, 2012. I'll give you a moment to review it.  
8 Let me know whenever you're ready.

9 A. I'm ready.

10 Q. Okay. You mention that the 3S ash  
11 pond is extremely damaged -- or the HDPE liner on  
12 3S ash pond is extremely damaged, what did you  
13 mean by extremely damaged?

14 A. Again, probably not the correct term  
15 or word to use. There was a tear in the liner on  
16 the ramp above the water line of the pond. So  
17 using extremely is, again, probably not the best  
18 choice of words.

19 Q. You mention "I think this has been  
20 buried under some of the ash for a bit and I just  
21 noticed it today," so is there ash above the water  
22 line?

23 A. This was on the ramp, yeah.

24 Q. Sorry?



1           A.       Yes, on -- yes.

2           Q.       So ash is above the water line?

3                   MS. NIJMAN:   Finish your answer.

4   BY THE WITNESS:

5           A.       On the ramp.

6   BY MS. DUBIN:

7           Q.       On the ramp?

8           A.       On the ramp.

9           Q.       Got it.  You mentioned, quote, we  
10   have had some real fears this was going to be an  
11   issue going forward with Lafarge and the clean out  
12   process, what did you mean by that?

13          A.       Again, going back to the other  
14   e-mails that were brought up; new technology,  
15   operations of the pond.  I mean, this was -- that  
16   was something that was just discussed and brought  
17   up.

18                   MS. DUBIN:  Complainants move to  
19   admit Complainants' Exhibit 307 into evidence.

20                   MS. NIJMAN:  No objection.

21                   HEARING OFFICER HALLORAN:  Thank  
22   you.  Exhibit -- Complainants' Exhibit 307 is  
23   admitted.

24

1 BY MS. DUBIN:

2 Q. Ms. Maddox, do you know how the  
3 liner became damaged that we were just discussing?

4 A. Most likely during the dredging  
5 process.

6 Q. And do you know how long that damage  
7 existed before it was brought to your attention?

8 A. No, I don't remember.

9 MS. DUBIN: I'm just seeing if I can  
10 skip things to make everybody's day faster.

11 BY MS. DUBIN:

12 Q. I'd like to place in front of you  
13 Complainants' Exhibit 309.

14 (Document marked as Complainants  
15 Exhibit No. 309 for  
16 identification.)

17 HEARING OFFICER HALLORAN: Thanks.

18 BY MS. DUBIN:

19 Q. I'll give you a moment to review  
20 this. Just let me know whenever you're ready.  
21 Ready?

22 A. Yes.

23 Q. This memo discusses something  
24 referred to as the unit one and two ash pond, what

1 is that?

2 A. It's the one north and one south --  
3 one south pond. However, this is actually  
4 referring to the retention basin.

5 Q. And if you flip over to the very  
6 last sentence -- or let's see. I'm sorry. The  
7 last full sentence of the first page. I  
8 apologize. The memo states "Typically, slag is  
9 pulled from this pond by a contractor and  
10 beneficially used outside of the plant. After the  
11 contractor removes the slag from the pond, the  
12 contractor will vertically pile a reenforcement of  
13 slag on top of the concrete barrier on the  
14 northside of the pond."

15 Does this mean that the vertical  
16 reenforcement being referred to here is made out  
17 of slag?

18 MS. NIJMAN: I'm objecting to  
19 foundation and asking her what it means when she  
20 is only copied on it.

21 BY MS. DUBIN:

22 Q. I guess I'll flip to -- if you don't  
23 mind flipping to the back side of the page real  
24 quick, if you don't mind taking a look at the last

1 sentence before sincerely, who is listed as the  
2 contact person here?

3 A. I am or our plant manager.

4 Q. So it mentions "If you require  
5 additional details or have any questions in  
6 regards to this matter, don't hesitate to contact  
7 me, the author, Donald Claybaugh or Rebecca  
8 Maddox," so do you see this?

9 A. I do.

10 Q. So turning back to the previous  
11 question.

12 HEARING OFFICER HALLORAN: Objection  
13 overruled. Thank you.

14 BY MS. DUBIN:

15 Q. "After the contractor removes the  
16 slag from the pond, the contractor will build --  
17 vertically pile a reenforcement of slag on top of  
18 the concrete carrier on the northside of the pond"  
19 so my question is does this mean that the vertical  
20 reenforcement being referred to in this memo is  
21 made out of slag?

22 MS. NIJMAN: Object to leading.  
23 Form.

24 HEARING OFFICER HALLORAN:

1 Sustained.

2 BY MS. DUBIN:

3 Q. What is the vertical reenforcement  
4 being made out of referred to here?

5 A. It would be the slag that is pulled  
6 out of the retention basin of Exhibit's 1 and 2.

7 MS. DUBIN: Complainants move to  
8 admit Complainants' Exhibit 309 into evidence.

9 MS. NIJMAN: No objection.

10 HEARING OFFICER HALLORAN: Thank  
11 you. Complainants' Exhibit 309 is admitted. Just  
12 for the record I'm going to go off the record  
13 around 3:00 and we'll talk about a break and  
14 whatnot. Thank you.

15 MS. DUBIN: I just have a couple of  
16 questions left. Thank you.

17 HEARING OFFICER HALLORAN: Thank  
18 you.

19 BY MS. DUBIN:

20 Q. And thank you again, Ms. Maddox, for  
21 your time.

22 A. You're welcome.

23 Q. So I just was wondering have you  
24 heard the term bottom -- pond bottom elevation?

1 A. Yes.

2 Q. Do you know have you ever calculated  
3 a pond bottom elevation before?

4 A. No.

5 Q. And have you -- are you an engineer?

6 A. No.

7 Q. And do you interpret groundwater  
8 monitoring data for when it comes to determining  
9 compliance?

10 A. No.

11 MS. DUBIN: That's all the questions  
12 I have.

13 HEARING OFFICER HALLORAN: Thank  
14 you, Ms. Dubin. Let's go off the record.

15 (Whereupon, a break was taken  
16 after which the following  
17 proceedings were had.)

18 HEARING OFFICER HALLORAN: All  
19 right. We're back on the record, Mr. Brickey. We  
20 took a short break. It is approximately 3:15 and  
21 Ms. Nijman is going to do her friendly cross of  
22 the witness Ms. Maddox. You may proceed.

23 MS. NIJMAN: Thank you.

24

1 C R O S S E X A M I N A T I O N

2 BY MS. NIJMAN

3 Q. Ms. Maddox, I don't think we  
4 established when you stopped working at the Will  
5 County station.

6 A. Around 2015 in the Spring.

7 Q. Spring of 2015?

8 A. April.

9 Q. Do you have any knowledge of the  
10 facility or its operations after that date?

11 A. None.

12 Q. All right. I'd like to bring you  
13 back to Exhibit 307, Bates 14177.

14 HEARING OFFICER HALLORAN:

15 Complainants' 307?

16 MS. NIJMAN: Yes, sir.

17 HEARING OFFICER HALLORAN: Thank  
18 you.

19 MS. NIJMAN: I have it up on the  
20 screen if you want to see it there, too.

21 HEARING OFFICER HALLORAN: Oh,  
22 thanks.

23 BY MS. NIJMAN:

24 Q. Now, if I understood your testimony

1 correctly, you said your fears in this e-mail were  
2 operational related, is that correct?

3 A. That is correct.

4 MS. DUBIN: Objection. Misstates  
5 the testimony.

6 HEARING OFFICER HALLORAN:  
7 Overruled.

8 BY MS. NIJMAN:

9 Q. And who is Marge on this e-mail?

10 A. Marge was in -- is in the fuels  
11 department. So she dealt directly with Lafarge.  
12 She's a -- was when I was there a Midwest Gen  
13 employee, not specific to Will County station  
14 corporate.

15 Q. So she would do things like planning  
16 the relining?

17 A. Not necessarily.

18 Q. Timing?

19 A. No.

20 Q. What would Marge be involved with?

21 A. She as far as my interactions at the  
22 station with her were go between with Lafarge. If  
23 I was having issues contacting them, she would  
24 facilitate some of those communications. She also



1 managed the bottom ash and fly ash, that area was  
2 being beneficially reused and working directly  
3 with Lafarge and other different vendors and  
4 contractors for that.

5 Q. So, fair to say, Marge would be  
6 working with some of the operational issues for  
7 Lafarge?

8 A. Yes.

9 Q. You said that this -- this tear  
10 occurred above the line -- excuse me. On the ramp  
11 that is going into pond three south, correct?

12 A. That is correct.

13 Q. And you said near the top of the  
14 ramp?

15 A. That's correct.

16 Q. And the ramp is built above the  
17 liner, correct? In other words, the ramp -- if  
18 you know, is the ramp built on top of the liner?

19 A. I can't -- I don't remember.

20 Q. Okay. That's fine. And are you  
21 familiar with the process that Lafarge takes on  
22 the ramp where equipment is -- equipment starts on  
23 the ramp and pushes the ash down the ramp  
24 potentially resulting in some scraping on the

1 ramp?

2 MS. DUBIN: Objection. Foundation.

3 HEARING OFFICER HALLORAN: Ms.

4 Nijman?

5 MS. NIJMAN: I asked if she was  
6 aware.

7 HEARING OFFICER HALLORAN: Ms.

8 Dubin?

9 MS. DUBIN: Presumes facts that  
10 haven't yet been in the record or that -- with  
11 this witness that aren't in the record.

12 HEARING OFFICER HALLORAN:  
13 Overruled. You may answer if you're able.

14 BY THE WITNESS:

15 A. Can you repeat the question?

16 BY MS. NIJMAN:

17 Q. Are you aware of how Lafarge  
18 operates on the ramp to push ash down the ramp?

19 A. I'm aware, yes.

20 Q. And this is at the time that you  
21 were employed only?

22 A. That is correct.

23 Q. Okay. And is the basis for -- let  
24 me say this.

1                   So if you're familiar with the  
2 process, you're familiar with the fact that  
3 Lafarge will push ash down the ramp?

4           A.       Yes.

5           Q.       And is that the reason that there  
6 would be tears at the top of the ramp because of  
7 that pushing?

8           A.       I presume it could be, yes.

9           Q.       Is this the only tear that you're  
10 aware of during your entire employment at Will  
11 County?

12          A.       Yes, that is correct. It is.

13          Q.       And was this tear repaired?

14          A.       It was.

15          Q.       And it was repaired on a timely  
16 basis?

17          A.       It was.

18          Q.       In turning to Complainants' Exhibit  
19 302 at Bates 28849 --

20          A.       Okay.

21          Q.       -- I note on the front of this  
22 document it says number of sheets included in  
23 transmittal two and then there is three pages  
24 attached, do you know whether this last page,

1 Bates MWG 28851, is related to the other  
2 documents?

3 A. I would assume it is not. It's a  
4 separate change request, different date, different  
5 cost of change.

6 Q. On page 28850, this change request  
7 occurred during the relining of -- at pond three  
8 south, is that correct?

9 A. That is correct.

10 Q. And counsel had you read the  
11 language under description of change information  
12 requested, is that your writing?

13 A. In the description of change  
14 information requested, that is not my writing.

15 Q. And underneath, under reason for  
16 change, would you read that phrase?

17 A. "Reason of change unknown. Water  
18 source is trapped in liner."

19 Q. And who is Ted Mills?

20 A. Ted Mills was the Brieser  
21 Construction Company, the contractor for the liner  
22 project. He was the project manager for this  
23 project.

24 Q. And was Ted the person who would be

1 onsite regularly?

2 A. No, very irregularly, if any -- any  
3 time onsite.

4 Q. So do you have any knowledge if Ted  
5 saw or had any information about this water source  
6 other than what's written here?

7 A. No.

8 Q. And he states that it's unknown,  
9 correct?

10 A. That is correct.

11 Q. Let me bring you to Exhibit 303  
12 Bates Midwest Gen 28862.

13 A. Okay.

14 Q. You mention that there is poz-o-pac  
15 lining both ponds two south and three south,  
16 correct?

17 A. Yes.

18 Q. And the poz-o-pac goes both on the  
19 bottom and on the sides of those ponds, is that  
20 correct?

21 A. That is correct.

22 Q. And are you familiar with the term  
23 lift, a lift of poz-o-pac, a layer of poz-o-pac?

24 A. A lift, no. Layer, yes.

1 MS. DUBIN: Objection. Compound  
2 question.

3 HEARING OFFICER HALLORAN:  
4 Sustained. Rephrase.

5 BY MS. NIJMAN:

6 Q. Are you familiar with the term a  
7 lift of poz-o-pac?

8 A. I am not familiar with that  
9 terminology, no.

10 Q. And are you familiar with the term  
11 like a layer, that poz-o-pac would be installed in  
12 lifts or layers?

13 A. Layer possibly.

14 Q. Do you recall how many layers of  
15 poz-o-pac were in pond three south and two south?

16 A. Prior to relining?

17 Q. Yes.

18 A. Two.

19 Q. Let me show you just to refresh your  
20 recollection. We're going to be marking this  
21 shortly in our direct.

22 Midwest Gen Bates 13-15-1, do  
23 you recall this document entitled pond  
24 characterizations for Midwest Generation stations?

1           A.       I do recognize it.

2           Q.       What is it?

3           A.       It's a report that was prepared by a  
4 summer intern.

5           Q.       And do you know what she based the  
6 report on?

7           A.       I believe historical engineering  
8 documentation.

9           Q.       And did you rely on this report?

10          A.       I didn't rely on it. I'm aware of  
11 it and would read it on occasion.

12          Q.       I'd like to turn to Bates page 8.

13                 MS. DUBIN: I'm sorry. Can we have  
14 a copy of this exhibit?

15                 MS. NIJMAN: This is to refresh her  
16 recollection and I will be providing it, copies  
17 when I try to get it into evidence in her direct.

18                 HEARING OFFICER HALLORAN: Can you  
19 see it from there? That's my --

20                 MS. DUBIN: I just want to look at  
21 kind of the context of what the whole document  
22 was.

23                 HEARING OFFICER HALLORAN: Do you  
24 have a copy for counsel, please? Thank you.

1 MS. NIJMAN: I do. You know what,  
2 I'm just going to do this on direct then because  
3 I --

4 HEARING OFFICER HALLORAN: Okay.

5 MS. NIJMAN: You'll see.

6 HEARING OFFICER HALLORAN: Thank  
7 you.

8 MS. NIJMAN: Thank you.

9 BY MS. NIJMAN:

10 Q. Going back to Exhibit 303, do you  
11 see in the center, which is Bates 28862, do you  
12 see in the center of the page there is a  
13 checkmark?

14 A. Yes.

15 Q. And what is that checkmark for?

16 A. Checking the box yes for "Are there  
17 any discharges at the time of inspection."

18 Q. I'm looking at the box -- isn't it  
19 correct that there is a box that says "Check  
20 during storm event"? Are you on page 28862?

21 A. Yes. Which one?

22 Q. (Pointing.)

23 A. Oh, sorry about that. Type of  
24 inspection, during storm event is checked.



1 Q. Okay. So by checking that box, that  
2 meant it was raining during your inspection,  
3 correct?

4 A. Correct.

5 Q. And, in fact, right beneath that box  
6 it says storm duration nine hours, do you see  
7 that?

8 A. I see that, yes.

9 Q. So isn't it likely this was storm  
10 water?

11 A. It's likely, yes.

12 MS. DUBIN: Objection. Calls for  
13 speculation.

14 MS. NIJMAN: She's answered the  
15 question.

16 HEARING OFFICER HALLORAN: Yeah.  
17 You know, overruled.

18 BY MS. NIJMAN:

19 Q. Also on the following page 28863  
20 there is a box there for noncompliance. Describe  
21 any incidents of noncompliance not described  
22 above, do you see that?

23 A. I see that, yes.

24 Q. And it's blank, correct?

1 A. That's correct.

2 Q. So you found no issues of  
3 noncompliance?

4 A. That's correct.

5 Q. Do you recall reporting an issue  
6 with poz-o-pac in pond three south?

7 A. I did not report any issues, no.

8 Q. Would it be your practice to report  
9 an issue if it was of concern to you?

10 A. Most definitely, yes.

11 Q. Did you ever have occasion to go  
12 onto the poz-o-pac another time before the pond  
13 was relined with HDPE?

14 A. Yes.

15 Q. And did you ever see any crack in  
16 the poz-o-pac?

17 A. Not that I recall, no.

18 Q. And did you see when you returned to  
19 the poz-o-pac layer, was it wet or dry?

20 A. Returned after this inspection?

21 Q. Yes.

22 A. Dry.

23 Q. Thank you. Turning to Exhibit 309,  
24 which is Comp Exhibit Bates 29589. Now, as

1 compliance -- someone with the responsibility for  
2 compliance, this is the type of incident that you  
3 would report to the Illinois EPA?

4 A. That's correct.

5 Q. And did this type of incident ever  
6 happen again to your recollection in Will  
7 County --

8 A. No.

9 Q. -- while you were employed there?

10 A. No.

11 Q. And on the back page, on 29590, the  
12 full paragraph there that suggests that you -- the  
13 facility fixed the issue, correct?

14 A. That's correct.

15 Q. And was IEPA satisfied with this  
16 reporting incident and the repair of it?

17 A. We received no further communication  
18 from IEPA on the incident.

19 Q. Thank you. Turning to Comp Exhibit  
20 311 Bates Midwest Gen 48568.

21 A. Okay.

22 Q. There's some discussion in this  
23 e-mail, correct, about a fear of an overflow at  
24 three south, do you see that?

1 A. Yes.

2 Q. Did three south ever overflow?

3 A. Not that I recall, no.

4 Q. Did this discussion you were having  
5 with Mr. Wolan, W-O-L-A-N, relate to operational  
6 issues of taking out enough ash from the pond?

7 A. That's correct.

8 Q. Turning to Complainants' Exhibit 304  
9 Midwest Gen Bates 48586.

10 A. Okay.

11 Q. So this e-mail took place I believe  
12 you said -- or this was written at the time of the  
13 relining, is that correct?

14 A. I believe so, yes, that's correct.

15 Q. And you mentioned that there was --  
16 you were dewatering, correct?

17 A. Yes.

18 Q. There is a discussion on number  
19 three. It says "We'll stockpile that material at  
20 the back of the plant," do you see that?

21 A. I do.

22 Q. Was that a stockpile on asphalt or  
23 concrete?

24 A. It was concrete.

1 Q. Turning to Exhibit 306, which is  
2 Complainants' Exhibit 306 Midwest Gen Bates 48612.

3 A. Okay.

4 Q. At the top on number one, you  
5 expressed a concern or a question as you stated in  
6 your testimony about the heavy equipment traffic,  
7 do you see that under number one?

8 A. I do.

9 Q. Is it possible that you -- the  
10 reference here relates to traffic around the pond  
11 or on the ramp of the pond?

12 A. It could be on the ramp, yes.

13 MS. DUBIN: Objection. Calls for  
14 speculation.

15 HEARING OFFICER HALLORAN: You can  
16 redirect.

17 BY MS. NIJMAN:

18 Q. Isn't it true --

19 HEARING OFFICER HALLORAN:  
20 Overruled.

21 MS. NIJMAN: Sorry. Thank you.

22 BY MS. NIJMAN:

23 Q. Isn't it true that the traffic that  
24 would be going into the pond would be more

1 consistently on the ramp of the pond?

2 A. Yes, that's correct.

3 Q. Do you recall talking to or  
4 receiving an e-mail from Mr. Lux about this --  
5 these questions you have?

6 A. A response for these questions?

7 Q. Yes.

8 A. No, I don't recall anything.

9 Q. Do you recall if your concerns were  
10 allayed?

11 A. I don't recall, but I'm sure we  
12 discussed through a meeting a conference call,  
13 some method of communication.

14 Q. In fact, you wouldn't let it just  
15 drop until you would resolve your questions?

16 A. That is correct.

17 Q. Because that was part of your job to  
18 resolve the questions?

19 A. That's right.

20 MS. NIJMAN: That's all I have on  
21 cross.

22 HEARING OFFICER HALLORAN: Thank  
23 you. Before we proceed, I want to correct the  
24 record. At the top of Ms. Maddox's cross by

1 Ms. Nijman, I called it a friendly cross. That's  
2 the phrase you use when the witness is deemed an  
3 adverse witness and obviously I ruled against  
4 Citizens Group. She is not adverse under the  
5 board's rule Section 101.624. We can proceed.  
6 Thank you.

7 R E D I R E C T E X A M I N A T I O N

8 BY MS. DUBIN

9 Q. I just have a couple of questions.  
10 First off, can we turn back to Complainants'  
11 Exhibit 309. This is the memorandum from Donald  
12 Claybaugh.

13 Now, you just mentioned that  
14 this incident hasn't happened again, is that  
15 right?

16 A. That's correct.

17 Q. And you said that just -- I want to  
18 clarify.

19 What are units one and two ash  
20 ponds again?

21 A. Units one and two ash ponds, one  
22 north, one south, but also including the retention  
23 basin.

24 Q. Is the retention basin different

1 from something called the SO2 ponds?

2 A. It is.

3 Q. What are the SO2 ponds?

4 A. Something I can't provide any  
5 information on that. They were not active when I  
6 was there.

7 Q. Has water ever flowed outside of the  
8 SO2 ponds?

9 MS. NIJMAN: Objection. Beyond the  
10 scope.

11 HEARING OFFICER HALLORAN: I'll  
12 allow latitude. You may proceed. Overruled.  
13 Thank you.

14 BY MS. DUBIN:

15 Q. Has water -- are you -- do you  
16 remember this ever happening?

17 A. I remember an incident, yes.

18 Q. Okay. And how did -- how did the  
19 water leave the SO2 ponds?

20 A. I don't recall.

21 MS. NIJMAN: Objection to  
22 foundation, but she's answered.

23 BY MS. DUBIN:

24 Q. I can -- you were deposed in this



1 matter. I can refresh your memory on that issue  
2 if you don't mind turning to page 30 of your  
3 deposition transcript.

4 MS. NIJMAN: Renew my objection.  
5 Outside the scope.

6 HEARING OFFICER HALLORAN: Denied.  
7 Overruled.

8 BY MS. DUBIN:

9 Q. Starting at line four, please.

10 MS. NIJMAN: What page?

11 HEARING OFFICER HALLORAN: Page 30.

12 MS. DUBIN: Page 30 line four.

13 BY MS. DUBIN:

14 Q. Q. Okay. Are you aware of  
15 water ever leaving the SO2 ponds through pathways  
16 other than evaporation and through specifically  
17 engineered discharged?

18 A. Yes.

19 And then if you jump down to the  
20 bottom of the page, although feel free to read  
21 through it for context, but when you get to line  
22 23 it will say

23 Q. Do you know where it went?

24 A. My understanding is it went

1 over a berm in that area.

2 Does that refresh your  
3 recollection?

4 A. A little bit, yes.

5 Q. And now I'd like to turn to  
6 Complainants' Exhibit 303. You mentioned -- you  
7 mentioned that this water seeping through the  
8 cracks could be the result of rain?

9 MS. NIJMAN: Objection. Leading.

10 HEARING OFFICER HALLORAN:  
11 Sustained.

12 BY MS. DUBIN:

13 Q. Where might the water seeping  
14 through the cracks have come from, what are the  
15 different locations?

16 MS. NIJMAN: Object to speculation  
17 and vague.

18 HEARING OFFICER HALLORAN:  
19 Overruled. You may answer if you're able.

20 BY THE WITNESS:

21 A. Can you repeat the question again?

22 BY MS. DUBIN:

23 Q. Sure. Where did the water come  
24 from?

1           A.       Most likely rainwater.

2           Q.       Now, so was the water seeping  
3 through the cracks from the ground up into the  
4 pond or the pond down into the ground?

5           A.       I can't answer that.

6           Q.       I'm happy to refresh your memory.  
7 If you don't mind turning to page 121 of your  
8 deposition. Line 11, please.

9                   Q.   And when you say water is  
10 seeping through the cracks, where was it going?

11                  A.   It remained in the pond.

12                  MS. NIJMAN: Keep reading.

13 BY MS. DUBIN:

14           Q.           Q.   So was it coming through  
15 the poz-o-pac or going down through the poz-o-pac?

16                   A.   So I don't -- I don't  
17 recall.

18                  MS. NIJMAN: So I would object that  
19 is an appropriate cross-examination or redirect.

20                  HEARING OFFICER HALLORAN:

21 Sustained.

22 BY MS. DUBIN:

23           Q.       So the water stayed in the pond is  
24 your understanding, correct?

1 MS. NIJMAN: Object to leading.

2 MS. DUBIN: Sure.

3 HEARING OFFICER HALLORAN:

4 Sustained.

5 BY MS. DUBIN:

6 Q. Where was the -- what happened  
7 during this incident? Where was the -- where did  
8 the water end up after going through the  
9 poz-o-pac?

10 A. It evaporated. I can't answer that.

11 MS. DUBIN: No further questions.

12 HEARING OFFICER HALLORAN: Thank  
13 you, Ms. Dubin. Anything further, Ms. Nijman?

14 MS. NIJMAN: Two quick questions.

15 R E C R O S S E X A M I N A T I O N

16 BY MS. NIJMAN

17 Q. The SO2 ponds that Ms. Dubin just  
18 asked you about, there was never ash in those  
19 ponds during your employment, is that correct?

20 A. That is correct.

21 Q. And they're not used for ash?

22 A. They are not.

23 Q. To your recollection, are they  
24 used -- were they used for anything while you were

1 there?

2 A. They were not used for while  
3 anything while I was there.

4 Q. In this Exhibit 303 with the  
5 poz-o-pac, you used the word cracks, did you see a  
6 crack?

7 A. I don't recall seeing a crack.

8 Q. Thank you.

9 HEARING OFFICER HALLORAN: Ms.  
10 Dubin, anything further?

11 FURTHER EXAMINATION  
12 BY MS. DUBIN

13 Q. What did the SO2 ponds hold when you  
14 were working at Midwest Generation and NRG?

15 A. Just water.

16 Q. Did they hold wastewater?

17 A. No.

18 Q. I'd like to just introduce one more  
19 exhibit, please. We're going to put in front of  
20 you Complainants' Exhibit 304.

21 MS. NIJMAN: That's already been  
22 used. Mr. Hearing Officer, are you permitting new  
23 exhibits on a re-redirect?

24 HEARING OFFICER HALLORAN: I will

1 allow it, yes.

2 (Document marked as Complainants  
3 Exhibit No. 301 for  
4 identification.)

5 BY MS. DUBIN:

6 Q. I'll give you a moment to take a  
7 look at this.

8 MS. DUBIN: It's Exhibit  
9 Complainants' Exhibit 301.

10 BY MS. DUBIN:

11 Q. Was this an e-mail that was sent by  
12 you?

13 A. It appears so, yes.

14 Q. And would you mind turning to the  
15 second page of the e-mail. At the very top, what  
16 are the spent slurry ponds?

17 A. If I recall correctly, that's the  
18 same terminology for SO2 ponds.

19 Q. And you mentioned there that within  
20 those ponds, the residence time for the wastewater  
21 in these ponds is unknown, it's not getting pumped  
22 anywhere, it just sits in a pond, do you know what  
23 wastewater you were referring to here?

24 A. I don't.

1 MS. DUBIN: Complainants move to  
2 enter Exhibit 301 into evidence.

3 MS. NIJMAN: No objection.

4 HEARING OFFICER HALLORAN: Thank  
5 you. Complainants' Exhibit 301 is admitted.

6 MS. DUBIN: No further questions.

7 HEARING OFFICER HALLORAN: Thank  
8 you. Ms. Nijman?

9 MS. NIJMAN: I guess I get to go  
10 again with a new document.

11 HEARING OFFICER HALLORAN: Why not.

12 MS. NIJMAN: Lucky me.

13 F U R T H E R E X A M I N A T I O N

14 BY MS. NIJMAN

15 Q. Referring you to this same  
16 Complainants' Exhibit 301 it also says in that  
17 paragraph on Bates page 48567 this was only in use  
18 in the early '70s, do you see that?

19 A. I do.

20 Q. Is that your understanding?

21 A. That was my understanding.

22 Q. So when it says wastewater, that  
23 wouldn't be any processed water, would it?

24 A. I couldn't answer that.

1           Q.       To your knowledge, was there any  
2 operational water going to those ponds --

3           A.       No.

4           Q.       -- during the time you were there?

5           A.       No.

6           Q.       The rest of this e-mail relates to  
7 information you were providing to a consultant at  
8 Mostardi Platt, is that correct?

9           A.       They're cc'd on it. The e-mail is  
10 to a consultant with NRT.

11          Q.       I'm sorry. Got it. And this  
12 information related to a survey you were filling  
13 out, correct?

14          A.       Correct.

15          Q.       And this information was the best  
16 information you could gather at the time?

17          A.       That is correct.

18          Q.       But would you agree that it is not  
19 all accurate?

20          A.       I would agree with that.

21          Q.       And just your best estimates of the  
22 time?

23          A.       Exactly.

24                   MS. NIJMAN: I have nothing further.



1 HEARING OFFICER HALLORAN: Thank  
2 you. Ms. Dubin?

3 MS. DUBIN: Just one more question.

4 FURTHER EXAMINATION

5 BY MS. DUBIN

6 Q. Do you know what ICR stands for in  
7 the subject line?

8 A. Information collection request.

9 Q. And for whom was that information  
10 being collected?

11 A. US EPA.

12 MS. DUBIN: No further questions.

13 FURTHER EXAMINATION

14 BY MS. NIJMAN

15 Q. And you were not collecting that  
16 information for US EPA at this time, were you?

17 A. I was not.

18 Q. And that was not part of your  
19 responsibility in this e-mail, was it?

20 A. That's correct.

21 MS. NIJMAN: Thank you.

22 HEARING OFFICER HALLORAN: Anything  
23 further?

24 MS. DUBIN: We could go on forever.

1 So, no further questions.

2 HEARING OFFICER HALLORAN: Let's go  
3 off the record for a minute.

4 (Whereupon, a break was taken  
5 after which the following  
6 proceedings were had.)

7 HEARING OFFICER HALLORAN: We're  
8 back on the record. It is approximately 3:45.  
9 Ms. Nijman is doing her direct of the witness  
10 Ms. Maddox.

11 MS. NIJMAN: So for ease of  
12 exhibits, we have placed them all in one binder.  
13 You can reference the exhibits by tab as we go  
14 through them. And on agreement with the  
15 complainants, we started our numbering of exhibits  
16 with the numbers MWG-500 and we'll go up from  
17 there. Apparently, the complainants' started each  
18 of their witnesses or the witnesses they have  
19 called in their case as 100, 200, 300, 400, and I  
20 am thus starting at 500.

21 HEARING OFFICER HALLORAN: That  
22 sounds fine. It will be clear. Thank you.

23

24

1           D I R E C T                   E X A M I N A T I O N

2                                   BY MS. NIJMAN

3           Q.       Okay. Showing you tab one, which we  
4 have marked as Exhibit MWG 500, MWG Bates No. 1  
5 through MWG Bates No. 33, do you recognize this  
6 document?

7                                   (Document marked as Respondent  
8                                   Exhibit No. 500 for  
9                                   identification.)

10 BY THE WITNESS:

11           A.       Yes.

12 BY MS. NIJMAN:

13           Q.       And I think you said earlier this  
14 was a document you had reviewed?

15           A.       I had reviewed it. I read it  
16 before, yes.

17           Q.       If you take a look at Bates page  
18 four of this document?

19           A.       Okay.

20           Q.       There is a map there, do you see  
21 that?

22           A.       I do see that.

23           Q.       And you have identified those ponds  
24 already, correct?

1           A.       That is correct.

2           Q.       As the date you left Will County in  
3 2015, what was the status of ponds one north and  
4 one south?

5           A.       One north and one south are both out  
6 of service not receiving any further coal  
7 combustion products, only receiving storm water.

8           Q.       On this map on page Bates 4, how are  
9 ponds one north and one south identified?

10          A.       One north is called north ash pond.  
11 One south is called south ash pond one.

12          Q.       And as of the date that you had left  
13 in 2015, do you recall how long ponds one north  
14 and one south had been inactive?

15          A.       So those two ponds were receiving  
16 slag from units one and two which were permanently  
17 shut down I believe 2010. So they weren't  
18 receiving any further coal combustion products and  
19 then as part of the Compliance Commitment  
20 Agreement water was -- was directed right to a  
21 wastewater treatment.

22          Q.       Were -- can you describe how the  
23 ponds were deactivated?

24          A.       One north and one south?

1 Q. Yes.

2 A. So one south actually was never in  
3 service when I was there. And then one north  
4 water -- processed water was redirected through a  
5 series of channels, if you will, directly into a  
6 common pipe that would go to the wastewater.

7 Q. So they were dewatered, is that the  
8 right phrase?

9 A. That would be a good phrase to use,  
10 yeah.

11 Q. And that -- was that pursuant to the  
12 CCA's?

13 A. It was.

14 Q. If you look at Bates page MWG-5 in  
15 this document.

16 A. Okay.

17 Q. That says at the top north ash pond,  
18 do you see under the drawings and the photo there  
19 is a -- first line is dimensions and then the  
20 second line says bottom, do you see that?

21 A. I do.

22 Q. What does that say?

23 A. It says "Bottom 6-6 inches lifts of  
24 poz-o-pac with bituminous curing coat."

1 Q. And what does that tell you about  
2 the liner of that pond?

3 A. That it's 36 inches.

4 Q. Thirty-six inches of poz-o-pac?

5 A. Correct.

6 Q. Turning to Bates page MWG-7. This  
7 is for south ash pond one. The same line, what  
8 does that line say?

9 A. Bottom?

10 Q. Bottom.

11 A. "Bottom 6-6 inches lifts of  
12 poz-o-pac with bituminous curing coat."

13 Q. Does that refresh your recollection  
14 as to what a lift is?

15 A. It does.

16 Q. So what is a lift?

17 A. A lift is a section of poz-o-pac,  
18 again not terminology I would typically use.

19 Q. So on this pond -- is south ash pond  
20 one as notified on the map also 36 inches?

21 A. Correct.

22 Q. You mentioned the dewatering, was  
23 there an operating policy for ponds one north and  
24 one south when you left of how to keep water out

1 of the ponds?

2 A. I wouldn't say operating policy. It  
3 was engineered -- reengineered such to keep that  
4 level of water in the pond.

5 Q. How was it engineered?

6 A. Sloping of the pond to direct the  
7 water out to wastewater treatment.

8 Q. Was there a pump that would keep the  
9 water out?

10 A. I don't recall if there was or  
11 wasn't.

12 MS. DUBIN: Objection. Leading the  
13 witness.

14 HEARING OFFICER HALLORAN:  
15 Sustained.

16 BY MS. NIJMAN:

17 Q. You mentioned the two active ponds  
18 in your previous testimony.

19 Were those ponds used  
20 sequentially?

21 A. They were used in altering -- they  
22 were alternately used, yeah.

23 Q. So they were used one at a time?

24 A. Correct.

1 MS. DUBIN: Objection. Leading the  
2 witness.

3 HEARING OFFICER HALLORAN:  
4 Sustained. Try to rephrase. Thank you. The  
5 answer is already out.

6 MS. NIJMAN: Mm-hmm.

7 BY MS. NIJMAN:

8 Q. If you would look at Bates page 8 --  
9 MWG-8 of this same document.

10 A. Yes.

11 Q. This is for south ash pond two, do  
12 you see that?

13 A. I do, correct.

14 Q. Okay. So if you would read again  
15 the line that starts bottom.

16 A. "6-6 inches lifts of poz-o-pac with  
17 bituminous curing coat."

18 Q. What does that tell you about the  
19 lining that existed in this pond as of the date of  
20 this document summer 2005?

21 A. Thirty-six inches of poz-o-pac.

22 Q. And then the same question for the  
23 next page. Bates MWG-9 looking at south ash pond  
24 three, would you read that line?



1           A.       Yup. Typo in there, but "6-6 inches  
2 lift up -- lifts of poz-o-pac with a bituminous  
3 curing coat."

4           Q.       And what does that tell you about  
5 the liner that existed in 2005 in south ash pond  
6 three?

7           A.       Thirty-six inches of poz-o-pac.

8           Q.       To your knowledge, was that  
9 poz-o-pac also on the sides of the ponds?

10          A.       I believe so.

11          Q.       You mentioned in your prior --  
12                   MS. NIJMAN: I would move to admit  
13 MWG 500.

14                   MS. DUBIN: No objection.

15                   HEARING OFFICER HALLORAN: Thank  
16 you. Midwest Exhibit No. 500 is admitted.

17 BY MS. NIJMAN:

18          Q.       If you would turn to tab two in your  
19 binder. Do you recognize this document?

20          A.       I do.

21          Q.       For the record, it's marked as  
22 Midwest Gen Exhibit 501 and it's Midwest Gen Bates  
23 29023 to 29081.

24

1 (Document marked as Respondent  
2 Exhibit No. 501 for  
3 identification.)

4 BY MS. NIJMAN:

5 Q. What is this document?

6 A. This is the construction permit  
7 application to the Illinois EPA for the liner  
8 projects for both two south and three south.

9 Q. Do you see the date of July 22nd,  
10 2008?

11 A. Yes.

12 Q. Were you employed at this time at  
13 Midwest Gen Will County?

14 A. Yes.

15 Q. Did you -- were you involved in  
16 preparing this permit?

17 A. I was probably involved, yes.

18 Q. Do you recall seeing it?

19 A. The permit application?

20 Q. I'm sorry. This document, yes, MWG  
21 501.

22 A. I don't recall right here, but I'm  
23 sure I've seen it during my employment.

24 Q. If you turn to the next page, page

1 two of the document, Bates number 29024. It  
2 states "South ash ponds two and three are settling  
3 ponds for bottom ash sluiced from coal combustion  
4 boilers associated with electrical power  
5 generation units three and four," do you see where  
6 it says that?

7 A. I do.

8 Q. Now, when you left Will County, were  
9 units three and four still operating?

10 A. They were.

11 Q. And then the sentence goes onto say  
12 "Only one pond is in service at any given time,"  
13 is that consistent with your understanding?

14 A. Mm-hmm. That is correct.

15 Q. Further down under project  
16 description after the bullets statement it says  
17 "The warning layer will consist of dense-graded  
18 aggregate, limestone screenings, or other easily  
19 identifiable material," do you see that?

20 A. I do.

21 Q. Do you know why easily identifiable  
22 material would be in the warning layer?

23 A. Yes, so as Lafarge would be in the  
24 pond to dredge the bottom ash, the warning layer

1 would indicate to the operator, the equipment  
2 operator, that he should not be digging any more.  
3 So either by feel if it's an experienced operator  
4 or by the type of stone that was placed they  
5 should note that they should stop their drudging  
6 in that location.

7 Q. So in your experience at Will  
8 County, what color was the stone, do you know?

9 A. I believe it was just white.

10 Q. White stone?

11 A. Yeah.

12 Q. Do you recall if you received the  
13 permit to reline both ponds?

14 A. We did receive that.

15 Q. If you turn to tab --

16 MS. NIJMAN: Move to admit MWG 501.

17 HEARING OFFICER HALLORAN: Ms.

18 Dubin?

19 MS. DUBIN: No objection.

20 HEARING OFFICER HALLORAN: Thank  
21 you.

22 BY MS. NIJMAN:

23 Q. Go to tab three.

24 HEARING OFFICER HALLORAN: I'm

1       sorry. Respondent's Exhibit 501 is admitted.

2       BY MS. NIJMAN:

3               Q.       Tab three of your binder. Showing  
4       you what has been marked as MWG Exhibit 502. It's  
5       also Bates No. 48604 to 48605, do you recognize  
6       this document?

7                               (Document marked as Respondent  
8                               Exhibit No. 502 for  
9                               identification.)

10       BY THE WITNESS:

11               A.       I do.

12       BY MS. NIJMAN:

13               Q.       What is this?

14               A.       This is the permit to construct for  
15       the liner replacement for two south and three  
16       south ash ponds for Will County station.

17               Q.       And if you look to the next tab at  
18       tab four the exhibit that's been marked MWG 503  
19       you see another permit, what is this one?

20                               (Document marked as Respondent  
21                               Exhibit No. 503 for  
22                               identification.)

23       BY THE WITNESS:

24               A.       This is the storm water general

1 NPDES storm water permit for both the two south  
2 and three south -- three south liner project.

3 BY MS. NIJMAN:

4 Q. Was it your understanding you were  
5 required to obtain these permits before you could  
6 reline?

7 A. That is correct.

8 Q. And do you recall if these permits  
9 were, in fact, granted?

10 A. They were granted.

11 MS. NIJMAN: Move to admit MWG 502  
12 and 503.

13 MS. DUBIN: No objection.

14 HEARING OFFICER HALLORAN: Thank  
15 you. 502 and 503 of Midwest's exhibits is  
16 admitted -- are admitted.

17 BY MS. NIJMAN:

18 Q. If you go to tab five in your binder  
19 marked Midwest Gen Exhibit 504 Midwest Gen Bates  
20 number 23987 to 23989, do you recognize that  
21 document?

22 (Document marked as Respondent  
23 Exhibit No. 504 for  
24 identification.)

1 MS. DUBIN: I'm sorry. This  
2 document says the following information is  
3 attached if you look underneath the first  
4 paragraph written to Mr. Rabins. However, it says  
5 "A site location map is attached, drawings of  
6 current conditions, liner replacement plan" and I  
7 don't see any of that in here.

8 MS. NIJMAN: Yeah. In the file,  
9 this was from Ms. Maddox's file and this was in  
10 her correspondence. No attachments were  
11 available.

12 MS. DUBIN: We -- I mean, e-mails  
13 were produced to us without attachments and those  
14 weren't able to get into the record. I don't see  
15 why -- you know, these are files produced by  
16 Midwest Generation. I think they should be  
17 produced with attachments and if they aren't  
18 maintained in that way in Ms. Maddox's files, the  
19 burden is really on Midwest Generation to make  
20 sure they track down those attachments to produce  
21 a complete document.

22 HEARING OFFICER HALLORAN: Ms.  
23 Nijman?

24 MS. DUBIN: So we object to the

1 inclusion of this into evidence.

2 MS. NIJMAN: This is a document -- a  
3 letter that was sent to the Illinois EPA and  
4 simply confirming that the permit was granted.

5 MS. DUBIN: But we don't understand  
6 kind of the basis for it being granted because we  
7 don't have any of those attachments. We don't  
8 have the context for it. We -- we just don't  
9 understand enough about that permit without any of  
10 these attachments being produced.

11 MS. NIJMAN: Withdraw the exhibit.

12 HEARING OFFICER HALLORAN: Thank  
13 you.

14 BY MS. NIJMAN:

15 Q. Do you recall, Ms. Maddox, that  
16 sometime in 2013 Midwest Gen requested a  
17 construction permit for liner replacement in south  
18 ash pond two at the Will County --

19 MS. DUBIN: Objection. Leading the  
20 witness.

21 THE COURT REPORTER: Wait. I didn't  
22 get the second half of that question.

23 HEARING OFFICER HALLORAN:

24 Sustained. Steven?



1 THE COURT REPORTER: I didn't get  
2 the second half of that question because of the  
3 objection so I don't know what the question is.

4 HEARING OFFICER HALLORAN: Okay.

5 MS. NIJMAN: I'll restate.

6 HEARING OFFICER HALLORAN: Thank  
7 you.

8 BY MS. NIJMAN:

9 Q. You stated a minute ago that there  
10 were various permits you were required to get and  
11 one of them was an NPDES permit that you  
12 identified at tab four, do you recall that?

13 A. Yes.

14 MS. DUBIN: Objection. Leading the  
15 witness.

16 MS. NIJMAN: We're creating a  
17 bridge, which is permissible to ask the question.

18 HEARING OFFICER HALLORAN:  
19 Overruled. You may proceed. We're not going to  
20 get through this, counsel.

21 BY MS. NIJMAN:

22 Q. Do you recall when or -- let's put  
23 it this way.

24 What other permits were

1 necessary for south ash pond two in the year 2013?

2 A. A construction permit.

3 Q. And why was it necessary to get a  
4 construction permit in 2013 when you already had  
5 one for 2009?

6 A. Because there were slightly  
7 different design and updates to that project  
8 compared to what was performed for three south.

9 Q. And do you recall if an NPDES permit  
10 was granted by Illinois EPA for relining in 2013?

11 A. I don't recall.

12 Q. Do you recall whether the liner  
13 was -- whether in 2013 the pond was relined?

14 A. The pond was relined two south.

15 Q. If you would under the -- one last  
16 question.

17 When you were at Will County,  
18 did you ever see notifications from Illinois EPA  
19 about violations of any of these permits?

20 A. No, I did not.

21 Q. If you would turn to tab six. We've  
22 marked Midwest Gen Exhibit 505 Midwest Gen Bates  
23 No. 29100 through 29104.

24

1 (Document marked as Respondent  
2 Exhibit No. 505 for  
3 identification.)

4 MS. DUBIN: No objection.

5 BY MS. NIJMAN:

6 Q. Do you recognize these documents?

7 A. Yes.

8 Q. What are they?

9 A. Engineering documents for the liner  
10 replacement for two south and three south.

11 Q. And turning to page 29104, is that  
12 your handwriting?

13 A. That is my handwriting.

14 Q. What purpose would you be -- what  
15 was your purpose for your notes on here?

16 A. Sure. So reading engineering maps  
17 and diagrams is not my strong suit, so trying to  
18 just include notes to help me better understand  
19 the construction process and how to read these  
20 better in more simplified terms.

21 MS. NIJMAN: Move to admit Midwest  
22 Gen 505.

23 MS. DUBIN: No objection.

24 HEARING OFFICER HALLORAN: Midwest

1 Exhibit 505 is admitted.

2 BY MS. NIJMAN:

3 Q. Turning to tab seven we've marked  
4 Exhibit MWG 506, which is Bates No.'s 29165  
5 through 29259, do you recognize this document?

6 (Document marked as Respondent  
7 Exhibit No. 506 for  
8 identification.)

9 BY THE WITNESS:

10 A. I do.

11 BY MS. NIJMAN:

12 Q. And what is it?

13 A. This is a request for proposals for  
14 two south and three south liner projects. So this  
15 is a request for proposals from contractors to bid  
16 on the work.

17 Q. And if you would turn to Bates  
18 29257. Are you somewhere on that sheet?

19 A. I am.

20 Q. Did you attend that meeting?

21 A. I did.

22 Q. What's the date?

23 A. September 8th, 2008.

24 Q. What was your role in the RFP

1 process?

2 A. On the RFP process, really just to  
3 answer any environmental questions from the  
4 contractors as they prepared their bid, reviewing  
5 documents as necessary.

6 Q. If you would turn to page 29250.  
7 Under paragraph E, number one, would you read that  
8 paragraph?

9 A. Sure. "Equipment utilized for  
10 installation/quality assurance testing does not  
11 damage geomembrane. Such equipment shall have  
12 rubber tires and ground pressure not exceeding 5  
13 PSI or total weight exceeding 750 pounds. Only  
14 equipment necessary for installation and quality  
15 assurance testing is allowed on the deployed  
16 geomembrane."

17 Q. Do you know why this statement was  
18 in this specifications for the RFP's?

19 A. Just to give the requirements for  
20 what the geomembrane is able to withhold.

21 Q. Was that an important issue?

22 A. Yes.

23 Q. If you go to paragraph H on that  
24 page, would you read that?

1           A.        "No vehicles shall be allowed on  
2     deployed geomembrane under any circumstances."

3           Q.        Do you recall whether -- do you  
4     recall whether you saw any vehicles deployed on  
5     geomembrane at Will County?

6           A.        I don't recall seeing any vehicles  
7     on the geomembrane.

8           Q.        If you would go back one page to  
9     Bates page 29249 under paragraph 3.02 subgrade  
10    preparation, could you read the first two  
11    sentences?

12          A.        Yes.   "The geomembrane installer  
13    shall visually inspect the subgrade immediately  
14    prior to geomembrane deployment.  Inspection shall  
15    verify that there are no potentially harmful  
16    foreign objects present such as sharp rocks and  
17    other deleterious debris."

18          Q.        Thank you.  And what was your  
19    understanding of the importance of that paragraph?

20          A.        Just to ensure that there is a  
21    smooth surface for the geomembrane to be applied  
22    to and that there is no foreign matter that  
23    should -- that shouldn't be present there prior to  
24    installing the geomembrane.

1 Q. Thank you.

2 MS. NIJMAN: Move to admit MWG 506  
3 into evidence.

4 MS. DUBIN: No objection.

5 HEARING OFFICER HALLORAN: Thank  
6 you, Ms. Dubin. Respondent's Exhibit 506 is  
7 admitted.

8 BY MS. NIJMAN:

9 Q. Were you present to -- or how often  
10 were you present during the relining process of  
11 three south?

12 A. I was present quite a bit. I  
13 interacted with the contractor and observed the  
14 entire process.

15 Q. And when the pond three south was  
16 relined, did you receive any documents to verify  
17 the process?

18 A. I believe we did.

19 Q. If you would turn to tab eight, I  
20 have marked MWG 507, which is Bates No. MWG 8236  
21 to 8255.

22 (Document marked as Respondent  
23 Exhibit No. 507 for  
24 identification.)

1 BY MS. NIJMAN:

2 Q. Do you recognize these documents?

3 A. I do.

4 Q. What are they?

5 A. These are the contracted engineers  
6 from NRT who would be onsite to perform field  
7 notes -- or field observations during the  
8 projects. So these are their summary notes and  
9 their observations during their visit along with  
10 photos.

11 Q. If you would turn to page 8240,  
12 Bates 8240, what is this page?

13 A. 8240. This is another field note  
14 summary by the NRT engineer.

15 Q. And what is the date?

16 A. The date is September 28th, 2009.

17 Q. So does that end -- on the top  
18 right-hand corner, does it say pond three south  
19 liner replacement?

20 A. It does.

21 Q. And under work scope, it says slope  
22 and subgrade inspection, do you see that?

23 A. I do.

24 Q. In the field comments, the box



1 called field comments on the second to last  
2 bullet, what does it say there?

3 A. Second to last bullet. "The  
4 subgrade looked good."

5 Q. And then on the last line site  
6 conditions, what does it say there?

7 A. "Conditions. Subgrade is in good  
8 condition for liner placement."

9 Q. Referring to page MWG 8250.

10 A. Okay.

11 Q. What's the date on that page?

12 A. The date on this is October 22nd,  
13 2009.

14 Q. And can you just generally describe  
15 what was happening on October 22nd, 2009?

16 A. According to the engineering field  
17 notes, the Leak Location Survey was being  
18 conducted.

19 Q. And do you notice in the middle of  
20 the page there is a statement that says "Pocket of  
21 water existed below the liner along several edges  
22 of the toe of the pond," do you see that?

23 A. I do.

24 Q. It goes onto say "This was runoff

1 that was pushed to these areas when placing the  
2 warning layer. It will disappear once the ponds  
3 fill up. I informed Beckie (MWG) of this." Is  
4 that you?

5 A. That is.

6 Q. Do you recall what was being  
7 discussed here?

8 A. Water that was underneath the liner.

9 Q. Was that water if you look at  
10 weather up above it 10/22, what water was that?

11 A. Most likely rainwater.

12 Q. I'd like to refer you back to  
13 Complainants' Exhibit 302 from earlier and that's  
14 at Bates No. 28850.

15 What's the date of this incident  
16 of unknown water source?

17 A. The date on the field summary or on  
18 the -- sorry -- on the Complainants' Exhibit 302?

19 Q. I'm sorry. Complainants' Exhibit  
20 302.

21 A. The date is October 29th, 2009.

22 Q. And on the first page, take a look  
23 at the first page of this document of -- at MWG  
24 28849?

1 A. The first page of this?

2 Q. Yes.

3 A. The fax is dated 10 -- October 19th,  
4 2009.

5 Q. So do you -- do you think that this  
6 date then maybe was postdated or do you have  
7 any --

8 A. I don't know.

9 Q. Do you recall whether this incident  
10 is the same as the incident on 10/22 field note  
11 that we just talked about Bates 8250 of the storm  
12 water?

13 A. I believe it is.

14 Q. Thank you.

15 MS. NIJMAN: Move to admit MWG 507.

16 MS. DUBIN: No objection.

17 HEARING OFFICER HALLORAN: Thank  
18 you. Respondent's 507 is admitted.

19 BY MS. NIJMAN:

20 Q. Turning to tab number nine. You  
21 mentioned the leak detection ending -- if you look  
22 at your tab, you see Midwest Gen exhibit marked  
23 508, Bates No. 8233 to 8234. I'm sorry. 8235.  
24 Do you recognize this document?

1 (Document marked as Respondent  
2 Exhibit No. 508 for  
3 identification.)

4 BY THE WITNESS:

5 A. I do.

6 BY MS. NIJMAN:

7 Q. And what is this?

8 A. This is the leak detection report  
9 that was performed for three south pond.

10 Q. I'm sorry? For three south?

11 A. For three south, yes.

12 Q. And what's the date on this?

13 A. October 26th, 2009.

14 Q. And if you look at the front page  
15 Bates 8233 under the heading survey results, what  
16 does the first line say?

17 A. First line is "No leaks were found  
18 in the geomembrane replacement liner for number  
19 three ash pond."

20 Q. Do you remember going out onto --  
21 whether you went out onto the poz-o-pac pond three  
22 south?

23 A. I do.

24 Q. Do you recall going out around this

1 time period of October 2009?

2 A. That, I don't recall.

3 MS. NIJMAN: Move to admit MWG 508.

4 MS. DUBIN: No objection.

5 HEARING OFFICER HALLORAN: Thank  
6 you. Respondent's Exhibit 508 is admitted.

7 BY MS. NIJMAN:

8 Q. If you turn to tab ten in your  
9 binder, I'm handing in your binder what is marked  
10 MWG 509 Bates number 28235 to 28237. Do you  
11 recognize this document?

12 (Document marked as Respondent  
13 Exhibit No. 509 for  
14 identification.)

15 BY THE WITNESS:

16 A. I do.

17 BY MS. NIJMAN:

18 Q. What is it?

19 A. This appears to be meeting minutes  
20 for the pond two south liner replacement project.

21 Q. Do you see you are one of the  
22 participants at the top of the page?

23 A. That's correct.

24 Q. If you look at number five under

1 discussion items, what does that say?

2 A. Number five is NRT's role periodic  
3 inspections for construction quality assurance  
4 (CQA) during subgrade prep, geocell installation  
5 and placement of cushioning -- cushion warning layers  
6 and full time CQA oversight during liner  
7 installation and Leak Location Survey.

8 Q. What is your understanding of  
9 whether NRT conducted that role?

10 A. They did.

11 MS. NIJMAN: Move to admit MWG 509.

12 MS. DUBIN: No objection.

13 HEARING OFFICER HALLORAN: Thank  
14 you. Respondent's Exhibit 509 is admitted.

15 BY MS. NIJMAN:

16 Q. Looking at the next document in your  
17 binder at tab 11. It's marked MWG Exhibit 510  
18 Bates No. 34268 to -- we'll get you the last --

19 THE WITNESS: 33.

20 MS. NIJMAN: What is it?

21 MS. GALE: No. 24433 --

22 MS. NIJMAN: 34433.

23 MS. GALE: Correct.

24

1 BY MS. NIJMAN:

2 Q. Do you recognize this document?

3 A. I do.

4 (Document marked as Respondent  
5 Exhibit No. 510 for  
6 identification.)

7 BY MS. NIJMAN:

8 Q. And obviously this has a lot of  
9 pages in it, but can you generally describe what  
10 it is?

11 A. This is almost like a final  
12 construction project report for two south ash pond  
13 prepared by the engineering consultants.

14 Q. Do you recall reviewing this  
15 document in about the time of July 18th, 2014?

16 A. Not the document in its entirety,  
17 but bits and pieces and different aspects of it.

18 Q. Would it be part of your job to  
19 ensure that these documents were prepared and  
20 accurate?

21 A. For the ones that I could provide  
22 input on, yes.

23 Q. Could you turn to page 324 -- excuse  
24 me. 34274. 34274.

1 A. Okay.

2 Q. Do you recognize this -- the second  
3 photo on this page, the lower photo, do you know  
4 what is happening here?

5 A. Yes, the contractor is jackhammering  
6 the top layer of the poz-o-pac.

7 Q. Do you have any understanding of the  
8 condition of that layer of poz-o-pac at the time  
9 the pond was being relined?

10 A. It was in very good condition.

11 Q. And was there any difficulty in  
12 removing the poz-o-pac?

13 A. There was a lot of difficulty in  
14 removing that.

15 Q. Do you know how much poz-o-pac was  
16 left after the top liner was removed for --

17 A. There was a second layer. I don't  
18 recall the inches.

19 Q. We talked about the lifts earlier,  
20 the six-inch lifts.

21 A. So then three six-inch lifts,  
22 18-inches. I don't recall.

23 Q. Fair enough. No worries. It's been  
24 a while -- long time since you were there. If



1 you'd turn to 34285. Can you describe what is  
2 going on in these photos?

3 A. Yes. So that is the liner  
4 contractor workers and they are installing -- the  
5 black material is the geotextile that is placed  
6 first and then the white material is the  
7 geomembrane and then they're sealing the edges  
8 with the machine.

9 Q. And you see on the top photo on  
10 34285 there is a piece of equipment there, is the  
11 equipment on the geomembrane or the geotextile?

12 A. It is not.

13 Q. And in the lower picture, there is a  
14 man in the front with some little piece of  
15 machine, do you know what he is doing?

16 A. I believe he is sealing -- probably  
17 heat sealing the seams.

18 Q. I'm sorry. You said heat sealing?

19 A. Yes, probably he is sealing the  
20 individual strips of liner together.

21 Q. Or the photo description says fusion  
22 welding. Thank you.

23 MS. NIJMAN: Move to admit MWG 510.

24 HEARING OFFICER HALLORAN: Any

1 objection?

2 MS. DUBIN: No objection.

3 HEARING OFFICER HALLORAN: Thank  
4 you. Five-ten admitted.

5 (Document marked as Respondent  
6 Exhibit No. 511 for  
7 identification.)

8 BY MS. NIJMAN:

9 Q. Turning to tab 12 in your binder.  
10 It's a little hard to see. So it's MWG 29339.

11 MS. DUBIN: Do you have a clearer  
12 version of this map? It's difficult to read and  
13 so I won't be able to ask questions about it.

14 MS. NIJMAN: We're going to put it  
15 up and you can certainly -- I can leave it up for  
16 you.

17 MS. DUBIN: Would you be able to --  
18 because we -- we want to be able to take home  
19 evidence with us. It's a little too difficult for  
20 me to walk up there and actually be able to  
21 inspect it. I can go test it out right now and  
22 see if I can read it.

23 MS. NIJMAN: Sure. Obviously this  
24 has been previously produced and you can look it

1 up on your computer and blow it up, too.

2 MS. DUBIN: The witness is here  
3 right now. It's not legible.

4 MS. GALE: Hold on. Look what he  
5 can do.

6 MS. DUBIN: Is everything you're  
7 going to be asking about on this map going to be  
8 blown up in the same way?

9 MS. NIJMAN: Anything you want blown  
10 up you can have blown up.

11 MS. DUBIN: Okay.

12 BY MS. NIJMAN:

13 Q. Do you recognize this map document?

14 A. I do.

15 Q. And what is it?

16 A. These are -- this is a map showing,  
17 excuse me, the modifications for one north and one  
18 south to comply with the CCA.

19 Q. So is this what you were referring  
20 to earlier?

21 A. It is.

22 Q. Why were these modifications being  
23 made?

24 A. To allow -- well, as part of the CCA

1 compliance. That was really why the modifications  
2 were done.

3 Q. And do you recall whether there was  
4 a method of preventing processed water from  
5 entering the ponds in this modification? Was  
6 there a way to prevent the water from entering the  
7 ponds? Was there any plug?

8 A. It was redirected if I recall  
9 correctly.

10 Q. Okay.

11 MS. NIJMAN: Move to admit MWG 511.

12 MS. DUBIN: No objections.

13 HEARING OFFICER HALLORAN: Subject  
14 to you being able to --

15 MS. DUBIN: Would we be able to  
16 submit questions to opposing counsel because --  
17 after the fact because it's just -- I don't think  
18 we just want to sit here while I stand up there  
19 reading the whole thing if we have questions about  
20 this, the contents of this map?

21 MS. NIJMAN: I'm not sure. I'd have  
22 to see.

23 HEARING OFFICER HALLORAN: I can't  
24 read it either if I was in her boat.

1 MS. NIJMAN: Again, this is a  
2 previously produced document that we've all had  
3 available to blow up on our computer screens and  
4 see. It was not able to be copied in a better  
5 way. We did our best.

6 MS. DUBIN: It wasn't blown up. The  
7 fact of the matter is it's been used right now as  
8 evidence in the hearing and it's not being  
9 produced in a legible fashion right now to us and  
10 others as well.

11 On top of that, I actually did  
12 because you did give us our evidence list ahead of  
13 time I tried to read through everything and just  
14 whenever in general looking at the documents that  
15 were produced to us, I tried to zoom in, but a lot  
16 of times things would be pixilated and be  
17 difficult to read.

18 MS. NIJMAN: Right. But this one  
19 you can read when you zoom in as you saw. Anyway,  
20 you can certainly submit questions. I'd have to  
21 look at the questions. I don't know what we --  
22 what the questions would be.

23 HEARING OFFICER HALLORAN: Submit  
24 questions after the fact, after --

1 MS. NIJMAN: I'm not quite sure --  
2 to me? I mean, what questions would there be?

3 MS. DUBIN: To be answered by  
4 Ms. Maddox.

5 MS. NIJMAN: I'm not quite sure what  
6 to say. It's not my employee. It's not my  
7 witness.

8 HEARING OFFICER HALLORAN: It's your  
9 exhibit you're trying to get into evidence and  
10 it's not legible in the form that I have or she  
11 has.

12 MS. NIJMAN: If there are --  
13 certainly if there are questions about the  
14 legibility that she is able to answer, is it okay  
15 with you if you answer them in writing?

16 THE WITNESS: With counsel input?

17 MS. NIJMAN: Well, you'd have to  
18 answer it yourself.

19 THE WITNESS: As an official  
20 document?

21 MS. NIJMAN: But it will go through  
22 us.

23 THE WITNESS: Okay. That's fine,  
24 yes.

1 HEARING OFFICER HALLORAN: Okay. So  
2 it's -- it's admitted subject to any future  
3 questions you may have of Ms. Maddox.

4 MS. NIJMAN: Can we have a time that  
5 you would submit those questions so we're not  
6 waiting for months?

7 MS. DUBIN: We can work that out  
8 afterwards. I don't know if we need to work it  
9 out right now.

10 MS. NIJMAN: Like two weeks?

11 MS. DUBIN: Yeah, that's fine.

12 MS. NIJMAN: Thank you.

13 HEARING OFFICER HALLORAN: Okay.

14 BY MS. NIJMAN:

15 Q. You mentioned earlier I believe that  
16 you had participated in some -- or reviewing some  
17 of the dredging that would occur, you talked about  
18 dredging in your previous testimony?

19 A. Yes.

20 Q. How did the vehicles -- when you've  
21 seen dredging, how did the vehicles move when  
22 they're in the ponds?

23 A. Very slowly. Usually one truck  
24 entering on the ramp at a time and waiting for

1 their load to be placed into the truck and then  
2 exiting out of the ramp.

3 Q. Do you recall whether any ash from  
4 the ponds at Will County were sampled?

5 A. I believe so, yes.

6 Q. If you turn to tab 13 marked as MWG  
7 512 and it's Bates MWG 14705 to 14732.

8 (Document marked as Respondent  
9 Exhibit No. 512 for  
10 identification.)

11 BY MS. NIJMAN:

12 Q. Do you recognize this document?

13 A. I do.

14 Q. And the front page, is that your  
15 name?

16 A. It is.

17 Q. So was it part of your job to review  
18 samples like this?

19 A. Like this, yes.

20 Q. What was this?

21 A. The job description says Will County  
22 coal combustion products. The chain of custody  
23 indicates it is three south bottom ash.

24 Q. On the chain of custody, that's page



1 Bates 14730, is that your name?

2 A. It is.

3 Q. If you would turn to 14712.

4 A. Okay.

5 Q. What is this page identifying?

6 A. This is identifying based on our  
7 chain of custody the analyses that we requested  
8 and then the results of those analyses that were  
9 requested on the chain of custody.

10 MS. DUBIN: Objection. Requesting  
11 expert testimony of the witness.

12 HEARING OFFICER HALLORAN: I'm  
13 sorry. Could you read the question back, please,  
14 Steven.

15 (Whereupon, the record was read  
16 as requested.)

17 HEARING OFFICER HALLORAN: She can  
18 answer if she's able.

19 BY THE WITNESS:

20 A. Again, this is the results of the  
21 analyses that I requested in the chain of custody.

22 BY MS. NIJMAN:

23 Q. Do you have any understanding of  
24 what this result means?

1           A.       Yes, I do.

2           Q.       And what does it mean?

3           A.       What I would -- what I was testing  
4 for at the time was for hazardous waste results to  
5 ensure that they were below the limits for  
6 hazardous waste, so this material could be placed  
7 in a nonhazardous landfill.

8           Q.       And just asking you to -- well, I'm  
9 going to leave it there.

10           MS. NIJMAN: Move to admit MWG 512.

11           HEARING OFFICER HALLORAN: Ms.  
12 Dubin?

13           MS. DUBIN: No objection.

14           HEARING OFFICER HALLORAN:  
15 Respondent's Exhibit 512 admitted.

16 BY MS. NIJMAN:

17           Q.       You were asked about some historic  
18 areas by Ms. Dubin earlier, do you recall during  
19 the time period of your tenure there any dumping  
20 in historic areas, dumping of ash?

21           A.       No. Not in my employment, no.

22           MS. DUBIN: Objection -- sorry.

23 BY MS. NIJMAN:

24           Q.       And in your time at Midwest

1 Generation, do you believe -- what is your  
2 impression of how the company behaved as to  
3 compliance issues?

4 A. Exemplary. Compliance was utmost  
5 importance, safety and environmental were one in  
6 the same basically. So they were of equal  
7 importance and environmental was just right up  
8 there with safety.

9 MS. NIJMAN: Thank you. That's all  
10 I have.

11 HEARING OFFICER HALLORAN: Thank  
12 you. Steven, can we go off the record a minute?

13 (Whereupon, a break was taken  
14 after which the following  
15 proceedings were had.)

16 HEARING OFFICER HALLORAN: We're  
17 back on the record. We've discussed to come back  
18 tomorrow at 9:00 a.m. and continue this matter on  
19 record. Ms. Maddox will be on the stand subject  
20 to cross to Citizens Group. Thank you and have a  
21 good evening.

22 MS. NIJMAN: Thank you.

23 MS. DUBIN: Thank you very much.

24

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF COOK )  
4

5 I, Steven Brickey, Certified Shorthand  
6 Reporter, do hereby certify that I reported in  
7 shorthand the proceedings had at the trial  
8 aforesaid, and that the foregoing is a true,  
9 complete and correct transcript of the proceedings  
10 of said trial as appears from my stenographic  
11 notes so taken and transcribed under my personal  
12 direction.

13 Witness my official signature in and for  
14 Cook County, Illinois, on this \_\_\_\_\_ day of  
15 \_\_\_\_\_, A.D., 2017.

16  
17  
18  
19  
20  
21  
22  
23  
24

\_\_\_\_\_  
STEVEN BRICKEY, CSR  
8 West Monroe Street  
Suite 2007  
Chicago, Illinois 60603  
Phone: (312) 419-9292  
CSR No. 084-004675

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

<b>A</b>	18:1,22 19:5	245:8 281:12	174:24 184:14	65:24 95:22
<b>A-D-D-O-X</b>	19:10 52:6	284:16 286:11	186:9 189:17	96:10 97:8
173:16	106:13,21	291:21 295:2	189:20 233:8	115:9 157:8
<b>A.D</b> 316:15	227:23 272:19	299:15 301:3	272:18,20	184:24 185:20
<b>a.m</b> 1:16 8:10	303:20	302:11 305:23	<b>agreed</b> 29:14	186:2,5 190:21
196:4 315:18	<b>accurately</b>	308:11 314:10	79:18 151:11	191:19 194:5,6
<b>ABEL</b> 2:10	110:24	<b>admitted</b> 29:2	<b>agreement</b>	203:7,9 207:17
<b>ability</b> 192:15	<b>acquire</b> 62:15	29:21 71:20	161:16 176:20	222:11 241:3
<b>able</b> 42:5 61:11	<b>action</b> 51:24	72:2,7 78:24	226:19 274:14	250:13 266:19
61:15 65:24	<b>actions</b> 130:18	81:7 83:5	276:20	267:5 268:10
96:10 115:9	130:21	85:11 88:8	<b>ahead</b> 81:8	271:24 280:5
120:4 139:1	<b>active</b> 15:24	91:7 101:4	86:14 91:13	293:3 310:14
159:16 181:7	16:9 37:21	104:17 111:11	101:23 309:12	310:15,18
184:24 190:21	38:8 187:9,13	119:4 124:6	<b>air</b> 17:20 19:3	313:18
194:5,6 202:22	189:5 264:5	181:20 213:20	113:1 134:7	<b>answered</b> 50:21
207:17 223:16	279:17	215:12 218:16	149:20 213:8	96:8 122:17
223:21 228:20	<b>actively</b> 183:7	232:23 236:23	<b>airborne</b> 166:15	193:2 224:19
229:4 231:13	183:16 189:6	239:19 241:23	<b>align</b> 202:15,20	257:14 264:22
232:19 235:24	189:11 190:12	245:11 271:5	<b>allayed</b> 262:10	310:3
238:15 250:13	<b>activities</b> 35:6	281:16 285:1	<b>alleged</b> 13:11	<b>answering</b> 45:4
266:19 287:14	<b>actual</b> 31:11	286:16,16	<b>alleging</b> 53:11	45:5 67:24
293:20 306:13	<b>add</b> 131:24	292:1 295:7	<b>allow</b> 32:9 165:1	203:6
306:17,18,20	<b>addition</b> 141:2,7	299:18 301:6	182:4,8 187:1	<b>answers</b> 235:9
308:14,15	200:13	302:14 306:4	197:14 203:19	<b>anybody</b> 170:8
309:4 310:14	<b>additional</b> 14:13	311:2 314:15	205:1 264:12	177:23 207:22
313:18	205:1 212:14	<b>adverse</b> 30:10	270:1 307:24	209:14,18
<b>above-entitled</b>	236:10 244:5	30:16,24 31:3	<b>allowed</b> 293:15	210:12
1:12	<b>address</b> 21:3,9	31:5,20 32:2	294:1	<b>anymore</b> 211:12
<b>absolutely</b> 44:16	21:11 144:20	32:18 172:23	<b>altered</b> 103:3	229:12
79:16 90:3	<b>addressed</b> 66:17	174:10,23	104:11	<b>anyway</b> 223:7
128:13 130:20	74:12 158:16	175:3 184:15	<b>altering</b> 279:21	309:19
135:23 142:20	<b>administrator</b>	203:19 263:3,4	<b>alternately</b>	<b>anyways</b> 234:14
147:8 173:10	158:17	<b>adversity</b> 174:17	279:22	<b>apologize</b> 46:14
180:21 208:24	<b>admissibility</b>	<b>aerial</b> 9:17,20	<b>amend</b> 23:21	54:4 76:18
217:5 231:7	111:9	10:8	<b>amended</b> 29:23	80:15 81:15
233:2	<b>admissible</b>	<b>aforesaid</b> 316:8	<b>amount</b> 135:16	87:9 123:20
<b>Academy</b> 26:24	197:9	<b>age</b> 12:6	<b>amounts</b> 136:14	192:20 225:18
<b>accept</b> 165:15	<b>admission</b> 27:12	<b>agent</b> 75:3	<b>Amy</b> 93:16	243:8
<b>acceptable</b> 21:4	28:20,21 74:13	<b>agents</b> 32:1	<b>analyses</b> 313:7,8	<b>apparently</b>
29:18	226:15	<b>aggregate</b>	313:21	109:14 274:17
<b>access</b> 78:10	<b>admit</b> 71:14	283:18	<b>ancient</b> 75:2	<b>appear</b> 25:11
<b>accumulate</b>	78:21 82:24	<b>aging</b> 48:5,15,20	<b>annual</b> 26:14	77:7,9 79:20
218:6	85:8 88:2 91:4	48:22 49:3,3	141:4 235:12	148:6 182:2
<b>accumulates</b>	100:18 101:3	<b>ago</b> 10:5 12:17	<b>annually</b> 69:21	193:14 197:1
218:5	104:14 110:11	12:24 129:7	140:4 157:17	200:12 214:18
<b>accurate</b> 17:23	111:6 236:20	289:9	<b>answer</b> 23:21	<b>appeared</b> 2:18
	239:16 241:19	<b>agree</b> 13:4 62:12	42:5 43:4	3:1 106:15

197:20	182:2 218:23	73:2 76:4,6,8	218:9 219:2,17	<b>assessment</b> 99:3
<b>appears</b> 10:4	219:2 298:1	76:14 77:24	219:20,21	179:23
25:14 27:6	314:18,20	78:3,18 84:12	221:5,9 223:24	<b>assigned</b> 8:4
79:20 83:16	<b>argument</b> 32:5	84:15 85:18	223:24 224:5,7	33:21,22
86:21,24 89:5	<b>arises</b> 144:21	86:9 89:4,7	224:11 234:16	<b>assist</b> 138:2
89:19 94:4	<b>arm</b> 58:19	90:4,12,23	240:10,12,20	182:5
102:13 103:16	<b>aruss@enviro...</b>	92:9,10,11,15	240:21 241:2	<b>associated</b> 283:4
106:7,22 107:6	2:13	93:13 95:1	242:24 249:1,1	<b>assume</b> 39:8
112:2 113:9,16	<b>as-needed</b> 156:4	102:17 103:11	249:23 250:18	97:11 125:19
142:5 146:14	<b>ash</b> 9:3,4,12,24	107:20,24	251:3 260:6	148:23 168:22
150:18 227:20	10:11 11:4,5,5	108:11 121:20	263:19,21	252:3
230:9,11	11:8 14:4,4,10	127:6,19	268:18,21	<b>assumed</b> 158:13
270:13 301:19	14:13,16,17,19	129:15 131:13	276:10,11	<b>Assumes</b> 48:8
316:10	14:19,21,21,22	131:24 133:7	277:17 278:7	<b>assuming</b> 12:23
<b>application</b>	14:23 15:1,1,4	133:13,18,19	278:19 280:11	40:12 106:19
282:7,19	15:10,22 16:14	135:2,4,6,18	280:23 281:5	<b>assumption</b> 13:2
<b>applied</b> 19:24	16:23 17:14,15	136:14 137:21	283:2,3,24	140:16,19
294:21	17:19,20,22	137:23 140:10	285:16 288:18	<b>assurance</b>
<b>appreciate</b>	18:6,10,13,17	142:7,8 143:22	290:1 300:19	293:10,15
211:13	18:21 23:10,14	144:17 145:1	303:12 312:3	302:3
<b>approach</b> 13:9	23:17 35:9,19	145:20,21	312:23 314:20	<b>attach</b> 112:16
<b>appropriate</b>	35:19,24 37:21	152:4,7,13	<b>ash/slag</b> 84:3,21	<b>attached</b> 79:22
20:5 203:5	38:1,5,7,8,11	153:6 155:1,3	<b>aside</b> 220:6	105:6 147:18
267:19	38:11,14,16,19	155:5,7,8,10	231:24	148:11 251:24
<b>approval</b> 212:14	38:20,23,24	155:17 157:16	<b>asked</b> 10:17	287:3,5
<b>approve</b> 21:15	39:1,3,4,7,9,15	157:20 158:1	14:3 15:14	<b>attaches</b> 112:17
<b>approximately</b>	39:24 40:3	158:11,22	22:24 23:12	<b>attaching</b>
8:10 161:12	41:6,10 43:9	159:11,15,23	26:10 36:23	111:24
246:20 274:8	43:16,18 45:19	160:1 162:8,21	40:12,13,20	<b>attachment</b>
<b>April</b> 247:8	47:2,5,5,6,7,8	163:13,15,20	50:21 56:6	105:14,15
<b>area</b> 59:15 84:4	47:16,19,20	163:24 166:4,7	62:2 96:7	<b>attachments</b>
84:9,11,13,16	49:12,17,22	167:3 168:23	110:18,22	105:12 106:18
84:21 85:4,6	50:12,17 52:21	169:5,10 171:2	122:17 130:16	106:20 287:10
90:16 107:17	52:23 54:23	176:1,5 177:2	160:5 193:2	287:13,17,20
108:10 134:3,5	55:1,16,19,20	177:6 178:4	202:14 224:19	288:7,10
139:20 142:1	55:24 56:4,7,8	179:6,8,11,13	228:13 250:5	<b>attend</b> 292:20
164:24 166:5	56:10 57:8,15	181:16 182:16	268:18 314:17	<b>attention</b> 9:14
207:11,14,19	58:11 60:14	183:3,8,16	<b>asking</b> 16:4	19:17,20 37:14
207:23 209:5	61:4,17,22	187:15 189:4,5	24:14 100:4	51:7,8 53:14
209:11,15,18	63:10 65:2,7,7	189:6,11	105:19 181:23	61:24 66:5,20
210:2,3,6,7,13	65:8 66:12	190:13 193:15	182:1 243:19	73:18 75:11
210:16,21	67:16,17,19,20	201:13,20	307:7 314:8	76:16 79:2
222:23 223:7	67:21,21 68:8	204:11 205:24	<b>aspects</b> 176:4,15	83:7 86:2
249:1 266:1	68:11,12,17,18	206:1,1 207:10	176:21 177:2	88:10 93:4
<b>areas</b> 70:18	68:21 69:1,3,5	207:23 208:5	303:17	97:22 98:4
107:9 143:5	69:7 70:9,12	209:10,19	<b>asphalt</b> 18:7,14	101:10 104:20
160:1 181:5,17	72:12,18,21,24	214:12 217:17	260:22	111:17 195:1

220:12 242:7	265:14	12:5,7 20:3	136:3 138:7	<b>behave</b> 166:18
<b>attenuated</b> 75:6		98:14 99:19	143:12 144:15	<b>behaved</b> 315:2
175:1	<b>B</b>	114:12 120:4	145:19 147:17	<b>belief</b> 18:23 19:6
<b>attorney</b> 173:4,6	<b>B</b> 5:10	137:17 145:22	148:2 149:12	19:11 97:14
173:20 174:12	<b>back</b> 24:9 46:1	148:20 158:13	180:3 195:2	<b>believe</b> 8:12,14
203:4	69:16 70:15	194:9 255:5	205:19 211:16	24:17 28:8
<b>August</b> 75:2	71:7 90:10	313:6	212:4 228:2	41:3 43:20
232:8	91:13,20,21	<b>basically</b> 12:10	230:2,6 232:18	49:15 57:2
<b>authentic</b> 77:8	103:8 109:3	92:24 107:18	232:20 233:15	61:21 63:14
<b>authenticate</b>	115:18 116:10	129:18 132:2	247:13 251:19	66:15 71:12
79:18	116:13,15	153:15 164:5	252:1 253:12	73:4 76:15
<b>authenticated</b>	118:18,20,22	165:22 168:5	254:22 255:12	81:24 82:1
106:3,24 111:8	123:12 125:2	186:23 226:4	256:11 258:24	84:10 94:21
<b>authentication</b>	130:14 132:12	315:6	259:20 260:9	96:5,15 98:10
101:2 106:9,13	154:6 155:3	<b>basin</b> 38:8 57:15	261:2 271:17	99:2,17 100:9
<b>authenticity</b>	161:6,7,12,13	93:13 94:9,24	275:4,5,17	103:12 109:19
196:16	161:22 162:16	95:1,6,13	276:8 277:14	109:24 113:5
<b>author</b> 244:7	163:22 164:20	102:14,16,17	278:6 280:8,23	136:11 137:19
<b>available</b> 159:20	164:22 165:2	102:21 103:2	281:22 283:1	137:24 140:7
192:16 194:19	165:16 186:24	103:11,18	285:5 286:19	140:13,19
287:11 309:3	188:24 190:2,7	104:9,10	290:22 292:4	216:17 232:21
<b>Avenue</b> 2:11	193:4 200:5	113:17 114:4	292:17 294:9	255:7 260:11
<b>avoid</b> 111:12	211:9 224:9	114:23 136:6,9	295:20 296:12	260:14 276:17
<b>Awards</b> 26:24	241:13 243:23	136:10,13,17	298:14 299:11	281:10 284:9
<b>aware</b> 35:9 36:3	244:10 246:19	137:12,21,23	299:23 300:15	295:18 299:13
36:5,10,12,13	247:13 256:10	158:22 171:8	301:10 302:18	305:16 311:15
37:3,5 41:24	259:11 260:20	171:10 186:16	312:7 313:1	312:5 315:1
44:10 49:7	263:10 274:8	206:3,4,5,17	<b>batten</b> 109:9	<b>believed</b> 95:4
53:8,13 57:10	294:8 298:12	243:4 245:6	148:23	99:22 134:18
58:11 59:7,21	313:13 315:17	263:23,24	<b>battening</b> 109:9	<b>beneath</b> 128:19
61:19 62:24	315:17	<b>basins</b> 37:22,24	<b>bearings</b> 22:19	129:15 257:5
63:9,11,12,19	<b>background</b>	45:19	<b>Beaudry</b> 197:21	<b>beneficial</b> 15:6
64:4,7,9,23	20:12 234:17	<b>basis</b> 34:17,18	198:2,12	15:11 18:9
65:1,20 70:24	235:7 236:4	45:1 74:13	199:11 200:16	207:4
71:3,10 73:16	<b>backing</b> 107:10	100:21 117:19	228:12 229:16	<b>beneficially</b> 18:4
92:2,8,11,14	109:6,7 148:21	121:3,11	<b>Beaudry's</b> 228:9	243:10 249:2
92:16 118:4	155:1	122:20 127:12	<b>Beckie</b> 298:3	<b>benefit</b> 31:23
119:14,15	<b>balance</b> 35:18	140:13 141:4	<b>becoming</b>	<b>berm</b> 65:10 67:2
121:2 137:22	197:22,23	156:13 174:23	221:21	67:4,7,9 68:13
144:4 157:2,14	<b>bar</b> 77:14,16	181:11 193:21	<b>began</b> 170:3	70:8,23 71:9
169:16 170:22	<b>Bard</b> 9:2	236:2,3 250:23	222:11	140:9 142:17
178:3 182:15	<b>barely</b> 45:7	251:16 288:6	<b>beginning</b> 132:5	143:5,9 157:12
182:18 209:17	<b>barrier</b> 243:13	<b>Bates</b> 19:18,19	150:5 154:9	163:17 186:17
210:15 220:18	<b>base</b> 115:1 126:2	26:16 70:4	155:18	186:19 266:1
221:20 250:6	131:7 137:15	80:2,19,23	<b>begins</b> 128:9	<b>berms</b> 65:2,3,5,6
250:17,19	165:9 168:14	83:2,8 89:5	132:9	65:21 66:3,12
251:10 255:10	<b>based</b> 10:24	98:2 132:15	<b>behalf</b> 2:18 3:1	67:17,19,21



68:18,20,24	<b>blank</b> 257:24	163:24 164:24	<b>Brieser</b> 122:2,3	<b>bulge</b> 129:19,19
69:2,4 70:11	<b>block</b> 132:4	165:6,14	122:4,19 123:2	130:1,6
70:12 140:2	<b>blocks</b> 132:4	168:23 169:5	149:19 212:16	<b>bulge/roll</b> 57:18
157:2,16	<b>blow</b> 307:1	169:10 171:16	252:20	<b>bulged/rolled</b>
185:18	309:3	179:11,13	<b>Brieser's</b> 122:15	57:13
<b>best</b> 18:22 19:5	<b>blown</b> 307:8,9	204:19,22	<b>Brieser/Clean</b>	<b>bulges</b> 153:20
19:10 178:6	307:10 309:6	207:10,23	113:1	<b>bulging</b> 57:23
183:14 184:1	<b>board</b> 1:1 8:4	208:5 209:10	<b>bring</b> 27:9,13	<b>bulging/rolling</b>
192:15 203:9	156:23 182:5	209:19 218:6,8	233:10 235:17	58:6
204:5 205:19	<b>board's</b> 263:5	221:9 223:22	235:20 247:12	<b>bullet</b> 17:19
227:6 240:17	<b>boat</b> 308:24	224:7,11,17	253:11	18:5,16 19:1
272:15,21	<b>Bobcat</b> 155:15	230:7 245:24	<b>bringing</b> 139:6	297:2,3
309:5	<b>body</b> 230:10	245:24 246:3	235:4,8 236:9	<b>bullets</b> 19:8
<b>better</b> 291:18,20	<b>boiler</b> 35:17	249:1 253:19	239:12	283:16
309:4	218:9	265:20 277:20	<b>brought</b> 37:14	<b>bunch</b> 225:23,24
<b>beyond</b> 200:9	<b>boilers</b> 38:22	277:23 278:9	87:13 92:21	<b>bundle</b> 226:1
264:9	47:7 283:4	278:10,11	153:16 236:6	<b>burden</b> 287:19
<b>bi-product</b>	<b>bone</b> 239:3,5	280:15 283:3	239:11 241:14	<b>buried</b> 135:15
38:20 179:4,9	<b>boring</b> 23:1	283:24 312:23	241:16 242:7	240:20
179:15	<b>bottom</b> 9:4,12	<b>bottoms</b> 13:1	<b>brown</b> 23:9	<b>business</b> 134:8
<b>bias</b> 174:20,22	11:7,13 12:3,9	<b>box</b> 215:3	<b>bucket</b> 58:19	
<b>bid</b> 292:15 293:4	14:19 15:1,4	256:16,18,19	59:4 118:10,12	<b>C</b>
<b>big</b> 67:13 118:10	15:10 17:14	257:1,5,20	118:13,15,18	<b>C</b> 2:1 8:21 22:2
134:3,5 163:16	18:6,10,12,17	296:24	135:7,12	33:6 125:4
180:7 226:1	38:16,18,20	<b>Brad</b> 8:2	155:16	152:1 159:6
<b>bike</b> 134:1	39:1,9,15,24	<b>BRADLEY</b> 1:13	<b>buckets</b> 59:1	161:20 170:16
<b>Bill</b> 54:18 99:3,5	40:3 41:6	<b>break</b> 26:4	<b>budget</b> 92:24	173:1 247:1
136:21	43:18 47:7,8	75:18 91:9,14	114:20 122:13	263:7 268:15
<b>binder</b> 274:12	47:16,18 50:9	91:16,22 99:12	<b>budgets</b> 33:19	275:1
281:19 285:3	50:19,23 51:22	123:8 124:22	<b>Bugel</b> 2:2 4:5	<b>C-A-W-S</b> 213:5
286:18 301:9,9	52:16 56:14,18	151:18 161:1,8	10:20 21:23,24	<b>calculated</b> 246:2
302:17 306:9	56:22 57:1,6,9	161:13 200:1	22:3,17,21	<b>California</b> 2:16
<b>birthday</b> 232:8	57:22 70:9,12	211:5 245:13	25:17,20 26:1	<b>call</b> 25:10 28:23
<b>bit</b> 37:19 38:14	76:1,11 78:18	246:15,20	26:7,12,21	30:10 35:20
72:10 129:1	80:3 81:16	274:4 315:13	27:1,13,19,23	53:14 66:5
131:4 155:21	85:6 93:17	<b>Brickey</b> 3:4 8:13	28:2,6,11,15	73:17 75:11
163:23 165:12	108:14 114:14	190:4,7 193:4	28:18,21 29:3	76:16 79:2
221:8 240:20	115:2,11,15	246:19 316:5	29:8,11 30:1	83:7 86:1 88:9
266:4 295:12	116:12,17	316:20	111:1 114:6	92:10 93:4
<b>bits</b> 303:17	118:1 127:16	<b>bridge</b> 289:17	199:20 211:1	98:3 101:10
<b>bituminous</b>	131:15 132:5	<b>brief</b> 110:21	227:4	104:19 111:17
277:24 278:12	135:4,5,18	111:3 130:24	<b>build</b> 244:16	113:12 122:3
280:17 281:2	138:16 139:3,7	<b>briefed</b> 111:4	<b>building</b> 70:8	172:2,22 174:9
<b>black</b> 23:9	140:10 146:8	202:11	210:8	194:24 229:16
150:12,15	155:1,5,7,8,10	<b>briefing</b> 37:1	<b>built</b> 68:16	262:12
305:5	155:17 162:20	166:20	70:12,14	<b>called</b> 8:19 32:2
<b>blame</b> 203:3	163:15,20,24	<b>briefly</b> 159:5	249:16,18	33:4 36:14

37:24 38:8	<b>CCA</b> 93:3	<b>charge</b> 154:4	84:16 134:13	<b>combining</b>
49:5 59:22	176:22 307:18	<b>check</b> 28:9	149:12 154:11	197:10
60:3 64:3,4	307:24	167:11 196:24	174:17 189:21	<b>combustion</b>
109:8 122:2	<b>CCA's</b> 277:12	199:21 223:4	202:20 274:22	179:5,9,14
129:2 172:19	<b>cease</b> 207:2	231:17,22	<b>clearer</b> 306:11	276:7,18 283:3
201:9 206:3	<b>cemented</b> 132:3	256:19	<b>clearly</b> 167:2	312:22
207:9 210:2,6	<b>center</b> 1:4,15 2:5	<b>checked</b> 196:20	<b>client</b> 229:14	<b>come</b> 40:3 96:3
210:8 263:1	8:6 67:1	215:3 256:24	<b>close</b> 17:6 59:3	108:4,14
264:1 274:19	256:11,12	<b>checking</b> 256:16	<b>closed</b> 15:21	116:15 117:23
276:10,11	<b>certain</b> 24:6,7	257:1	<b>closer</b> 150:11	134:14 155:22
297:1	73:14 219:17	<b>checkmark</b>	<b>Club</b> 1:3 2:14	163:19 164:19
<b>Calls</b> 257:12	<b>certainly</b> 32:11	256:13,15	8:5	165:1,8,13
261:13	129:21 158:5	<b>checks</b> 231:18	<b>clutter</b> 123:22	166:10 171:6,7
<b>cap</b> 15:21 185:7	160:2,14	<b>Chicago</b> 1:15	<b>coal</b> 35:9,19,20	226:19 266:14
185:10	166:14 306:15	2:7,22 316:22	35:24 38:20	266:23 315:17
<b>capacity</b> 162:12	309:20 310:13	<b>chief</b> 161:16	39:4 45:18	<b>ComEd</b> 74:10
162:19 163:11	<b>Certified</b> 316:5	<b>choice</b> 240:18	47:5 57:8	74:19 75:3,4,4
<b>capped</b> 15:15,18	<b>certify</b> 316:6	<b>Christopher</b> 4:7	58:11 60:14	<b>comes</b> 98:6,7,8
16:17 188:18	<b>certifying</b>	4:14 30:10	63:9 65:2	108:19 127:20
<b>caps</b> 77:15	230:13	33:3	67:15,17,19,20	163:15 218:10
<b>caption</b> 141:22	<b>chain</b> 86:7,8,17	<b>Christy</b> 87:2,4,5	67:21,21 68:8	229:7 233:6
<b>care</b> 147:13	86:20,23 87:2	<b>Christy's</b> 87:7	68:12,17,18	246:8
<b>career</b> 125:7	87:17 88:15,18	<b>cinder-like</b> 18:6	90:16 92:8	<b>comfortable</b>
<b>carefully</b> 166:24	89:5 93:6,12	<b>cinders</b> 23:9	107:20,24	200:21 228:17
<b>caring</b> 147:13	93:14 94:2,5	<b>circumstances</b>	176:1,5 177:2	229:20 232:7
<b>carried</b> 166:22	106:15,16,16	294:2	177:6 178:4	232:22
<b>carrier</b> 244:18	106:18 107:5	<b>Citizens</b> 1:5 8:6	179:4,6,8	<b>coming</b> 95:6,13
<b>case</b> 20:8 72:19	110:5 196:3,6	263:4 315:20	182:16 183:3,8	95:18 96:6,16
72:24 79:23	196:22 197:6	<b>clarified</b> 159:9	183:16 187:14	97:15 98:11
80:1 107:22	200:8,13 228:6	<b>clarify</b> 46:4	189:6,11	99:4,6,17,19
109:11 129:22	232:22 312:22	52:10 83:1	190:13 193:15	99:23 141:9
137:20 141:13	312:24 313:7,9	133:8 158:20	201:13,20	163:22 267:14
161:16 163:6	313:21	263:18	219:17,20,21	<b>comments</b>
169:14 202:16	<b>chains</b> 226:6	<b>clarifying</b>	221:5 276:6,18	296:24 297:1
226:22 227:10	<b>challenge</b>	154:14	283:3 312:22	<b>commissioned</b>
274:19	235:20	<b>Claybaugh</b>	<b>coat</b> 277:24	75:3
<b>cases</b> 108:14	<b>change</b> 59:19	244:7 263:12	278:12 280:17	<b>Commitment</b>
146:20 165:24	212:7,7,11,13	<b>clean</b> 94:9 131:8	281:3	176:20 276:19
<b>Casually</b> 178:1	212:16,19,20	134:7 149:19	<b>collapse</b> 49:10	<b>common</b> 277:6
<b>cause</b> 1:12 39:10	212:21 213:2,3	213:8 238:15	<b>colleagues</b> 235:6	<b>communicate</b>
<b>CAWS</b> 213:5,7	252:4,5,6,11	239:5 241:11	<b>collected</b> 273:10	198:16
<b>cc</b> 27:7 225:21	252:13,16,17	<b>cleaned</b> 18:20	<b>collecting</b> 92:24	<b>communicated</b>
<b>cc'd</b> 94:6 98:16	<b>channels</b> 277:5	36:10	273:15	198:12,14
100:22 110:8	<b>characterizati...</b>	<b>cleaning</b> 36:16	<b>collection</b> 273:8	<b>communicating</b>
198:8 200:12	12:7 111:2	93:13	<b>collectively</b>	35:5
272:9	<b>characterizati...</b>	<b>cleanup</b> 205:2	38:12	<b>communication</b>
<b>cc's</b> 227:3	254:24	<b>clear</b> 52:13	<b>color</b> 284:8	259:17 262:13

<b>communicatio...</b> 248:24	270:2 271:1 274:15	<b>complete</b> 196:1 197:1,6 212:13 212:14 287:21 316:9	243:13 244:18 260:23,24	<b>constituents</b> 15:10
<b>Comp</b> 258:24 259:19	<b>complainants'</b> 8:24 10:13	<b>completed</b> 139:11	<b>condition</b> 10:18 10:24 11:22 12:6,18 13:3,5 13:8,12,18 51:20 297:8 304:8,10	<b>constraint</b> 93:2 <b>constraints</b> 224:9
<b>compact</b> 57:7 139:2 168:14	14:3 15:13 16:3 19:14	<b>completely</b> 119:12 149:9 163:18 228:3 235:16	<b>conditions</b> 20:12 136:23 287:6 297:6,7	<b>construct</b> 285:14
<b>compacting</b> 139:3 168:7	28:22 29:1,13 29:21 53:15	<b>compliance</b> 88:22 170:5,6 175:21,22 176:1,6,9,16 176:20 246:9 259:1,2 276:19 308:1 315:3,4	<b>conduct</b> 61:1 69:19 157:15 167:4 214:15 224:16	<b>constructed</b> 12:17 44:7 48:2 103:2,6 103:19 104:5 140:9 192:14
<b>compaction</b> 49:10	66:6 69:16 71:15,20,23 72:2,7 73:18	<b>comply</b> 307:18	<b>conducted</b> 60:19 60:22 61:3 64:5 66:12 202:11 297:18 302:9	<b>construction</b> 192:7 212:16 214:10,13 252:21 282:6 288:17 290:2,4 291:19 302:3 303:12
<b>compactor</b> 168:12,17,19	76:17,18 78:21 78:24 79:3,8 80:14,15,22 82:24 83:1,5,8 85:8,11 86:2 88:2,8,10 91:4 91:7 93:5	<b>compound</b> 103:23 157:5 177:12 187:20 202:3 219:11 254:1	<b>conducting</b> 60:15	<b>consult</b> 94:19 <b>consultant</b> 9:8 94:15 272:7,10
<b>company</b> 33:8 59:22,23 60:2 64:3,4 66:13 74:16 109:15 122:1 174:20 174:21 183:10 213:9 229:12 238:13 252:21 315:2	100:18 101:3 101:11 104:13 104:17,20 110:11 111:10 111:18 118:22 118:24 119:4,6 123:18,19,21 124:10 132:23 157:18 158:19 171:23 172:1 180:2 195:1 211:16 213:14 213:20,23 215:9,12,15 216:19 218:13 218:16 225:1 232:2 233:14 233:21 236:20 236:23 237:3 239:16,19,22 241:19,22 242:13 245:8 245:11 247:15 251:18 260:8 261:2 263:10 266:6 269:20 270:9 271:5,16 274:17 298:13 298:18,19	<b>computer</b> 227:19 307:1 309:3	<b>conducts</b> 59:23 222:4	<b>consultants</b> 303:13
<b>compared</b> 20:18 290:8		<b>concept</b> 96:23 <b>concern</b> 94:10 98:21 137:16 166:15 227:5,8 234:20 235:20 236:6 239:12 258:9 261:5	<b>confer</b> 211:2 <b>conference</b> 262:12 <b>confirm</b> 26:21 80:9,19 159:10 170:18	<b>contact</b> 40:3 76:13 77:5 153:18 244:2,6
<b>complainants</b> 1:6 2:18 8:7 30:9 54:5 66:7 71:14 73:19 76:19 78:20 79:4 82:23 83:9 85:7 86:3 88:1,2,11 91:3 93:7 100:17 101:13 104:21 110:11,20 111:7,19 118:23 119:8 179:21 195:3 211:18 213:13 213:14 214:5 215:8,16 216:18 218:12 225:2 227:11 229:2 232:1 233:16 236:19 237:5 239:15 240:1 241:18 242:14 245:7		<b>concerned</b> 39:14 129:15 176:16	<b>confused</b> 55:22 68:2	<b>contacting</b> 248:23
		<b>Concerning</b> 136:20	<b>confirms</b> 231:20 <b>confused</b> 55:22 68:2	<b>contact</b> 40:3 76:13 77:5 153:18 244:2,6
		<b>concerns</b> 40:2 44:11 136:5 234:7,21,24 235:8 236:9 239:7,11 262:9	<b>conservative</b> 13:2,9	<b>containing</b> 248:23
		<b>concrete</b> 107:15 107:17 108:8 108:11 109:10 132:3,4 149:1 149:5 204:6	<b>considers</b> 28:8 <b>consist</b> 283:17 <b>consistent</b> 283:13 <b>consistently</b> 262:1 <b>consisting</b> 140:10 <b>constant</b> 235:24 236:12,16,17	<b>contains</b> 171:2 <b>content</b> 83:2 99:20 <b>contention</b> 227:8 239:4,6 <b>contents</b> 47:4 187:18 197:11 207:5 216:5 231:3 308:20
				<b>context</b> 98:1 199:19 201:12 228:15 229:13 229:15,18 255:21 265:21 288:8
				<b>continually</b> 234:15

<b>continuation</b> 143:17	17:20 27:5	47:19 48:6	147:2,3,10,11	<b>cost</b> 252:5
<b>continue</b> 16:13 91:24 115:20	<b>controls</b> 19:3 35:22	52:24 54:15,16	147:14,15	<b>counsel</b> 14:3 15:13 16:3
116:16 183:19	<b>conversation</b> 200:9	54:23 55:4	148:5,8,9,15	28:4 111:6
183:23 315:18	<b>Cook</b> 316:3,14	56:1,15,19	148:16 149:3	185:21 202:17
<b>continued</b> 102:20 163:8	<b>cooperate</b> 227:7	57:1,13 58:21	149:15 151:3,4	202:18 203:12
180:8 200:8	<b>coordinate</b> 177:20	59:2,5,10,24	151:6 152:18	252:10 255:24
<b>continues</b> 144:10	<b>coordinating</b> 177:11	60:6,16 61:4,7	153:12 157:24	289:20 308:16
<b>continuing</b> 8:10	<b>coordination</b> 177:22	64:10 65:3,4	159:13,14,17	310:16
<b>continuity</b> 61:8 61:15,20 62:3	<b>copied</b> 106:9 125:19 148:7	66:18 69:7	159:18,20	<b>counsel's</b> 111:2
62:8,16,22	149:14 197:8	70:9 71:24	162:1,2 164:5	<b>counting</b> 144:23 145:6
63:22 64:2,6	243:20 309:4	72:13 73:6	164:15 169:6	<b>County</b> 14:4 62:23,24 63:3
64:21	<b>copies</b> 255:16	77:5,6 78:1,2,4	171:3,4 200:6	63:10,15,23
<b>continuously</b> 184:13 217:20	<b>copy</b> 27:9,21,23 29:7 77:8	78:5 79:11	207:7 219:19	64:6 122:8,10
<b>contract</b> 94:17 109:20 154:4	106:14,21	81:17,18 82:10	220:10,11	175:22 176:2
158:17 222:11	180:4 227:23	82:16,22 83:15	236:15,18	176:22 177:7
<b>contracted</b> 109:20,22	255:14,24	83:23,24 84:5	238:22 240:14	179:16,22
296:5	<b>core</b> 198:22	84:7 85:19	248:2,3 249:11	181:3 182:16
<b>Contracting</b> 109:15,18	<b>corner</b> 25:6 78:9 139:9 296:18	89:8,18 93:20	249:12,15,17	183:4 187:4
<b>contractor</b> 36:21,23 74:10	<b>corners</b> 203:17	93:21 94:5	250:22 251:12	197:23 200:16
122:5,22	<b>corporate</b> 248:14	95:2,3,7	252:8,9 253:9	205:13 209:11
128:17 130:24	<b>correct</b> 9:6 11:5 11:6 13:12,14	100:10,13	253:10,16,20	218:20 221:10
132:8 134:8	14:20 15:2,3,7	102:6,7,9,10	253:21 256:19	221:15,18,22
146:15 153:19	15:8,12,18,19	102:19 105:16	257:3,4,24	222:5,8,8,14
158:11,14	16:1,2,6,10,11	107:11,13	258:1,4 259:4	222:21 236:1
207:3 212:10	18:2 20:23	110:5,8 112:1	259:13,14,23	247:5 248:13
212:13 243:9	21:14 24:19,23	112:7,8,10,11	260:7,13,14,16	251:11 259:7
243:11,12	24:24 25:6,7	112:13,14	262:2,16,23	276:2 282:13
244:15,16	28:14 32:3	116:4,6,20,21	263:16 267:24	283:8 284:8
252:21 295:13	34:7,8,18,24	125:9 126:1,3	268:19,20	285:16 288:18
304:5 305:4	35:3,4,6,7	126:4,7,8,10	272:8,13,14,17	290:17 294:5
<b>contractors</b> 145:23 146:2,4	37:22,23 38:1	126:11 127:10	273:20 275:24	312:4,21 316:3
146:7,9,13	38:2,9 39:1,2	127:22 128:1	276:1 278:5,21	316:14
147:5 158:8,17	40:14 41:7,8	131:16 133:11	279:24 280:13	<b>couple</b> 22:1 114:13 120:20
249:4 292:15	41:11,12 42:11	133:12,13,21	283:14 286:7	132:13 133:8
293:4	42:14 43:19,22	134:6,14,19,24	301:23 302:23	149:13 156:9
<b>control</b> 1:1 8:4	45:19,20 46:10	135:1,8 136:6	316:9	170:15 245:15
	46:19,21 47:17	136:8,10,15,16	<b>correction</b> 126:10	263:9
		136:18,19,23	<b>correctly</b> 131:10 133:20 184:6	<b>course</b> 42:17,17 103:14 125:15
		137:5,9,10	188:9 204:17	<b>Court</b> 1:14 32:20 80:17
		138:3,4,12,20	210:23 231:21	191:18 208:10
		139:18,23,24	231:23 239:10	208:20 288:21
		140:3,6,11,12	248:1 270:17	
		141:6 142:2,3	308:9	
		143:9,10,13,24	<b>correspondence</b> 287:10	
		144:1,17,18,22		
		145:4,11,14,17		
		145:24 146:5		

289:1 <b>cover</b> 33:18 164:24 184:10 184:17 185:6 189:15 <b>covered</b> 61:4,7 61:17 116:17 139:7 152:4 <b>covering</b> 139:10 160:2 181:17 <b>CQA</b> 302:4,6 <b>crack</b> 258:15 269:6,7 <b>cracks</b> 215:6 266:8,14 267:3 267:10 269:5 <b>Craig</b> 107:7 109:13 148:11 <b>create</b> 57:1 <b>created</b> 70:7 71:8,8 <b>creating</b> 289:16 <b>cross</b> 8:15 151:11 246:21 262:21,24 263:1 315:20 <b>cross-examina...</b> 4:4,10,17,22 267:19 <b>crossing</b> 125:2 <b>CSR</b> 3:4,4 316:20,23 <b>curing</b> 277:24 278:12 280:17 281:3 <b>curious</b> 226:20 <b>current</b> 287:6 <b>currently</b> 33:9 33:13 41:7,10 47:10 94:11 175:5 178:5 185:2 187:10 192:19 <b>cushing</b> 302:5 <b>cushion</b> 235:23 302:5 <b>custody</b> 312:22	312:24 313:7,9 313:21 <b>cut</b> 213:4 <b>cutback</b> 130:10 <hr/> <b>D</b> <b>D</b> 4:1 22:2 33:6 152:1 161:20 173:1 263:7 275:1 <b>D.C</b> 2:12 <b>daily</b> 117:19 121:3 122:20 126:22 127:12 156:13 223:2 <b>damage</b> 128:4 131:14 167:11 242:6 293:11 <b>damaged</b> 60:15 60:23 61:16 78:11,13 84:5 84:11,12 103:3 104:10 130:19 130:22 131:18 240:11,12,13 242:3 <b>data</b> 29:23 246:8 <b>date</b> 17:2,6 77:1 77:11,18 119:13 150:19 167:19 191:5 200:17 227:20 247:10 252:4 276:2,12 280:19 282:9 292:22 296:15 296:16 297:11 297:12 298:15 298:17,21 299:6 300:12 <b>dated</b> 9:1 10:14 16:21 66:13 73:23 75:1 76:24 158:18 299:3 <b>dates</b> 79:19 <b>day</b> 1:15 113:2	125:15 126:23 127:3 128:4 141:3 149:20 150:5,19 151:2 151:2,3 152:18 153:3,10,11 156:10 161:18 169:6 233:6,8 242:10 316:14 <b>de</b> 136:13 <b>deactivated</b> 276:23 <b>deal</b> 169:5 <b>dealing</b> 227:9 <b>dealt</b> 248:11 <b>debris</b> 294:17 <b>decades</b> 10:5,8 <b>December</b> 10:14 77:1 <b>decide</b> 197:15 <b>decided</b> 161:5 169:24 <b>decision</b> 27:10 <b>deemed</b> 263:2 <b>defended</b> 31:24 <b>Define</b> 187:13 <b>definitely</b> 97:24 258:10 <b>definition</b> 185:21 <b>degrading</b> 20:21 <b>deleterious</b> 294:17 <b>delivery</b> 77:1,18 <b>demonstrative</b> 181:16,21 182:4,8 205:13 <b>denied</b> 101:8 111:15 180:14 180:16 203:20 265:6 <b>dense-graded</b> 283:17 <b>department</b> 238:6,8 248:11 <b>depending</b> 129:19 134:5	223:18 <b>depends</b> 31:2,10 164:7 174:18 <b>depiction</b> 52:6 <b>deployed</b> 293:15 294:2,4 <b>deployment</b> 294:14 <b>depose</b> 229:16 <b>deposed</b> 50:14 51:4 61:23 220:9 264:24 <b>deposeth</b> 8:20 33:5 172:20 <b>deposition</b> 51:9 52:3,4,9,11 57:3 62:1 97:22 98:4,5 98:24 220:13 265:3 267:8 <b>derivative</b> 39:4 <b>describe</b> 110:19 170:5 194:8 257:20 276:22 297:14 303:9 305:1 <b>described</b> 10:24 105:20 166:21 257:21 <b>describing</b> 216:4 221:24 <b>description</b> 10:18 17:17 23:5,6,23 77:17 151:1 212:19 213:3 215:4,5 252:11 252:13 283:16 305:21 312:21 <b>descriptive</b> 25:5 <b>design</b> 290:7 <b>designed</b> 103:2 103:6,19 104:5 <b>details</b> 154:19 244:5 <b>detected</b> 20:15 20:19	<b>detection</b> 19:3 235:12,13,15 299:21 300:8 <b>determine</b> 20:20 60:14,22 61:16 198:22 <b>determined</b> 13:15 <b>determining</b> 176:9 178:2,9 246:8 <b>develop</b> 33:19 121:22 <b>development</b> 94:22 <b>dewater</b> 217:17 <b>dewatered</b> 16:7 159:12 277:7 <b>dewatering</b> 260:16 278:22 <b>diagrams</b> 291:17 <b>diesel</b> 220:21 221:1 <b>different</b> 33:18 41:14,15 45:8 55:20 79:19 115:6,6 121:6 158:16 179:7 186:3 193:14 198:21 199:2,8 212:12 226:6 228:3,5,7 229:6 238:5 249:3 252:4,4 263:24 266:15 290:7 303:17 <b>difficult</b> 120:10 140:24 153:8 186:5 202:22 306:12,19 309:17 <b>difficulty</b> 304:11 304:13 <b>dig</b> 234:16 <b>digging</b> 284:2 <b>digits</b> 19:18,19
---	--	---	--	--

<b>dimensions</b> 277:19	105:4 144:16 242:3	275:6,7,14,18 277:15 280:9	287:5	<b>drop</b> 135:12 163:8 262:15
<b>direct</b> 4:9,16,21 5:8 19:17 91:23 151:11 161:15 184:15 203:8 220:12 254:21 255:17 256:2 274:9 279:6	<b>discussion</b> 100:21 105:17 138:8 145:19 235:5 259:22 260:4,18 302:1	280:20 281:19 282:1,5,20 283:1 285:6,7 285:20 286:21 286:22 287:2 287:21 288:2 291:1 292:5,6 295:22 298:23 299:24 300:1 301:11,12 302:16 303:2,4 303:15,16 306:5 307:13 309:2 310:20 312:8,12	<b>dredge</b> 58:20 154:1 159:11 162:12,15 170:24 171:1 239:10 283:24 <b>dredged</b> 14:5,9 14:17,23 117:3 117:5 130:9,9 136:18 162:16 162:18 163:2 166:11 167:3 170:19 221:10 221:16,17 223:19,24 224:14,18	<b>dropped</b> 163:9 <b>drudging</b> 284:5 <b>drum</b> 168:20 <b>dry</b> 17:21 18:4 144:11 165:11 166:14 258:19 258:22
<b>directed</b> 276:20 <b>directing</b> 9:14 19:20 <b>direction</b> 21:3 316:12 <b>directly</b> 43:11 108:12 120:24 248:11 249:2 277:5	<b>disposal</b> 18:21 <b>disposed</b> 15:5 17:21 18:3 <b>distance</b> 127:16 233:7 <b>distributed</b> 163:14 <b>distribution</b> 107:16 108:3,5 108:7,10 163:21 <b>divide</b> 163:18 <b>docketed</b> 8:8 <b>document</b> 12:7 29:15 54:5 66:7,14,17,21 73:19 74:8,15 75:1,2 76:19 77:2,4,8 79:4 79:18 83:9 86:3 88:11 93:7 101:13 104:21 105:3,5 106:3 110:18 111:19 119:8 136:5,5 140:21 143:13 147:17 181:20 195:3 195:24 196:16 197:9 199:14 200:11 211:18 214:5,19,21 215:16 216:21 225:1,2,9,20 226:15 227:18 227:22 233:16 237:5 240:1 242:14 251:22 254:23 255:21 270:2 271:10	<b>documentation</b> 255:8 <b>documents</b> 101:17 119:12 132:13 180:8,9 192:16 194:19 225:24 229:4 232:17 252:2 291:6,9 293:5 295:16 296:2 303:19 309:14 <b>doing</b> 8:14 91:23 151:5 165:19 175:17 177:11 203:14 226:21 232:22 274:9 305:15 <b>Donald</b> 244:7 263:11 <b>double</b> 28:9 <b>draft</b> 19:15 <b>drain</b> 138:22 <b>drainage</b> 137:22 <b>drained</b> 130:9 162:5 <b>draw</b> 51:7,8 61:24 66:20 <b>drawings</b> 141:24 198:21 199:2 277:18	<b>dredging</b> 36:14 36:18,22 37:17 58:10,12 59:4 59:8,13,18,23 60:6 115:16 116:20 117:22 118:3,6 130:17 130:19 131:1 131:18 132:8 144:11,13 156:1,7,12 159:9 160:10 160:13 162:10 162:22,24 163:3 164:2,3 164:6,12 165:5 170:21 171:6 216:16,23 217:1,16 221:7 221:21 222:4,8 224:1,3 236:16 242:4 311:17 311:18,21 <b>dried</b> 139:1,15 <b>drive</b> 2:6 114:4 114:22 116:8 117:21 118:17 153:9 165:16 171:15 223:7 <b>driving</b> 131:13 165:19,23	<b>drying</b> 144:13 <b>Dubin</b> 2:6 4:9 4:11,17,21,23 5:1,3 30:3,6,7 30:9 31:14 32:13,14,17 33:7 39:13,21 40:8,9,10,18 40:19 41:18,23 42:8,17,20 43:5 44:15,16 44:17 45:13,14 45:16 46:4,7 46:14,17 48:10 48:11,14 50:24 51:2,3,11,16 51:17,18 53:18 53:20 54:3,8 55:13 59:15,16 59:17 62:14 63:4,8 64:18 64:19 65:19 66:4,10 68:3,6 68:7 69:11,14 71:13,21 72:1 72:8 73:10,22 74:24 75:1,10 75:13,16,17,21 76:22 77:11,13 77:21,22 78:20 79:1,7,16,23 80:7,12,14,21 80:22 81:1,8,9 81:10 82:23 83:6,12 85:7 85:12 86:6,12 86:15 88:1,9 88:14 89:16
<b>discarded</b> 80:4 <b>discharged</b> 265:17 <b>discharges</b> 19:4 215:1 256:17 <b>discovered</b> 13:10 26:14 90:12 <b>discretion</b> 32:10 <b>discuss</b> 12:19 27:19 37:18 72:9 74:1 75:22 100:23 221:7 228:20 235:9 <b>discussed</b> 37:16 56:13 71:22 87:17 93:19 161:24 231:10 241:16 262:12 298:7 315:17 <b>discusses</b> 230:13 242:23 <b>discussing</b> 26:11 97:24 98:2				

91:3,22 92:1,4	189:9,22 190:1	248:4 250:2,8	158:9 207:11	100:22 101:12
92:6,7 93:11	190:5,11 191:1	250:9 254:1	207:23 210:3,7	102:3,5,12
95:11 96:4,14	191:16,20,23	255:13,20	210:12 314:19	103:1,14
96:20,21 97:2	191:24 192:4,9	257:12 261:13	314:20	105:13,15,18
97:12,20 98:19	193:8,12,18,24	263:8 264:14	<b>.dumps</b> 146:16	105:20 106:15
98:22 99:1,9	194:1,13	264:23 265:8	<b>dumpster</b>	106:16,16,17
99:15 100:1,5	195:10,12,20	265:12,13	146:19,20	106:21 107:5,6
100:8,15,17	196:2,7,11,18	266:12,22	<b>Dunaway</b> 16:22	107:8,12 109:3
101:9,18,22	196:19 197:3	267:13,22	16:24 18:17	109:5,13,14
102:1 104:2,13	197:10,16	268:2,5,11,13	<b>duration</b> 257:6	110:4,20
104:18,24	198:10 199:7,8	268:17 269:10		111:24 112:4,6
105:4,9,10,19	199:10 200:6	269:12 270:5,8	<b>E</b>	112:13,16
105:24 106:11	200:18,22	270:10 271:1,6	<b>E</b> 2:1,1,2 4:1	113:1 125:18
106:12 107:1,3	201:7,18 202:6	273:2,3,5,12	5:10 8:21 22:2	125:20 126:10
109:2,4 110:10	202:9 203:21	273:24 279:12	22:2,2 33:6,6	136:21 137:14
111:16,22	204:1 205:6,8	280:1 281:14	125:4 152:1,1	138:8,12,18,22
112:21,22,23	205:12,17,21	284:18,19	152:1 159:6,6	144:16 145:22
114:2,9 115:13	206:14,16	286:13 287:1	161:20,20	146:1 147:12
117:1,15	207:21 208:3	287:12,24	170:16 173:1,1	148:7,15,21
118:23 119:5	208:17,24	288:5,19	247:1 263:7,7	149:15 157:19
119:19,21	209:3 210:1,20	289:14 291:4	263:7 268:15	158:7,18
120:6,12,16,19	211:9,10,21	291:23 295:4,6	268:15 269:11	195:21 196:3,3
121:14,17	212:2 213:13	299:16 301:4	269:11 271:13	196:6,8,8,21
122:18 123:4	213:21 214:3,8	302:12 306:2	271:13 273:4,4	197:11,18,19
123:13,16	215:8,13,19	306:11,17	273:13,13	198:5,9,19
124:2,11 130:1	216:9,10,18,23	307:2,6,11	275:1,1 293:7	200:8,17 201:2
130:17 145:20	217:5,6 218:3	308:12,15	<b>e-mail</b> 9:1,6,15	215:21,23
151:22 152:2	218:4,12,17	309:6 310:3	9:23 16:21	216:5,7,12
152:21 153:1	219:14 221:12	311:7,11	17:19,24 19:9	225:10 226:6,8
157:6,11 159:1	221:13 224:23	313:10 314:12	29:13 35:5	226:24 228:1,6
159:4 160:5,20	225:5,11,13,14	314:13,18,22	53:21 54:12,14	228:21 229:5,8
160:21 170:14	225:18,23	315:23	54:20,24 55:2	229:23 230:5
170:15,17	226:11 227:14	<b>due</b> 51:24	56:2,13 57:12	230:10,13
171:18 172:1,7	227:24 228:19	<b>duly</b> 8:19 33:4	72:3 79:9 80:2	231:4,10 232:7
172:8,13 173:2	228:24 230:1,3	172:19	80:2,4 81:12	232:22 233:24
173:10,13,19	231:2 232:1,16	<b>dump</b> 115:11,14	81:16 82:6,11	234:2,5,19
174:9 175:4	233:2,11,12,20	115:19 116:7	83:14,18 84:19	237:19 238:23
176:14 177:15	233:22 234:12	116:13,15,19	85:20,22 86:7	240:5 248:1,9
177:16 179:20	236:19 237:1,8	116:22 117:2,5	86:8,16 87:17	259:23 260:11
180:1,15,21	237:13,17	117:6,8,14,21	87:18 88:15,16	262:4 270:11
181:1,15,23	238:19 239:15	118:19,19,20	88:17,18 89:4	270:15 272:6,9
182:6,10,13,14	239:20 240:4	155:10 164:23	89:18,21,22	273:19
183:1,13	241:6,18 242:1	165:2	90:5,11 93:6	<b>e-mails</b> 34:14,14
184:16,20	242:9,11,18	<b>dumped</b> 89:7	93:12,17 94:2	34:21,23 35:3
185:3,23 186:2	243:21 244:14	90:4,9,12	94:4,8 95:1,17	79:21,24 86:19
186:10,11	245:2,7,15,19	145:21 158:11	97:17,24 98:17	86:22 87:2
188:1,24 189:2	246:11,14	<b>dumping</b> 158:1	98:20 99:20,21	93:14 98:21

105:11 110:17	<b>effective</b> 44:19	<b>employment</b>	308:5,6 311:24	<b>ESA's</b> 24:9
125:15 126:5	61:2,5 65:11	191:5 251:10	<b>entire</b> 68:15	<b>especially</b>
136:20 148:5	178:9	268:19 282:23	83:2 105:5	229:11
178:18,20	<b>effectively</b>	314:21	106:14 116:16	<b>establish</b> 20:5
197:6 198:2,4	217:18	<b>emptied</b> 11:17	139:7 223:16	20:11
200:13 226:6	<b>efforts</b> 227:13	13:23	251:10 295:14	<b>established</b> 43:1
228:13,24	<b>eight</b> 199:16	<b>empty</b> 149:9	<b>entirety</b> 303:16	45:9 203:10
229:1 241:14	295:19	<b>encountering</b>	<b>entitled</b> 8:5	216:20,24
287:12	<b>Eighty-seven</b>	230:16	93:12 254:23	247:4
<b>E-N-S-R</b> 180:11	51:17	<b>end-loader</b>	<b>entries</b> 23:5	<b>establishment</b>
<b>earlier</b> 93:17	<b>either</b> 73:1 99:6	118:7,8,9	<b>envelope</b> 26:22	42:24
161:16,24	108:10 120:4	155:15 165:10	<b>environment</b> 1:5	<b>estimates</b> 272:21
164:9 168:11	188:11 189:20	<b>ended</b> 28:7	8:7 170:9,10	<b>evaporated</b>
203:18 205:14	190:17 196:14	<b>ends</b> 38:21	<b>environmental</b>	268:10
275:13 298:13	220:5 284:3	132:8 154:18	1:3 2:5,9 8:5	<b>evaporation</b>
304:19 307:20	308:24	<b>Energy</b> 81:23	27:4 88:21	265:16
311:15 314:18	<b>electrical</b> 35:22	172:9 174:4	175:10,19,23	<b>evening</b> 315:21
<b>early</b> 271:18	283:4	<b>engineer</b> 246:5	176:16 179:17	<b>evenly</b> 163:14
<b>ease</b> 274:11	<b>elements</b> 177:10	296:14	179:22 293:3	<b>event</b> 256:20,24
<b>easier</b> 181:7	<b>elevation</b> 85:16	<b>engineered</b>	315:5,7	<b>events</b> 105:20,22
<b>easily</b> 222:24	138:18 245:24	265:17 279:3,5	<b>EPA</b> 16:12,16	<b>everybody</b> 29:9
223:1 283:18	246:3	<b>engineering</b> 9:7	16:22 19:16	161:6,6 223:14
283:21	<b>else's</b> 229:7	26:16 33:13,16	21:15 53:9	<b>everybody's</b>
<b>east</b> 2:6 38:8,11	<b>emissions</b>	66:13 156:19	214:14 259:3	242:10
43:16 47:2,4,8	166:15	156:20,22	273:11,16	<b>everyone's</b>
47:16,19,20	<b>employed</b>	158:5 255:7	282:7 288:3	235:19
49:12,22 50:12	174:18 175:6,7	291:9,16	290:10,18	<b>evidence</b> 48:8,13
50:17 52:21,22	183:5,10,15,17	297:16 303:13	<b>EPA's</b> 19:22	71:15 78:21
55:3,19,20,24	183:18,21,22	<b>engineers</b> 33:17	20:4,10 21:3	81:4 82:24
56:7,9 68:21	190:23 192:17	35:15 296:5	21:10	85:8 88:3 91:4
69:1,2,7 70:12	203:15 204:8	<b>ENSR</b> 24:14,18	<b>equal</b> 315:6	100:18 104:14
72:12 73:2	206:5 229:12	180:11	<b>equipment</b>	119:1 143:23
76:6,8 77:24	250:21 259:9	<b>ensure</b> 65:6	17:21 78:11,14	144:20 147:13
78:3 82:4	282:12	143:8 166:18	78:15,17 82:2	181:20 182:4
83:22 85:18	<b>employee</b> 30:21	176:5,20 239:9	90:13,14 91:1	213:15 215:9
86:8 87:16	74:10 81:20	294:20 303:19	118:5,10 127:3	216:19 218:13
103:1,8,18	88:24 93:23	314:5	134:22 153:4	228:17 229:21
127:11 133:7	112:9 172:4,9	<b>ensuring</b> 142:18	154:12 168:15	232:3 236:20
141:23 143:22	175:2 202:19	175:21	222:22 236:1,8	239:16 241:19
144:17 167:16	248:13 310:6	<b>entail</b> 175:20	236:13 249:22	245:8 255:17
<b>edge</b> 132:5	<b>employee's</b>	<b>enter</b> 118:3,24	249:22 261:6	271:2 288:1
155:14 171:13	158:4	164:11 213:14	284:1 293:9,11	295:3 306:19
<b>edges</b> 150:11	<b>employees</b> 61:1	215:9 216:19	293:14 305:10	309:8,12 310:9
297:21 305:7	83:14 84:2	218:13 232:2	305:11	<b>Evidently</b> 30:19
<b>effected</b> 84:3,8	147:4 240:6	271:2	<b>erosion</b> 67:4	<b>exact</b> 154:19
84:21,23 85:4	<b>employer</b>	<b>entered</b> 180:12	70:19,23,24	218:21 219:6
85:6	174:11 203:12	<b>entering</b> 164:10	143:9	<b>exactly</b> 14:1



58:2 70:21	73:18,20,23	247:13 251:18	236:5 313:11	<b>fair</b> 128:10
90:8 124:2	74:5 75:9	253:11 255:14	<b>experts</b> 236:10	157:6 189:22
272:23	76:17,18,20	256:10 258:23	<b>explain</b> 56:20	228:20 249:5
<b>Examination</b>	78:21,24 79:3	258:24 259:19	61:11	304:23
4:5,9,11,16,21	79:5,8 80:11	260:8 261:1,2	<b>explained</b>	<b>Faith</b> 2:2 27:9
4:23 5:1,2,3,4	80:14,15,20,23	263:11 266:6	134:21	29:22
5:8	82:24 83:1,5,8	269:4,19,20	<b>expose</b> 130:10	<b>fall</b> 35:20 49:11
<b>example</b> 17:12	83:10 85:8,11	270:3,8,9	<b>exposed</b> 13:24	171:14
<b>excavator</b> 58:14	86:2,4 88:2,8	271:2,5,16	16:1,4,6,10	<b>fallen</b> 67:2
58:17,18 59:3	88:10,12 91:4	275:4,8 281:16	160:4	<b>falling</b> 71:9
<b>excavators</b>	91:7 93:5,8	281:22 282:2	<b>exposing</b> 133:7	163:11
58:20,24	100:18 101:4,6	285:1,4,8,18	<b>expressed</b> 94:10	<b>familiar</b> 38:15
<b>exceeding</b>	101:11,14	285:21 286:19	167:1 261:5	40:23 41:19
293:12,13	104:14,17,20	286:23 288:11	<b>extent</b> 181:10	43:12 49:4
<b>excellent</b> 13:7	104:22 105:11	290:22 291:2	233:4	54:9,12 58:10
<b>exchange</b> 198:4	110:11 111:7	292:1,4,7	<b>extra</b> 133:22	60:2 61:8 65:5
198:9	111:11,13,18	295:6,23	238:7	66:14 67:17
<b>excuse</b> 19:19	111:20 118:22	298:13,18,19	<b>extract</b> 202:22	77:2 81:11
42:15 92:4	118:24 119:4,6	299:22 300:2	<b>extraneous</b>	83:13,17 86:16
128:11 182:7	119:9 123:18	301:6,13	29:16	88:18 94:1
225:12 249:10	123:19,21	302:14,17	<b>extremely</b>	96:23 97:4
303:23 307:17	124:10 132:15	303:5 306:6	240:11,12,13	102:2 109:17
<b>executives</b> 93:2	132:19,23	310:9 312:9	240:17	112:3 113:20
122:14	133:6 136:2	314:15		122:1 123:1
<b>Exelon</b> 175:7,9	138:6 139:21	<b>Exhibit's</b> 245:6	<b>F</b>	137:12 162:9
175:14 203:12	143:11 144:15	<b>exhibits</b> 26:17	<b>F</b> 28:5 269:11	182:1 185:7,17
<b>Exemplary</b>	145:18 147:16	128:8 227:8,8	271:13 273:4	187:4 190:15
315:4	147:24 149:11	227:10 269:23	273:13	195:21 201:8
<b>exhibit</b> 5:14,15	157:18 158:19	274:12,13,15	<b>facilitate</b> 248:24	201:19,23
5:16,17,18,19	179:21 180:3	286:15	<b>facilities</b> 74:11	204:2,3 207:14
5:20,21,22,23	181:24 195:1,4	<b>exist</b> 108:9	<b>facility</b> 125:7,12	207:19 210:11
5:24 6:1,2,3,4	205:16,16,17	<b>existed</b> 44:4	187:2 247:10	215:20,22
6:5,6,7,8,9,10	211:16,19	242:7 280:19	259:13	231:3 233:23
6:11,12,13,14	213:14,20,23	281:5 297:21	<b>fact</b> 18:8 37:4	234:22,23
6:15,16,17,18	214:6 215:9,12	<b>existing</b> 12:6	62:24 65:21	249:21 251:1,2
6:19,20,21,22	215:15,17	84:18 85:1	97:4 98:14	253:22 254:6,8
6:23,24 7:1	216:19 218:13	102:14,21	119:16 128:20	254:10
8:24 10:13	218:16 225:1,3	104:8 198:20	131:2 141:12	<b>far</b> 45:4 92:23
12:4 16:20	232:2 233:14	<b>exists</b> 45:6 97:5	159:22 178:4	117:7 137:17
19:14,14 22:4	233:14,17,21	<b>exiting</b> 312:2	251:2 257:5	140:17,18
23:20 24:10	236:20,23	<b>experience</b>	262:14 286:9	154:4,6 155:4
26:11 28:5,22	237:3,6 239:16	135:19 284:7	308:17 309:7	156:23 203:9
29:1,13,21	239:19,22,23	<b>experienced</b>	309:24	248:21
53:15,17,19,21	240:2 241:19	56:5 284:3	<b>factors</b> 162:12	<b>farm</b> 220:22
54:6 66:6,8	241:22,22	<b>experiencing</b>	162:19 163:11	<b>fashion</b> 309:9
69:16 71:15,20	242:13,15	94:11	<b>facts</b> 17:9 48:7,8	<b>faster</b> 242:10
71:23 72:2,7	245:8,11	<b>expert</b> 137:9	48:12 250:9	<b>fax</b> 299:3

<b>fbugel@gmail...</b> 2:4	80:18 241:3	<b>fly</b> 14:19 17:15	157:20 200:15	246:21 263:1
<b>fear</b> 234:13,17	<b>finished</b> 124:12	17:19,21 89:4	<b>found</b> 13:13	<b>front</b> 118:11
236:2 259:23	124:14 139:9	90:12 145:20	18:13 26:16	132:13 133:4
<b>fears</b> 241:10	151:10 185:4	145:21 157:19	258:2 300:17	151:1 180:2
248:1	<b>finishing</b> 136:9	158:1,11 249:1	<b>foundation</b> 40:6	205:4 211:15
<b>February</b> 85:19	136:13,17	<b>folk's</b> 117:19	41:16 42:3,23	213:22 215:14
<b>feel</b> 226:3	<b>firm</b> 156:20	<b>folks</b> 40:11	44:13,24 48:13	224:24 228:5
228:17 229:20	<b>first</b> 8:19 9:15	181:7,16 223:9	63:2 95:8	233:13 237:3
235:22 265:20	23:8 33:4	234:4	96:17 121:9	239:22 242:12
284:3	38:14 70:4	<b>follow-up</b>	181:10 192:8	251:21 269:19
<b>feet</b> 9:24 127:18	81:16 88:16	126:10	193:17 199:5	300:14 305:14
127:20 132:7	89:4 90:11	<b>following</b> 26:5	203:23 209:20	312:14
142:13,14	93:14 94:12	52:4 64:21	219:10 243:19	<b>fuel</b> 35:21 90:13
<b>fell</b> 67:11	106:15,16	75:19 91:10,17	250:2 264:22	90:14,24,24
<b>fence</b> 132:3	107:5 112:24	98:9 99:13	<b>four</b> 19:18 20:7	221:1
143:5	113:14 144:9	123:9 124:23	21:2,17 68:23	<b>fuels</b> 248:10
<b>field</b> 212:7,7,13	159:12 164:23	151:12,19	118:10 163:3	<b>full</b> 216:6 217:8
212:15,19,20	172:19 173:14	160:8 161:2,9	170:21 203:17	243:7 259:12
212:21 213:2	184:7 228:8	196:12 198:4	225:9,20 265:9	302:6
296:6,7,13,24	234:19 235:22	200:2 211:6	265:12 275:18	<b>function</b> 201:11
297:1,16	243:7 263:10	230:9 246:16	283:5,9 285:18	<b>further</b> 5:1,2,3,4
298:17 299:10	277:19 287:3	257:19 274:5	289:12	21:20 84:15
<b>fifth</b> 19:1	294:10 298:22	287:2 315:14	<b>four-page</b>	160:20,21
<b>figure</b> 25:10	298:23 299:1	<b>follows</b> 8:20	199:14	200:11 259:17
172:15	300:16,17	33:5 172:20	<b>four-wheeler</b>	268:11,13
<b>figured</b> 30:18	305:6	<b>forcing</b> 185:20	113:18,19	269:10 271:6
<b>file</b> 228:9,12,14	<b>five</b> 19:19 33:17	<b>foregoing</b> 316:8	<b>fourth</b> 18:16	272:24 273:12
287:8,9	67:2 80:16	<b>foreign</b> 294:16	66:24	273:23 274:1
<b>files</b> 106:7 229:7	84:2 124:17	294:22	<b>frame</b> 221:11	276:6,18
287:15,18	145:6 163:7	<b>foremen</b> 32:1	<b>Franzetti</b> 2:19	283:15
<b>fill</b> 118:18	286:18 301:24	<b>forever</b> 273:24	2:20 4:4 8:14	<b>fusion</b> 133:24
214:21 298:3	302:2	<b>forgets</b> 29:10	8:22 21:20,23	305:21
<b>filling</b> 272:12	<b>Five-ten</b> 306:4	<b>form</b> 67:23	22:24 23:12	<b>future</b> 93:13
<b>final</b> 18:21	<b>fix</b> 169:21,24	95:16 98:13	24:13 25:20,21	94:10 311:2
231:17 303:11	<b>fixed</b> 259:13	105:24 108:8	26:23 27:8	
<b>finally</b> 13:17	<b>flay</b> 89:7	154:22 179:6	28:4,7,16,19	<b>G</b>
<b>find</b> 101:1 111:8	<b>fleet</b> 92:22	202:2 244:23	29:18	<b>Gale</b> 26:19
111:9 120:5	122:12 175:11	310:10	<b>Fred</b> 88:21	173:22,24
163:20 180:5	<b>flip</b> 243:5,22	<b>formally</b> 174:3,6	147:12	199:16 226:9
186:5	<b>flipping</b> 243:23	<b>format</b> 200:18	<b>Frederick</b> 88:16	226:10,12
<b>finding</b> 22:8	<b>flooding</b> 96:3	<b>former</b> 172:8	88:20	228:8 302:21
<b>fine</b> 23:9,9 29:4	<b>floor</b> 132:8	174:11 175:2	<b>free</b> 226:3	302:23 307:4
120:13 133:5	139:2 168:7	202:18	265:20	<b>gap</b> 51:22 52:1
249:20 274:22	198:20 199:1	<b>forward</b> 241:11	<b>freed</b> 133:22	52:19,23
310:23 311:11	199:12	<b>forwarded</b>	<b>frequently</b>	<b>garbage</b> 117:18
<b>finish</b> 54:10	<b>flow</b> 108:5	88:17 89:17,21	170:20	117:19
	<b>flowed</b> 264:7	90:5 110:4,6	<b>friendly</b> 8:14	<b>gates</b> 108:9

<b>gather</b> 272:16	34:10 40:12	116:6 166:22	29:3,4 32:8	<b>greg.wannier...</b>
<b>gathered</b> 114:19	45:18 46:15	224:8 270:21	84:20 85:21	2:17
<b>Gaynor</b> 53:22	53:10 59:10	<b>give</b> 53:23 79:14	91:13,20,20	<b>grit</b> 18:7,13
54:15,17,18	74:11 77:5	89:22 101:21	98:12,17 111:2	<b>ground</b> 39:9,15
72:4 93:15,20	81:20 82:1	104:24 111:23	111:6 115:4	40:1,4 89:7,10
99:3,5,22	87:9 89:1,2	180:6 195:13	120:3,15 121:8	90:5,6,13 95:6
102:6,9 136:21	94:15,17,20	231:5 234:4	128:21 132:16	95:14 96:6,16
137:1,4,8,16	106:6,19	237:9 240:7	152:13 155:23	96:24 97:11,15
<b>Gaynor's</b> 94:8	109:23 112:10	242:19 270:6	158:15 161:15	98:11 99:18,19
95:1 99:21	154:9 170:23	293:19 309:12	165:22 168:22	108:22 135:15
<b>Gen</b> 9:8 10:19	172:9 174:1,7	<b>given</b> 150:17	179:20 182:3	138:15 142:6
11:15,20 12:11	175:16 176:24	202:16,18	182:20 184:12	146:16 155:17
16:13,17,23	178:15 180:11	283:12	188:24 198:7	158:2 267:3,4
18:9,18 19:16	198:13 202:12	<b>glasses</b> 133:2	203:16 216:21	293:12
19:24 20:5,21	202:19 204:10	<b>go</b> 26:1 41:15	224:24 232:5	<b>grounds</b> 30:14
21:1,17 29:19	206:6 212:10	75:13 81:8	234:15 239:4	31:15 158:9
92:22 93:22	218:19 237:24	86:13 91:8,12	239:21 241:10	<b>groundwater</b>
120:13 125:7	240:6 254:24	91:13,20 99:9	241:11,13	19:23,24 20:12
160:9 170:3	269:14 283:5	101:23 106:12	245:12 246:21	20:20 21:1,4,7
204:8 209:8	287:16,19	108:14 111:6	249:11 254:20	21:12,16 26:14
240:6 248:12	315:1	123:4 127:5	256:2,10	53:11 54:21,22
253:12 254:22	<b>generic</b> 17:17	128:3 132:12	261:24 267:10	56:5,13,14,17
259:20 260:9	<b>gentlemen</b> 91:21	134:13 141:1,4	267:15 268:8	97:5 102:13,20
261:2 281:22	<b>geocell</b> 201:23	151:16 154:12	269:19 272:2	137:8 138:9,13
281:22 282:13	202:1 203:22	155:14 160:22	289:19 300:20	213:5 218:19
286:19,19	204:2,4,9,10	166:2,23,24	300:24 305:2	218:23 246:7
288:16 290:22	204:15 231:15	167:7 171:13	306:14 307:7,7	<b>Group</b> 28:5
290:22 291:22	302:4	187:1 194:18	314:9	263:4 315:20
299:22	<b>geocells</b> 201:9	223:4 245:12	<b>good</b> 8:1,23	<b>guarantee</b>
<b>Gen's</b> 15:5,20	201:11,19	246:14 248:22	13:18 45:4	233:10
<b>general</b> 37:19	<b>geomembrane</b>	258:11 271:9	277:9 297:4,7	<b>guess</b> 48:21
60:13 63:24	41:19 42:2,10	273:24 274:2	304:10 315:21	50:13 113:23
97:3,4 109:20	43:7 47:13	274:13,16	<b>gosh</b> 225:14	117:7,16 157:4
115:9 117:13	113:11 230:15	277:6 284:23	<b>gradient</b> 20:6,16	181:9 219:8
122:5,22 169:1	234:23,24	286:18 293:23	20:18,19 21:9	243:22 271:9
223:5 235:2	235:7 236:5	294:8 306:21	21:10	<b>guessing</b> 41:3
285:24 309:14	293:11,16,20	310:21 315:12	<b>grading</b> 113:20	44:8
<b>generally</b> 10:21	294:2,5,7,12	<b>goes</b> 17:20 104:9	<b>granted</b> 31:21	<b>guys</b> 30:19
49:7 60:1 77:3	294:14,21,24	106:9 111:8	286:9,10 288:4	39:14 83:21
117:20 118:17	300:18 305:7	154:20 155:18	288:6 290:10	101:19 180:4
131:8 297:14	305:11	159:11 166:21	<b>grass</b> 142:2	202:12
303:9	<b>geotextile</b> 113:8	253:18 283:11	<b>gravel</b> 23:9	
<b>generated</b>	113:11 150:6	297:24	135:10,11	<hr/> <b>H</b> <hr/>
162:21	150:22 151:6	<b>going</b> 10:12	155:13	<b>H</b> 5:10 269:11
<b>Generating</b> 25:4	154:20 305:5	11:12 13:2,3	<b>great</b> 13:3 77:21	271:13 273:4
<b>generation</b> 1:8	305:11	14:13,23 19:17	124:19 233:11	273:13 293:23
8:8 30:22 34:7	<b>getting</b> 57:6	24:9 28:9,12	<b>GREG</b> 2:15	<b>half</b> 127:13,21

127:24 160:3	123:6,11,14,23	232:4,10,12,24	<b>handwriting</b>	240:11 258:13
164:6 170:24	124:3,8,13,17	233:9 234:10	291:12,13	<b>he'll</b> 165:13
171:1 288:22	124:20 125:1	236:22 237:11	<b>Hanrahan</b> 93:16	<b>head</b> 60:9 72:23
289:2	132:18,21	237:15 239:18	<b>happen</b> 105:13	117:10
<b>halfway</b> 158:7	147:21 151:13	241:21 242:17	134:22 153:21	<b>heading</b> 222:23
205:23 226:7	151:16,21	244:12,24	153:23 157:24	300:15
<b>Halloran</b> 1:13	152:23 157:7	245:10,17	259:6	<b>hear</b> 32:6 65:15
8:1,2 21:22	159:3 160:19	246:13,18	<b>happened</b> 50:15	<b>heard</b> 41:21
25:19,22 26:3	160:22 161:4	247:14,17,21	58:6 60:11	109:8 178:24
26:9 27:17	161:11 170:13	248:6 250:3,7	111:4 141:3	179:10 207:22
28:13,24 29:6	171:20,22	250:12 254:3	226:19 263:14	210:12 232:5
29:9,20 30:5,8	172:6,11,14,21	255:18,23	268:6	245:24
30:11,15,18,23	173:8,11,17	256:4,6 257:16	<b>happening</b>	<b>hearing</b> 1:12,13
31:7,12,17,20	174:14,24	261:15,19	50:11,23 151:7	8:1,3,11 17:3,6
32:4,8,12,16	176:12 177:14	262:22 264:11	160:13 264:16	21:22 25:19,22
32:21 39:17	179:18 180:13	265:6,11	297:15 304:4	26:3,9 27:17
40:7,16 42:4	180:16 181:13	266:10,18	<b>happens</b> 121:13	28:13,20,24
42:15,18,21	182:3,7,11,22	267:20 268:3	128:19	29:6,9,20 30:5
43:3 44:14,22	183:11 184:14	268:12 269:9	<b>happy</b> 82:8	30:8,11,15,18
45:3,12,24	184:23 186:9	269:24 271:4,7	267:6	30:23 31:7,12
46:5 48:9,12	187:22 188:23	271:11 273:1	<b>hard</b> 29:11	31:17,20,21,22
51:1,15 54:1	189:19,23	273:22 274:2,7	120:8 306:10	32:4,8,9,12,16
59:14 62:12	190:3,6,20	274:21 279:14	<b>harmful</b> 294:15	32:21 39:17
63:6 64:13,17	191:22 192:2	280:3 281:15	<b>Harvey</b> 27:2	40:7,16 42:4
65:14,17,23	193:3,10,23	284:17,20,24	<b>hauling</b> 114:13	42:15,18,21
68:5 69:12	194:4 195:8,15	286:14 287:22	<b>Hayes</b> 83:21	43:3 44:14,22
71:16,19,24	195:18 196:17	288:12,23	87:6,11,13	45:3,12,24
72:6 74:2,7,17	197:13 199:6	289:4,6,18	<b>hazardous</b> 314:4	46:5 48:9,12
74:23 75:5,15	199:22 200:4	291:24 295:5	314:6	51:1,15 54:1
77:10,19 78:23	200:20,23	299:17 301:5	<b>HDPE</b> 40:24	59:14 62:12,20
81:2,6 83:4	201:5,16 202:4	302:13 305:24	41:2,7,10,24	63:6 64:13,17
85:10 88:4,7	202:7,24	306:3 308:13	42:9 43:6,10	65:14,17,23
89:14 91:6,12	203:16 205:10	308:23 309:23	43:16,24 45:7	68:5 69:12
91:19 92:3	205:15,18	310:8 311:1,13	46:10,23 47:9	71:4,16,19,24
95:9,21 96:9	207:16 208:7	313:12,17	47:11,14,22	72:6 74:2,7,17
96:18 97:7,18	208:12,16,22	314:11,14	48:5,16 58:3,4	74:23 75:5,15
98:18 99:7,11	209:1,22	315:11,16	72:21 73:1,2	77:10,19 78:23
100:12 101:1,8	210:18 211:3,8	<b>hand</b> 8:15	73:12 78:4	79:17 81:2,6
103:24 104:16	211:23 213:16	101:19 172:16	116:2,4 145:2	83:4 85:10
105:8 106:4,10	213:19 215:11	<b>handing</b> 301:9	150:2,23	88:4,7 89:14
106:23 108:24	216:8 217:3	<b>handle</b> 159:16	154:18 167:16	91:6,12,19
110:14 111:5	218:1,15	<b>handled</b> 17:12	167:24 169:11	92:3 95:9,21
111:15 112:20	219:12 224:21	17:14,15 18:4	190:15,18,24	96:9,18 97:7
113:24 114:7	225:12 226:16	87:12	191:2,8,10,11	97:18 98:18
115:8 119:3,18	227:15 228:16	<b>handling</b> 30:3	191:14 192:12	99:7,11 100:10
120:2,14,17	228:22 229:19	35:21,21 90:13	192:18 194:3	100:12 101:1,8
121:12,15	230:18,24	90:14,16,24	194:21,22	103:24 104:16

105:2,8 106:4	211:23 213:16	313:12,17	26:7,13 27:14	312:10
106:10,23	213:19 215:11	314:11,14	27:15 29:12	<b>identified</b> 24:17
108:24 110:14	216:8 217:3	315:11,16	71:21 123:17	128:11,12
111:5,15	218:1,15	<b>heat</b> 305:17,18	<b>huge</b> 232:18	146:18 193:21
112:20 113:24	219:12 224:21	<b>heavy</b> 235:24	<b>hundred</b> 50:6	275:23 276:9
114:7 115:8	225:12 226:16	236:13 261:6	107:21 132:7	289:12
119:3,18 120:2	226:22 227:4	<b>help</b> 22:8 65:6	158:12	<b>identify</b> 132:8
120:14,17	227:12,15	121:22 132:7	<b>hurt</b> 170:8,10	<b>identifying</b>
121:12,15	228:16,22	168:10 291:18	<b>Hypa-</b> 46:9	313:5,6
123:6,11,14,23	229:19 230:18	<b>helpful</b> 124:16	<b>Hypalon</b> 43:12	<b>IEPA</b> 59:9
124:3,8,13,17	230:24 232:4	132:10	43:14,15,19,23	259:15,18
124:20 125:1	232:10,12,24	<b>helps</b> 22:11	44:4,6,11,18	<b>ignore</b> 80:2,5,8
132:18,21	233:9 234:10	<b>hesitate</b> 244:6	44:18 45:2,19	<b>Illinois</b> 1:1,15
147:21 151:13	236:22 237:11	<b>Hi</b> 30:7,8	45:22 46:24	2:3,7,22 8:3
151:16,21	237:15 239:18	<b>high</b> 96:1 128:14	47:17,19,22	16:12,16,22
152:23 157:7	241:21 242:17	<b>high-density</b>	48:1,5,15	19:16,22 20:4
159:3 160:19	244:12,24	41:4	50:19 52:22	20:10 21:3,9
160:22 161:4	245:10,17	<b>higher</b> 162:12	72:12,17 73:6	21:12,15 31:10
161:11 170:13	246:13,18	<b>highway</b> 171:12	73:12 75:22,24	53:9 174:16
171:20,22	247:14,17,21	<b>historic</b> 314:17	76:7 113:10	175:12 214:14
172:6,11,14,21	248:6 250:3,7	314:20	130:14 150:9	259:3 282:7
173:8,11,17	250:12 254:3	<b>historical</b> 9:21	150:23 169:19	288:3 290:10
174:14,24	255:18,23	10:8 255:7	169:20	290:18 316:1
176:12 177:14	256:4,6 257:16	<b>history</b> 192:6		316:14,22
179:18 180:13	261:15,19	194:8,15,18	<b>I</b>	<b>imagine</b> 75:8
180:16 181:13	262:22 264:11	<b>hold</b> 16:14 79:13	<b>ICR</b> 273:6	<b>immediate</b>
182:3,7,11,22	265:6,11	86:10 101:16	<b>idea</b> 47:1 169:1	31:23
183:11 184:14	266:10,18	107:10 174:23	<b>identifiable</b>	<b>immediately</b>
184:23 186:9	267:20 268:3	186:24 208:10	283:19,21	43:24 47:22
187:22 188:23	268:12 269:9	211:24 269:13	<b>identification</b>	151:11 228:2
189:19,23	269:22,24	269:16 307:4	5:12 54:7 66:9	232:20 294:13
190:3,6,20	271:4,7,11	<b>holding</b> 205:8	73:21 76:21	<b>impacted</b> 131:18
191:22 192:2	273:1,22 274:2	<b>hole</b> 65:10 67:3	79:6 83:11	<b>impeachment</b>
193:3,10,23	274:7,21	67:7 71:7	86:5 88:13	62:11 98:14
194:4 195:8,15	279:14 280:3	<b>holes</b> 65:21 66:2	93:9 101:15	<b>imperative</b>
195:18 196:17	281:15 284:17	131:3 213:4,6	104:23 111:21	217:9,14
197:13 199:6	284:20,24	<b>home</b> 306:18	119:10 195:5	<b>impermeable</b>
199:22 200:4	286:14 287:22	<b>Honestly</b> 56:16	211:20 214:7	18:19
200:20,23	288:12,23	<b>honeycomb</b>	215:18 225:4	<b>implementation</b>
201:5,16 202:4	289:4,6,18	204:6	233:18 237:7	27:5
202:7,24	291:24 295:5	<b>Honor</b> 74:1	240:3 242:16	<b>importance</b>
203:16 205:10	299:17 301:5	<b>Honorable</b> 1:13	270:4 275:9	294:19 315:5,7
205:15,18	302:13 305:24	<b>hour</b> 1:16	282:3 285:9,22	<b>important</b>
207:16 208:7	306:3 308:13	<b>hours</b> 156:9	286:24 291:3	293:21
208:12,16,22	308:23 309:8	257:6	292:8 295:24	<b>impoundment</b>
209:1,22	309:23 310:8	<b>house</b> 97:10	300:3 301:14	10:15 12:5
210:18 211:3,8	311:1,13	<b>housekeeping</b>	303:6 306:7	182:18

<b>impoundments</b> 13:16,19 14:24 17:11 182:15 183:3	<b>indicating</b> 70:18 <b>indiscriminate</b> 158:9 <b>individual</b> 305:20 <b>individuals</b> 53:23 128:2 223:3 <b>infiltrated</b> 95:5 <b>infiltrating</b> 95:6 95:13 97:15 98:6,8 <b>infiltration</b> 94:11 <b>inform</b> 160:16 <b>information</b> 11:1,11 12:9 12:10 13:11 16:22,24 18:23 19:6,11 25:5 93:1 110:19,19 114:20 122:13 186:7 202:22 236:10 252:11 252:14 253:5 264:5 272:7,12 272:15,16 273:8,9,16 287:2 <b>informed</b> 298:3 <b>initially</b> 40:13 164:19 <b>input</b> 303:22 310:16 <b>inside</b> 65:7 187:19 188:2,5 <b>inspect</b> 64:10,23 127:23 128:3 140:2 141:5 152:3,15 157:2 177:18 223:9 223:17,21 294:13 306:21 <b>inspected</b> 126:21 152:18 152:22 153:2 222:15,16,17	222:18,20 <b>inspecting</b> 11:12 12:12 <b>inspection</b> 11:18 11:21 13:24 60:15,24 64:6 66:11 67:5 128:20 153:7,9 177:6 214:10 215:1 224:17 256:17,24 257:2 258:20 294:14 296:22 <b>inspections</b> 60:18,21 61:2 61:5,9,15 64:8 64:22 69:17,20 69:23 126:18 127:8 141:2,8 142:17 157:10 157:13,16 167:4 177:20 177:24 214:16 214:17 222:13 223:8 302:3 <b>inspector</b> 141:8 <b>install</b> 115:20 <b>installation</b> 112:17,19 113:3,6 114:11 114:23 139:12 149:21,24 150:19 164:11 164:18 165:3 231:15,19 235:13 293:14 302:4,7 <b>installation/q...</b> 293:10 <b>installations</b> 114:5 <b>installed</b> 42:1,9 43:6 44:1,7 47:13 58:4 107:23 115:17 137:23 138:23 154:17 191:2	194:10,21,23 213:9 219:23 220:1,3,17 231:21,23 254:11 <b>installer</b> 294:12 <b>installing</b> 113:8 113:9 116:11 138:3 150:2 294:24 305:4 <b>instance</b> 41:20 49:15 <b>intact</b> 167:12 231:21 <b>integrity</b> 2:9 37:3,7 126:14 126:15 231:18 <b>interacted</b> 295:13 <b>interactions</b> 248:21 <b>interests</b> 202:15 202:20 <b>intern</b> 255:4 <b>interpret</b> 148:15 246:7 <b>introduce</b> 269:18 <b>introduction</b> 70:7 <b>invoice</b> 143:13 <b>involve</b> 175:24 175:24 <b>involved</b> 10:20 20:7 21:2,17 36:3,6,8,17,22 36:23 37:13,14 37:16 45:14,15 46:18,20 92:13 92:17,19,20 114:16 121:5 122:7,9 153:17 159:10 177:5 177:17 178:2,8 178:11 248:20 282:15,17 <b>involvement</b>	121:24 <b>involves</b> 86:8 <b>irregularly</b> 253:2 <b>issue</b> 102:16 105:3 111:13 121:19 174:11 174:13,19 178:1 202:15 230:16 231:9 231:12 241:11 258:5,9 259:13 265:1 293:21 <b>issued</b> 53:9 59:9 59:20 <b>issues</b> 33:20 54:21,22 55:17 56:6,11,13 79:19 178:11 200:24 227:9 248:23 249:6 258:2,7 260:6 315:3 <b>issuing</b> 154:5 <b>item</b> 77:17 <b>items</b> 302:1 <hr/> <b>J</b> <hr/> <b>J</b> 3:4 <b>jackhammering</b> 304:5 <b>janitor</b> 31:5 <b>Jeff</b> 197:21 198:12 200:15 228:9,12 <b>Jeffrey</b> 9:1,2 <b>Jen</b> 28:19 <b>Jennifer</b> 2:20 173:22,23 <b>jn@nijmanfra...</b> 2:23 <b>job</b> 34:9,15,24 35:6,12 69:22 145:15 169:8 175:20,24 178:18,21 235:19 262:17
--	--	---	---	---



<b>levels</b> 15:9 20:15 20:17,18 96:1	188:7 190:17 191:7,9,11,14 192:6,13 194:2 194:3	131:3,5 133:8 133:11,20,22 133:24 134:8 134:12 135:7 135:14,18,20 137:4,18 138:3 138:19,23 139:5,10,12,16 139:19 140:23 141:8 142:4,6 144:17 145:7 148:18,22 149:3,20,24 150:3,6,23,23 150:23 152:3 153:14,16,20 154:13,15,18 154:21 155:20 159:20,24 164:22,24 165:3 167:1,9 168:5 169:19 178:3 186:17 191:2 192:19 194:2,9,11,15 194:21,22 213:4,9 224:14 231:18,19,23 234:7 235:1,4 235:7,12,23 240:11,15 242:3 249:17 249:18 252:18 252:21 278:2 281:5 282:7 285:15 286:2 287:6 288:17 290:12 291:9 292:14 296:19 297:8,21 298:8 300:18 301:20 302:6 304:16 305:3,20	37:7 42:1,9 43:1 44:18,19 44:19 45:2 55:19,20 58:12 60:5 64:10,24 72:9 73:5,15 126:13,15,18 126:21 128:13 128:23 143:22 152:17 153:2 164:12 167:24 169:11 178:9 178:12 201:22 217:1 221:20 236:5	<b>location</b> 64:5 84:23 138:23 139:9,10 155:12 207:20 231:13,16 284:6 287:5 297:17 302:7 <b>locations</b> 64:4 130:13 266:15 <b>log</b> 23:1 <b>long</b> 34:2 50:3 129:7 153:24 154:1 163:5 205:5 222:7 242:6 276:13 304:24 <b>longer</b> 105:15 162:21,23 174:21 181:21 183:10 233:5 <b>look</b> 9:21 27:10 31:13 53:24 66:23 70:3 73:24 77:11,15 80:1 94:7 105:10 106:15 107:5 110:5 117:6,17 139:2 139:21 140:22 143:11 144:15 146:6 147:16 150:10 195:14 205:3,22 207:9 207:9 210:4 212:3 216:1 223:17 226:2 226:18 227:24 230:1 233:1 238:24 243:24 255:20 270:7 275:17 277:14 280:8 285:17 287:3 298:9,22 299:21 300:14 301:24 306:24 307:4 309:21 <b>looked</b> 199:14
<b>lift</b> 253:23,23,24 254:7 278:14 278:16,17 281:2	<b>liner</b> 10:16 11:7 12:16 13:18 37:15 39:6 40:24 41:15 42:10 43:2,7 43:10,15,17,23 44:4,4,6,11 45:8 48:5,15 50:8,19 51:21 51:22,23,24 52:2,15,19,22 52:24 54:23 55:1,2,14,23 56:4,10,23 57:12,18 58:3 58:4 59:4,5 60:14,22 61:3 61:6,16 72:12 72:17,22 75:23 75:24 78:1 82:5 83:22 84:5,11,13,15 84:17,18,21 85:1,1,2,4,15 85:16,17 102:14,21 103:1,7,17,20 103:21 104:3,5 104:8,8,10 107:9,11 108:19 109:10 109:21 112:17 112:19 113:2,6 113:10 114:5 114:10,23 116:3,4,11,12 122:6 127:8,12 127:14,17,20 127:21,24 128:5 129:10 129:13,14,16 130:1,6,10,14 130:18,22	131:3,5 133:8 133:11,20,22 133:24 134:8 134:12 135:7 135:14,18,20 137:4,18 138:3 138:19,23 139:5,10,12,16 139:19 140:23 141:8 142:4,6 144:17 145:7 148:18,22 149:3,20,24 150:3,6,23,23 150:23 152:3 153:14,16,20 154:13,15,18 154:21 155:20 159:20,24 164:22,24 165:3 167:1,9 168:5 169:19 178:3 186:17 191:2 192:19 194:2,9,11,15 194:21,22 213:4,9 224:14 231:18,19,23 234:7 235:1,4 235:7,12,23 240:11,15 242:3 249:17 249:18 252:18 252:21 278:2 281:5 282:7 285:15 286:2 287:6 288:17 290:12 291:9 292:14 296:19 297:8,21 298:8 300:18 301:20 302:6 304:16 305:3,20	37:7 42:1,9 43:1 44:18,19 44:19 45:2 55:19,20 58:12 60:5 64:10,24 72:9 73:5,15 126:13,15,18 126:21 128:13 128:23 143:22 152:17 153:2 164:12 167:24 169:11 178:9 178:12 201:22 217:1 221:20 236:5	<b>lines</b> 41:5 77:15 <b>lining</b> 134:3 169:16 204:11 253:15 280:19 <b>list</b> 170:8 309:12 <b>listed</b> 215:24 244:1 <b>lists</b> 77:4 <b>little</b> 23:14 36:19 37:19 38:13 72:10 129:1 134:2 155:21 163:23 163:24 165:12 166:11 205:9 206:2 221:8 266:4 305:14 306:10,19 <b>LLC</b> 1:8 <b>LLP</b> 2:19 <b>load</b> 164:23 165:2,15 312:1 <b>loading</b> 165:13 <b>located</b> 90:15,21 91:1 96:24 107:19 108:21 129:20 209:4 209:15,19 210:21 219:8 219:16,17,21 219:22 220:19 220:20
<b>lifts</b> 254:12 277:23 278:11 280:16 281:2 304:19,20,21				
<b>lighter</b> 17:20				
<b>limestone</b> 116:1 116:18 131:11 131:17,22 139:6,8,11,17 166:8 283:18				
<b>limited</b> 121:10 126:6 127:8				
<b>limits</b> 314:5				
<b>Lindsay</b> 2:6 30:3 79:14 180:20				
<b>line</b> 40:13 51:9 51:12 62:1 98:1,4,20,23 102:18 142:11 143:5 144:19 149:18 159:23 220:14 226:8 228:4,7 229:6 240:16,22 241:2 249:10 265:9,12,21 267:8 273:7 277:19,20 278:7,8 280:15 280:24 297:5 300:16,17				
<b>lined</b> 37:4 39:23 41:7,10 43:19 45:19 47:9,11 47:17,19,21 48:1,4 78:3 108:17 145:2 146:20 178:4 184:3,5,8				



297:4	125:4 152:1	92:22 122:12	<b>material</b> 18:6	310:2 314:2
<b>looking</b> 17:16	159:6 161:20	158:6 244:3	38:22 77:17	<b>means</b> 68:10
23:4 24:8,9	170:16 173:1	252:22	84:23 100:24	70:22 106:3
25:3,8,9 113:7	173:15 247:1	<b>managers</b> 167:7	101:2 111:10	159:15 238:16
145:18 200:11	263:7 268:15	<b>managing</b> 32:1	130:11 131:4,8	238:16 243:19
223:10 227:19	269:11 271:13	<b>maneuver</b>	134:3 135:13	313:24
256:18 280:23	273:4,13 275:1	165:24	135:16 146:16	<b>meant</b> 12:20
302:16 309:14	<b>machine</b> 238:15	<b>map</b> 205:4,9,10	150:15,21	55:8 57:19,20
<b>looks</b> 27:4 69:8	305:8,15	207:9,10,20	165:12 184:3	84:10 89:13,21
74:6 113:7	<b>machinery</b>	210:5 275:20	186:24 260:19	90:6,8 136:22
114:14 117:14	58:18	276:8 278:20	283:19,22	138:13 257:2
168:24 169:2	<b>Maddox</b> 4:19	287:5 306:12	305:5,6 314:6	<b>mechanical</b>
220:13	5:6 172:2,8,16	307:7,13,16	<b>materiality</b>	83:21 87:6,11
<b>loose</b> 107:11	172:18 173:3	308:20	216:21	87:14 139:12
149:1	173:15 174:10	<b>maps</b> 291:16	<b>materials</b> 70:8	<b>meeting</b> 19:16
<b>loses</b> 49:10	175:5 181:24	<b>March</b> 53:23	140:10 193:14	20:4,24 262:12
<b>lost</b> 57:21	194:6 197:17	137:14	<b>matter</b> 8:4 10:20	292:20 301:19
<b>lot</b> 23:17 134:6	200:12 211:11	<b>Marge</b> 248:9,10	21:3,18 26:8	<b>membrane</b>
150:14 165:6	225:20 228:21	248:20 249:5	26:13 27:14,15	234:14
165:18,23	229:1,2,8	<b>Maria</b> 4:2 8:18	29:12 51:5	<b>memo</b> 11:2,16
221:1 227:13	230:5 233:4,23	27:6	61:24 71:22	242:23 243:8
303:8 304:13	234:6 237:14	<b>mark</b> 28:1	97:22 123:16	244:20
309:15	242:2 244:8	<b>marked</b> 5:12	165:11 173:4	<b>memorandum</b>
<b>louder</b> 225:17	245:20 246:22	54:5 66:7	173:21 174:1	10:14 12:20
<b>low</b> 15:9	247:3 274:10	73:19 76:19	220:9 244:6	263:11
<b>lower</b> 25:6	288:15 310:4	79:4 83:9 86:3	265:1 294:22	<b>memory</b> 60:10
133:19 304:3	311:3 315:19	88:11 93:7	309:7 315:18	216:2 221:2
305:13	<b>Maddox's</b>	101:13 104:21	<b>matters</b> 170:5	265:1 267:6
<b>lowered</b> 154:13	232:14 262:24	111:19 119:8	198:15	<b>mention</b> 55:11
<b>Lucky</b> 271:12	287:9,18	195:3 211:18	<b>mean</b> 48:20,21	84:1 103:5,17
<b>lunch</b> 161:6,13	<b>main</b> 90:22	214:5 215:16	48:22 56:20	189:14 202:13
<b>Lux</b> 4:7,14	220:24	225:1,2 233:14	57:4,18 67:6	234:13 240:10
30:10,12 32:19	<b>maintained</b>	233:16 237:5	67:16 68:9,13	240:19 253:14
32:22 33:3,8	287:18	239:22 240:1	70:20 82:20	<b>mentioned</b>
72:3 74:12	<b>maintaining</b>	242:14 270:2	84:8 89:10	10:23 29:23
91:23 102:2	37:3,7	275:4,7 281:21	103:6 108:2	55:7 56:4 58:9
106:8 119:23	<b>majority</b> 87:12	282:1 285:4,7	113:5 117:13	72:11 75:23
121:9 125:3,6	<b>making</b> 83:22	285:18,20	125:11 128:13	76:3 81:14
157:21 161:14	119:24 120:3	286:19,22	165:21 166:20	82:7 83:20
161:17 171:23	128:16 140:17	290:22 291:1	171:9 185:6	99:15,18
262:4	211:13	292:3,6 295:20	191:4 197:1,6	120:23 127:7
<b>Lux's</b> 75:8	<b>man</b> 305:14	295:22 299:22	214:11 217:10	128:2 129:5,24
<b>Lynn</b> 16:22	<b>managed</b> 249:1	300:1 301:9,12	236:12 238:2	130:23 134:17
	<b>management</b>	302:17 303:4	238:20 239:5	150:7 152:21
	238:8	306:5 312:6,8	240:13 241:12	154:12,15
<b>M</b>	<b>manager</b> 33:14	<b>marking</b> 254:20	241:15 243:15	157:21 189:4
<b>M</b> 2:20 8:21	33:16 87:5,12	<b>Mary</b> 173:16	244:19 287:12	202:13 206:23
22:2 33:6				

217:7 219:15	109:22 112:9	<b>minute</b> 22:19	<b>monitoring</b> 19:4	<b>MWG</b> 26:16
220:7 235:10	120:13 125:7	91:8 92:4	20:6,6,16,19	80:20 252:1
235:21 241:9	154:9 160:9	151:17 160:23	21:1,4,8,9,16	275:4,4,5
260:15 263:13	170:3,22 172:9	180:6 211:24	26:15 156:6,10	281:13 282:20
266:6,7 270:19	173:24 174:7	214:2 274:3	156:13 218:19	284:16 285:4
278:22 279:17	175:15 176:24	289:9 315:12	218:23 220:16	285:18 286:11
281:11 299:21	178:15 187:12	<b>minutes</b> 124:18	246:8	292:4 295:2,20
311:15	198:13 202:12	301:19	<b>Monroe</b> 316:21	295:20 297:9
<b>mentions</b> 82:3	202:19 204:8	<b>mis-installed</b>	<b>months</b> 311:6	298:3,23
98:2 109:5	204:10 206:6	148:18,22	<b>morning</b> 8:2,23	299:15 301:3
198:20 238:14	209:8 212:10	<b>mischaracteri...</b>	<b>Mostardi</b> 272:8	301:10 302:11
244:4	218:18 237:23	157:22	<b>motion</b> 1:12	302:17 305:23
<b>mercury</b> 19:2,4	240:6 248:12	<b>misnomer</b>	30:14 31:21	306:10 308:11
<b>messaging</b> 171:12	253:12 254:22	236:18	32:7 123:20	312:6,7 314:10
<b>met</b> 32:7 176:22	254:24 259:20	<b>misspoke</b> 56:9	180:10,17	<b>MWG-5</b> 277:14
<b>metal</b> 118:12	260:9 261:2	<b>Misstates</b> 40:15	203:20	<b>MWG-500</b>
<b>method</b> 61:9,12	269:14 281:16	59:12 64:11,15	<b>motions</b> 165:20	274:16
61:15,20 62:4	281:22,22	97:16 206:15	<b>move</b> 30:9 47:2	<b>MWG-7</b> 278:6
62:9,16,22	282:13 286:19	248:4	71:14 72:1	<b>MWG-8</b> 280:9
63:22 64:21	286:19 287:16	<b>mistakenly</b>	78:20 82:23	<b>MWG-9</b> 280:23
262:13 308:4	287:19 288:16	146:15	85:7 88:2 91:3	
<b>methodically</b>	290:22,22	<b>mistakes</b> 24:18	100:17 101:5	<hr/> <b>N</b> <hr/>
166:18,23	291:21,24	24:20	104:13 110:11	<b>N</b> 2:1 4:1 8:21
<b>methods</b> 64:9,23	299:22 314:24	<b>mixture</b> 57:5	111:13 118:19	8:21 22:2,2
<b>middle</b> 77:13	<b>Midwest's</b> 12:8	154:22	118:23 120:12	33:6,6 125:4,4
144:9 146:8	30:20 286:15	<b>Mm-hmm</b> 158:3	123:19 138:6	152:1,1 159:6
158:18 163:17	<b>migrated</b> 20:21	185:8 216:3	172:1 178:23	159:6 161:20
200:15 210:5	<b>Mike</b> 87:1,4,5,7	280:6 283:14	189:3 210:2	161:20 170:16
297:19	87:11 140:19	<b>modification</b>	213:14 215:8	170:16 173:1,1
<b>Midwest</b> 1:8 8:8	<b>Mills</b> 123:2	308:5	216:18 218:12	247:1,1 263:7
9:8 10:19	252:19,20	<b>modifications</b>	222:12 236:19	263:7 268:15
11:15,20 12:11	<b>mind</b> 154:14	307:17,22	239:15 241:18	268:15 269:11
15:5,20 16:13	180:3 190:1	308:1	245:7 271:1	269:11 271:13
16:17,23 18:9	191:21 192:5	<b>Mohawk</b> 2:3	281:12 284:16	271:13 273:4,4
18:18 19:16,24	193:13 194:14	<b>moment</b> 26:2	286:11 291:21	273:13,13
20:5,21,24	210:4 212:3	53:24 75:14,23	295:2 299:15	275:1,1
21:17 29:19	216:1,4 220:14	90:10 99:10	301:3 302:11	<b>name</b> 8:2 94:4
30:22 34:7,10	221:24 235:14	103:9 104:24	305:23 308:11	173:9,14
40:12 45:18	238:24 243:23	111:23 123:5	311:21 314:10	197:19 214:18
46:15 53:10	243:24 265:2	124:14 195:13	<b>moving</b> 18:16	215:24 230:12
59:9 74:10	267:7 270:14	199:20 211:1	19:1,13 85:21	238:13 312:15
77:4 81:19	<b>mine</b> 232:9	225:6 234:4	165:12 232:2	313:1
82:1 87:8	234:20	237:9 240:7	<b>multipage</b> 29:15	<b>named</b> 123:1
88:24 89:2	<b>Mineral</b> 60:3	242:19 270:6	<b>multiple</b> 55:18	<b>names</b> 183:2
92:22 93:22	238:9,10	<b>monitor</b> 156:5	55:23 58:7	<b>nature</b> 182:21
94:15,17,19	<b>minimis</b> 136:14	219:16 221:4	126:23,24	<b>near</b> 51:23
106:6,19	<b>minor</b> 70:17	<b>monitored</b> 219:9	165:7	52:19 67:2

78:10 85:5	<b>nice</b> 139:2	119:2,11,20,24	226:14 227:16	307:9,12
90:13 96:1	<b>nights</b> 153:8	121:8 122:17	227:17 228:10	308:11,21
107:23 132:5	<b>Nijman</b> 2:19,20	124:4,5,14,15	228:23 229:10	309:1,18 310:1
133:11 142:7	4:10,12,16,22	124:19 125:2,5	230:17,22	310:5,12,17,21
142:10 155:20	4:24 5:2,4,8	132:19,20,23	232:9,11 233:1	311:4,10,12,14
163:20 219:4	22:15 26:10	133:1 147:19	233:3,19 234:9	312:11 313:22
219:17 220:21	27:21,24 29:22	147:22 148:1	236:21 238:18	314:10,16,23
249:13	30:13,17,21	151:10,14	239:17 241:3	315:9,22
<b>necessarily</b>	31:2,9,18,19	152:17,19	241:20 243:18	<b>Nijman's</b> 75:7
85:16 125:22	32:3,6,11	157:5 159:4,5	244:22 245:9	98:9 232:5
152:14 156:14	39:12,16 40:5	159:7 160:18	246:21,23	<b>nine</b> 9:24 98:4
248:17	40:15 41:16,22	161:15,18,19	247:2,16,19,23	199:16 257:6
<b>necessary</b> 21:11	42:3,12,16,22	161:21 170:11	248:8 250:4,5	299:20
290:1,3 293:5	42:23 44:12,20	171:21 172:3	250:16 254:5	<b>No.'s</b> 292:4
293:14	44:24 45:5,23	173:22,24	255:15 256:1,5	<b>non-degradati...</b>
<b>need</b> 28:23	46:11,16 48:7	174:15,16	256:8,9 257:14	19:23 21:11
124:14 133:2	50:20 51:10,13	175:1 176:10	257:18 261:17	<b>non-leading</b>
134:2,16	53:16 55:12	177:12 180:6	261:21,22	203:4,8
136:17 166:23	59:11 62:10	180:19,23	262:20 263:1	<b>noncompliance</b>
166:23 167:14	63:2 64:11,14	181:9,19	264:9,21 265:4	257:20,21
186:6 198:22	64:15 65:12,16	182:20 183:9	265:10 266:9	258:3
208:8 311:8	65:22 67:23	184:12,19	266:16 267:12	<b>nonhazardous</b>
<b>needed</b> 133:21	69:10 71:17,18	185:19 186:1,6	267:18 268:1	314:7
138:20	72:5 73:8,24	186:10 187:20	268:13,14,16	<b>normal</b> 34:20
<b>needing</b> 217:7	74:4,8,20	188:22 189:7	269:21 271:3,8	35:2 222:23
<b>negotiating</b>	78:22 79:13,17	189:17 190:19	271:9,12,14	<b>normally</b> 36:21
154:5	80:5,8,13,16	191:15 192:8	272:24 273:14	118:7 122:23
<b>neither</b> 11:24	80:19,24 81:4	193:1,17,20	273:21 274:9	128:21 163:23
<b>network</b> 1:4 8:6	81:5 83:3 85:9	195:6,16,17,23	274:11 275:2	166:7 168:18
20:7 21:1,5	86:10,13 88:5	196:5,10,14,23	275:12 279:16	<b>north</b> 14:4 90:22
<b>networks</b> 21:16	88:6 89:12	197:5 198:7	280:6,7 281:12	107:9 141:22
<b>never</b> 66:2 73:13	91:5 93:10	199:4,13,18	281:17 282:4	182:19 183:6,7
99:22 106:8	95:8,19 96:7	200:10 201:3,4	284:16,22	183:15,19,19
124:5,6 131:21	96:17 97:1,6	201:15 202:2	285:2,12 286:3	184:2,3,11,18
131:23 153:22	97:16 98:12,20	203:1,2,23	286:11,17	185:12,13,16
159:9 229:17	98:23 99:5,18	205:5,7 206:12	287:8,23 288:2	185:17 188:16
234:22 268:18	99:24 100:2,3	206:15 207:15	288:11,14	206:1 219:2,23
277:2	100:6,9,13,14	208:2,6,8,9,13	289:5,8,16,21	220:21,24
<b>new</b> 14:23 53:17	100:20 101:5	208:14,18,19	291:5,21 292:2	243:2 263:22
53:18,19 59:15	101:16,20,23	209:20 210:17	292:11 295:2,8	276:3,5,9,10
84:17 85:1	103:23 104:15	213:17,18	296:1 299:15	276:10,13,24
103:21 116:11	105:2,16,22	214:1,4 215:10	299:19 300:6	277:3,17
130:13 131:24	106:2,6 108:23	216:6,20 217:2	301:3,7,17	278:23 307:17
164:12 165:3	110:13,16	217:24 218:14	302:11,15,20	<b>northeast</b> 78:9
169:11 226:8,8	111:12 112:18	219:10 221:11	302:22 303:1,7	<b>northside</b>
234:7 241:14	113:21 115:4	224:19 225:8	305:23 306:8	243:14 244:18
269:22 271:10	116:24 117:11	225:13,16,19	306:14,23	<b>note</b> 38:10

143:12 169:3	<b>NRT's</b> 10:18	221:11 225:8	207:15 208:2,6	<b>occurred</b> 49:16
181:2 189:13	12:2,19 302:2	226:14 227:21	209:20 213:18	52:1 58:1 60:8
200:10 251:21	<b>nuclear</b> 175:11	230:17 233:4	215:10 216:6	78:6,7 134:18
284:5 296:13	175:11	244:22 266:16	217:24 218:14	222:1 249:10
299:10	<b>number</b> 9:22	267:18 268:1	219:10 227:16	252:7
<b>noted</b> 147:21	19:19 50:21,21	287:24	227:17 230:22	<b>occurs</b> 141:10
180:13,17	143:12 180:20	<b>objected</b> 100:9	232:5 234:9	169:22 170:1
<b>notes</b> 28:10	205:20 218:21	119:11 180:18	236:21 238:18	<b>October</b> 1:16
57:12 113:1	239:1 251:22	208:21	239:17 241:20	8:9,11 297:12
291:15,18	260:18 261:4,7	<b>objecting</b> 196:16	244:12 245:9	297:15 298:21
296:7,8 297:17	283:1 286:20	199:18 208:13	248:4 250:2	299:3 300:13
316:11	293:7 299:20	243:18	254:1 257:12	301:1
<b>notice</b> 53:10	300:18 301:10	<b>objection</b> 39:12	261:13 264:9	<b>offer</b> 74:13 75:8
59:9,13,19	301:24 302:2	39:16 40:5,15	264:21 265:4	81:3 119:13,24
128:4 223:2	<b>numbered</b> 10:3	41:16,22 42:3	266:9 271:3	120:3 123:24
297:19	12:4,15 19:21	42:12,19 44:12	279:12 280:1	124:9 157:4
<b>noticed</b> 240:21	235:22	44:20,21,23	281:14 284:19	201:1,3 228:18
<b>notices</b> 53:9	<b>numbering</b>	45:23 48:7	286:13 288:19	229:21,23
<b>notifications</b>	274:15	50:20 59:11	289:3,14 291:4	232:6,12,15
290:18	<b>numbers</b> 226:5	62:10 63:2	291:23 295:4	<b>offered</b> 81:7
<b>notified</b> 128:8	274:16	64:11 65:12,16	299:16 301:4	228:18 229:21
128:15 278:20	<b>NW</b> 2:11	65:22 69:10	302:12 306:1,2	<b>Officer</b> 1:14 8:1
<b>notify</b> 128:6		71:18 72:5	313:10 314:13	8:3 21:22
141:9	<b>O</b>	74:4 75:7	314:22	25:19,22 26:3
<b>noting</b> 195:24	<b>O</b> 8:21,21 22:2	78:22 83:3	<b>objections</b>	26:9 27:17
<b>NPDES</b> 17:3	33:6 125:4,4	85:9 88:6	308:12	28:13,20,24
140:6 286:1	152:1 159:6,6	89:12 91:5	<b>objects</b> 42:16	29:6,9,20 30:5
289:11 290:9	161:20 170:16	95:8,19 96:7	294:16	30:8,11,15,18
<b>NRG</b> 33:10,11	170:16 173:1	96:17 97:6,16	<b>obligation</b> 14:9	30:23 31:7,12
33:12,22 34:5	247:1,1 263:7	98:10 99:5,24	<b>observations</b>	31:17,20,22
34:6,11 81:23	268:15,15	101:3 103:23	66:24 70:17	32:4,8,12,16
81:24 82:1	269:11 271:13	104:15 108:23	296:7,9	32:21 39:17
87:10 89:2,2	273:4,13 275:1	110:13,16	<b>observed</b> 67:4	40:7,16 42:4
172:9 174:4	<b>Oakland</b> 2:16	111:7 112:18	295:13	42:15,18,21
175:15,18	<b>oath</b> 161:15	113:21 114:6	<b>obtain</b> 286:5	43:3 44:14,22
187:12 188:3	172:12	119:2 147:20	<b>obviously</b> 70:22	45:3,12,24
202:19 206:9	<b>Ob-</b> 97:1	152:19 176:10	111:3 153:7	46:5 48:9,12
206:18,24	<b>object</b> 31:14	177:12 180:8	160:7 161:22	51:1,15 54:1
209:5 210:22	46:11 67:23	181:22 183:9	201:1 263:3	59:14 62:12
211:12 269:14	73:8 98:12	184:13,19	303:8 306:23	63:6 64:13,17
<b>NRT</b> 10:13,23	100:20 111:1	189:7 190:19	<b>occasion</b> 167:23	65:14,17,23
11:11,24 12:9	115:4 116:24	191:15 193:1	255:11 258:11	68:5 69:12
94:10,13,17	121:8 157:5	193:20 194:5	<b>occasions</b> 53:1,3	71:16,19,24
120:23,23	181:9 182:20	196:10 197:7,7	130:4	72:6 74:2,7,17
121:2,5,19,20	187:20 188:22	199:4,4 200:11	<b>occur</b> 53:6 57:23	74:23 75:5,15
272:10 296:6	192:8 193:17	201:15 202:2	58:3 135:20	77:10,19 78:23
296:14 302:9	198:7 210:17	203:23 206:12	311:17	79:17 81:2,6

83:4 85:10	200:20,23	289:4,6,18	264:18 265:14	278:23 279:2
88:4,7 89:14	201:5,16 202:4	291:24 295:5	275:3,19	283:9
91:6,12,19	202:7,24	299:17 301:5	277:16 280:14	<b>operation</b> 127:2
92:3 95:9,21	203:16 205:10	302:13 305:24	289:4 297:10	144:14 162:15
96:9,18 97:7	205:15,18	306:3 308:13	304:1 307:11	177:8 198:18
97:18 98:18	207:16 208:7	308:23 309:23	308:10 310:14	205:2 223:4
99:7,11 100:11	208:12,16,22	310:8 311:1,13	310:23 311:1	239:8
100:12 101:1,8	209:1,22	313:12,17	311:13 313:4	<b>operational</b>
103:24 104:16	210:18 211:3,8	314:11,14	<b>old</b> 9:16 10:8	248:2 249:6
105:2,8 106:4	211:23 213:16	315:11,16	49:2 103:20	260:5 272:2
106:10,23	213:19 215:11	<b>officers</b> 31:24	104:5,8 132:1	<b>operations</b>
108:24 110:14	216:8 217:3	<b>official</b> 29:5	137:18 168:5	115:16 167:13
111:5,15	218:1,15	310:19 316:13	238:11,12	223:6 238:4,6
112:20 113:24	219:12 224:21	<b>Oh</b> 26:23 81:6	<b>Ollila</b> 79:10,10	238:8 239:8
114:7 115:8	225:12 226:16	100:3 101:18	79:12 81:17,19	241:15 247:10
119:3,18 120:2	227:4,15	170:6 172:13	<b>Ollila's</b> 81:22	<b>operator</b> 82:2
120:14,17	228:16,22	173:10 190:5	<b>omitted</b> 26:17	118:16 127:4,4
121:12,15	229:19 230:18	225:14 247:21	<b>once</b> 14:10	284:1,2,3
123:6,11,14,23	230:24 232:4	256:23	69:17 134:4	<b>operator's</b>
124:3,8,13,17	232:10,12,24	<b>okay</b> 16:20	167:3 171:16	166:17
124:20 125:1	233:9 234:10	19:13 22:20	298:2	<b>operators</b> 153:4
132:18,21	236:22 237:11	25:2,16,22	<b>one-hour</b> 161:5	153:5 222:22
147:21 151:13	237:15 239:18	26:13 28:24	<b>One-o-two</b>	<b>opponent</b> 30:24
151:16,21	241:21 242:17	32:4,9 45:3	132:20	<b>opportunity</b>
152:23 157:7	244:12,24	50:24 52:13	<b>One-twelve</b> 54:3	164:13 229:15
159:3 160:19	245:10,17	54:11 56:12	<b>One-twenty</b>	<b>opposing</b> 202:18
160:22 161:4	246:13,18	57:17 62:21	98:22	202:21 308:16
161:11 170:13	247:14,17,21	66:22 71:19	<b>ones</b> 13:6 27:6	<b>options</b> 41:13,14
171:20,22	248:6 250:3,7	73:8 74:7,17	132:1 220:7	<b>order</b> 22:10
172:6,11,14,21	250:12 254:3	74:23 79:23	229:9 303:21	23:24 24:4
173:8,11,17	255:18,23	111:5 124:9	<b>onsite</b> 70:8	76:24 77:1,12
174:14,24	256:4,6 257:16	126:17,20	121:2 122:19	77:23 84:15
176:12 177:14	261:15,19	143:4,15 146:3	140:9 220:16	133:17 143:14
179:18 180:13	262:22 264:11	149:18 151:13	253:1,3 296:6	143:18,19
180:16 181:13	265:6,11	172:21 179:24	<b>open</b> 26:22	196:12 217:17
182:3,7,11,22	266:10,18	190:5 196:10	185:13 188:20	228:15
183:11 184:14	267:20 268:3	196:23 207:8	<b>open-ended</b>	<b>orders</b> 154:5
184:23 186:9	268:12 269:9	208:7 211:24	186:7	<b>orientation</b>
187:22 188:23	269:22,24	218:15 220:19	<b>operate</b> 164:16	36:24
189:19,23	271:4,7,11	228:19 231:8	235:1	<b>original</b> 141:24
190:3,6,20	273:1,22 274:2	232:4 237:15	<b>operates</b> 250:18	196:8 212:12
191:22 192:2	274:7,21	239:2,14	<b>operating</b> 11:4	<b>originally</b> 48:1
193:3,10,23	279:14 280:3	240:10 249:20	38:21 47:7	168:9 226:22
194:4 195:8,15	281:15 284:17	250:23 251:20	147:2 152:9	<b>outage</b> 154:23
195:18 196:17	284:20,24	253:13 256:4	162:11,13,20	<b>outdated</b> 238:13
197:13 199:6	286:14 287:22	257:1 259:21	164:8 170:3	<b>outdoors</b> 90:7
199:22 200:4	288:12,23	260:10 261:3	206:7 239:9	<b>outside</b> 89:11

91:1 135:10	195:2,2,24	293:7,8,23	<b>pathways</b>	290:19
146:3 243:10	196:19,20	294:9,19	265:15	<b>permitting</b>
264:7 265:5	199:19 200:9	<b>parking</b> 221:1	<b>Patrick</b> 9:7	269:22
<b>oval</b> 210:6,7	200:15 212:4	<b>part</b> 9:15 12:19	26:16,20 27:3	<b>person</b> 31:3,11
<b>overall</b> 223:5	212:22 216:7	20:6,17 28:5	<b>PCB</b> 1:5 8:8	31:22 45:6
234:21	220:13,14	34:14,20,24	<b>people</b> 37:8	122:23 244:2
<b>overbroad</b>	225:9,20 226:5	35:2 60:22,24	74:15 102:8	252:24
176:11	226:7,9 227:20	69:22 80:10,20	125:20 127:23	<b>person's</b> 228:12
<b>overflow</b> 259:23	228:2,3,8	90:20 94:21	146:24 204:10	228:14
260:2	230:2,6,9	105:18 108:6	<b>percent</b> 50:6	<b>personal</b> 316:11
<b>overruled</b> 42:5	232:20 233:15	127:5 140:5	107:21 158:12	<b>personally</b> 46:13
43:4 95:22	233:15,21	142:18 145:15	<b>percentage</b> 24:1	109:16 177:18
96:10 97:8	237:19 243:7	147:9 166:6,17	<b>Perfect</b> 182:13	<b>personnel</b> 238:8
107:2 184:24	243:23 251:24	168:6 178:18	<b>perform</b> 11:17	<b>pertain</b> 176:21
190:21 194:5	252:6 255:12	178:21 196:21	296:6	<b>phase</b> 24:9,14,18
207:17 244:13	256:12,20	200:7 207:1,2	<b>performed</b>	74:19 179:17
248:7 250:13	257:19 259:11	214:14 222:23	231:14 290:8	179:22
257:17 261:20	265:2,10,11,12	223:2 228:5	300:9	<b>Phone</b> 316:22
264:12 265:7	265:20 267:7	235:18 262:17	<b>performing</b>	<b>photo</b> 67:2
266:19 289:19	270:15 271:17	273:18 276:19	235:11	119:16 141:20
<b>oversee</b> 177:3	275:17 276:8	303:18 307:24	<b>period</b> 137:11	141:21 150:8
<b>overseeing</b>	277:14 278:6	312:17	189:8 208:14	150:20 277:18
177:11	280:8,23	<b>participants</b>	208:15,17	304:3,3 305:9
<b>oversight</b> 302:6	282:24,24	301:22	301:1 314:19	305:21
<b>ownership</b> 15:5	291:11 293:6	<b>participated</b>	<b>periodic</b> 214:15	<b>photograph</b>
	293:24 294:8,9	311:16	302:2	140:22 142:9
	296:11,12	<b>particular</b> 12:16	<b>periodically</b>	150:17
	297:9,11,20	66:21 98:3	36:10 94:9	<b>photographs</b>
	298:22,23	119:17 234:21	160:11 207:3	112:1,16,17
	299:1 300:14	<b>particularly</b>	<b>periods</b> 115:6	151:2
	301:22 303:23	126:13	<b>permanently</b>	<b>photos</b> 9:17,20
	304:3 312:14	<b>parties</b> 226:21	276:16	10:9 105:5,17
	312:24 313:5	227:6,7	<b>permissible</b>	105:17,21,23
	<b>pages</b> 24:21	<b>parts</b> 223:15,20	289:17	106:8 119:15
	29:16 199:17	<b>party</b> 30:22,23	<b>permission</b>	119:22 120:7
	211:17 226:10	31:22 32:1	32:14 180:14	147:18 148:11
	226:13 227:2	174:11,13	<b>permit</b> 17:3	296:10 305:2
	233:19 251:23	202:15,15,21	140:6,6 141:4	<b>phrase</b> 252:16
	303:9	<b>pass</b> 153:6	214:13,14	263:2 277:8,9
	<b>paragraph</b> 9:15	<b>passing</b> 195:10	282:6,16,19	<b>physical</b> 11:17
	9:22 10:2,3	<b>passthrough</b>	284:13 285:14	11:21
	12:4,15 19:21	187:1	285:19 286:1	<b>physically</b> 11:17
	57:11 66:24	<b>patch</b> 133:24	288:4,9,17	12:11
	70:16 102:12	134:2,7 139:10	289:11 290:2,4	<b>picks</b> 117:18
	113:14 146:8,9	213:5	290:9	<b>picture</b> 113:9,10
	217:8 259:12	<b>patched</b> 73:6	<b>permits</b> 286:5,8	114:12 305:13
	271:17 287:4	130:13	289:10,24	<b>pictures</b> 113:7
<b>P</b>				
<b>P</b> 2:1,1				
<b>page</b> 4:3,8,15,20				
5:7 12:3,10				
14:2 19:18,21				
22:13,15,17				
23:1 25:1,9				
29:16 51:9,16				
62:1 66:21				
70:4,4,16 80:9				
80:10,10,20,23				
83:2,8 93:18				
97:22 98:1,3				
98:15,23				
106:22 107:6				
110:7 113:13				
136:3 140:21				
142:21 143:12				
143:16 144:9				
144:10 146:6,9				
151:1 180:4,19				

<b>piece</b> 58:18 78:14,17 118:9 133:19 134:3 186:22 305:10 305:14	260:20 <b>Platt</b> 272:8 <b>play</b> 133:23 <b>please</b> 22:4,13 24:24 46:1 56:20 78:12 86:11 90:2 91:8 93:10 96:13,19 97:23 99:10 104:19 107:4 113:13 146:7,9 151:22 158:8 161:6 169:4 190:8 193:5 207:11 208:17 211:24 216:4 218:2 222:1 230:2 255:24 265:9 267:8 269:19 313:13	40:23 41:6,10 43:9,18 44:7 47:2,5,6,9,16 47:19,20,24 48:16,17 49:12 49:17,19 50:9 50:12,17,19,23 52:16,21,23 55:3,3,5,16,19 55:21,24 56:10 56:19,23 57:1 57:6,9 58:11 60:14 66:12 67:1,10,16 68:8,11,12,15 68:17,18,21,23 69:1,3,5,7 72:9 72:12,18,22,24 73:3 76:1,2,4,6 76:8,11 77:24 78:3,9,19 82:4 82:5 83:22 85:18 87:16,21 92:12,18 97:15 104:6 108:4,5 108:15 110:1 113:17 114:15 114:16,23 115:1,2,12,15 116:12,17 117:22 118:1,3 118:17 121:3 122:15,20 127:16 128:18 130:8 131:7 132:5,11 133:8 135:10 137:18 138:16 139:3,8 141:22,23,24 143:22 144:8 144:10,11,17 149:8 152:10 152:10,11 153:21 154:13 155:3,9,14,23 155:24 157:2 157:10,12,16	159:16,20 160:3 162:4,5 162:13,13,14 162:15,18,24 163:4,14,16,16 163:22,22 164:3,6,10,11 165:7,11 166:11 167:4 167:16,19 168:7 170:21 171:1,1,2,10 171:14,15 185:17 186:24 187:9,14,19 188:3,7,13 191:3,7,13 192:6,19,24 194:16 201:22 204:11,18,20 204:22,24 205:24 206:1,2 206:8,11,13 214:12 216:13 216:23,24 217:10,13,19 217:23 218:6,8 218:10 221:20 222:3 223:5,15 223:16,17,20 224:9,11,14,17 230:15 234:8 235:1,3 238:16 239:8 240:11 240:12,16 241:15 242:24 243:3,9,11,14 244:16,18 245:24 246:3 249:11 252:7 254:15,23 258:6,12 260:6 261:10,11,24 262:1 267:4,4 267:11,23 270:22 276:10 276:11 277:17	278:2,7,19,19 279:4,6 280:11 280:19,23 281:5 283:12 283:24 288:18 290:1,13,14 295:15 296:18 297:22 300:9 300:19,21 301:20 303:12 304:9 <b>pond's</b> 49:22 <b>ponds</b> 10:19 11:12,17 13:20 14:10,14,22 15:4,14,21,24 16:9,13,17,23 17:22 18:10,17 35:9,13,19,20 35:24,24 36:3 36:7,10,14,16 37:4,13,19 38:12,23 40:13 40:21 43:16 45:22 46:8,9 46:22 48:4,18 52:15,20 55:15 56:15 58:21 60:19,23 61:22 62:23 63:1,10 63:12,13,14,17 63:18,22 64:22 65:7,8 69:9 70:7 86:9 90:23 92:9,10 92:15 94:23 107:20,24 114:5 115:5 117:3,4 121:6 121:20,20 122:10 127:6 127:11 128:3 131:24 142:19 145:1 153:6,9 154:1,18 156:7 159:12,12 162:1,1,3,8
<b>pieces</b> 148:24 303:17	56:20 78:12 86:11 90:2 91:8 93:10 96:13,19 97:23 99:10 104:19 107:4 113:13 146:7,9 151:22 158:8 161:6 169:4 190:8 193:5 207:11 208:17 211:24 216:4 218:2 222:1 230:2 255:24 265:9 267:8 269:19 313:13	52:16,21,23 55:3,3,5,16,19 55:21,24 56:10 56:19,23 57:1 57:6,9 58:11 60:14 66:12 67:1,10,16 68:8,11,12,15 68:17,18,21,23 69:1,3,5,7 72:9 72:12,18,22,24 73:3 76:1,2,4,6 76:8,11 77:24 78:3,9,19 82:4 82:5 83:22 85:18 87:16,21 92:12,18 97:15 104:6 108:4,5 108:15 110:1 113:17 114:15 114:16,23 115:1,2,12,15 116:12,17 117:22 118:1,3 118:17 121:3 122:15,20 127:16 128:18 130:8 131:7 132:5,11 133:8 135:10 137:18 138:16 139:3,8 141:22,23,24 143:22 144:8 144:10,11,17 149:8 152:10 152:10,11 153:21 154:13 155:3,9,14,23 155:24 157:2 157:10,12,16	165:7,11 166:11 167:4 167:16,19 168:7 170:21 171:1,1,2,10 171:14,15 185:17 186:24 187:9,14,19 188:3,7,13 191:3,7,13 192:6,19,24 194:16 201:22 204:11,18,20 204:22,24 205:24 206:1,2 206:8,11,13 214:12 216:13 216:23,24 217:10,13,19 217:23 218:6,8 218:10 221:20 222:3 223:5,15 223:16,17,20 224:9,11,14,17 230:15 234:8 235:1,3 238:16 239:8 240:11 240:12,16 241:15 242:24 243:3,9,11,14 244:16,18 245:24 246:3 249:11 252:7 254:15,23 258:6,12 260:6 261:10,11,24 262:1 267:4,4 267:11,23 270:22 276:10 276:11 277:17	295:15 296:18 297:22 300:9 300:19,21 301:20 303:12 304:9 <b>pond's</b> 49:22 <b>ponds</b> 10:19 11:12,17 13:20 14:10,14,22 15:4,14,21,24 16:9,13,17,23 17:22 18:10,17 35:9,13,19,20 35:24,24 36:3 36:7,10,14,16 37:4,13,19 38:12,23 40:13 40:21 43:16 45:22 46:8,9 46:22 48:4,18 52:15,20 55:15 56:15 58:21 60:19,23 61:22 62:23 63:1,10 63:12,13,14,17 63:18,22 64:22 65:7,8 69:9 70:7 86:9 90:23 92:9,10 92:15 94:23 107:20,24 114:5 115:5 117:3,4 121:6 121:20,20 122:10 127:6 127:11 128:3 131:24 142:19 145:1 153:6,9 154:1,18 156:7 159:12,12 162:1,1,3,8
<b>pile</b> 116:13 243:12 244:17	91:8 93:10 96:13,19 97:23 99:10 104:19 107:4 113:13 146:7,9 151:22 158:8 161:6 169:4 190:8 193:5 207:11 208:17 211:24 216:4 218:2 222:1 230:2 255:24 265:9 267:8 269:19 313:13	52:16,21,23 55:3,3,5,16,19 55:21,24 56:10 56:19,23 57:1 57:6,9 58:11 60:14 66:12 67:1,10,16 68:8,11,12,15 68:17,18,21,23 69:1,3,5,7 72:9 72:12,18,22,24 73:3 76:1,2,4,6 76:8,11 77:24 78:3,9,19 82:4 82:5 83:22 85:18 87:16,21 92:12,18 97:15 104:6 108:4,5 108:15 110:1 113:17 114:15 114:16,23 115:1,2,12,15 116:12,17 117:22 118:1,3 118:17 121:3 122:15,20 127:16 128:18 130:8 131:7 132:5,11 133:8 135:10 137:18 138:16 139:3,8 141:22,23,24 143:22 144:8 144:10,11,17 149:8 152:10 152:10,11 153:21 154:13 155:3,9,14,23 155:24 157:2 157:10,12,16	165:7,11 166:11 167:4 167:16,19 168:7 170:21 171:1,1,2,10 171:14,15 185:17 186:24 187:9,14,19 188:3,7,13 191:3,7,13 192:6,19,24 194:16 201:22 204:11,18,20 204:22,24 205:24 206:1,2 206:8,11,13 214:12 216:13 216:23,24 217:10,13,19 217:23 218:6,8 218:10 221:20 222:3 223:5,15 223:16,17,20 224:9,11,14,17 230:15 234:8 235:1,3 238:16 239:8 240:11 240:12,16 241:15 242:24 243:3,9,11,14 244:16,18 245:24 246:3 249:11 252:7 254:15,23 258:6,12 260:6 261:10,11,24 262:1 267:4,4 267:11,23 270:22 276:10 276:11 277:17	295:15 296:18 297:22 300:9 300:19,21 301:20 303:12 304:9 <b>pond's</b> 49:22 <b>ponds</b> 10:19 11:12,17 13:20 14:10,14,22 15:4,14,21,24 16:9,13,17,23 17:22 18:10,17 35:9,13,19,20 35:24,24 36:3 36:7,10,14,16 37:4,13,19 38:12,23 40:13 40:21 43:16 45:22 46:8,9 46:22 48:4,18 52:15,20 55:15 56:15 58:21 60:19,23 61:22 62:23 63:1,10 63:12,13,14,17 63:18,22 64:22 65:7,8 69:9 70:7 86:9 90:23 92:9,10 92:15 94:23 107:20,24 114:5 115:5 117:3,4 121:6 121:20,20 122:10 127:6 127:11 128:3 131:24 142:19 145:1 153:6,9 154:1,18 156:7 159:12,12 162:1,1,3,8
<b>piles</b> 89:4,6 90:12 157:20 158:11 166:1	96:13,19 97:23 99:10 104:19 107:4 113:13 146:7,9 151:22 158:8 161:6 169:4 190:8 193:5 207:11 208:17 211:24 216:4 218:2 222:1 230:2 255:24 265:9 267:8 269:19 313:13	52:16,21,23 55:3,3,5,16,19 55:21,24 56:10 56:19,23 57:1 57:6,9 58:11 60:14 66:12 67:1,10,16 68:8,11,12,15 68:17,18,21,23 69:1,3,5,7 72:9 72:12,18,22,24 73:3 76:1,2,4,6 76:8,11 77:24 78:3,9,19 82:4 82:5 83:22 85:18 87:16,21 92:12,18 97:15 104:6 108:4,5 108:15 110:1 113:17 114:15 114:16,23 115:1,2,12,15 116:12,17 117:22 118:1,3 118:17 121:3 122:15,20 127:16 128:18 130:8 131:7 132:5,11 133:8 135:10 137:18 138:16 139:3,8 141:22,23,24 143:22 144:8 144:10,11,17 149:8 152:10 152:10,11 153:21 154:13 155:3,9,14,23 155:24 157:2 157:10,12,16	165:7,11 166:11 167:4 167:16,19 168:7 170:21 171:1,1,2,10 171:14,15 185:17 186:24 187:9,14,19 188:3,7,13 191:3,7,13 192:6,19,24 194:16 201:22 204:11,18,20 204:22,24 205:24 206:1,2 206:8,11,13 214:12 216:13 216:23,24 217:10,13,19 217:23 218:6,8 218:10 221:20 222:3 223:5,15 223:16,17,20 224:9,11,14,17 230:15 234:8 235:1,3 238:16 239:8 240:11 240:12,16 241:15 242:24 243:3,9,11,14 244:16,18 245:24 246:3 249:11 252:7 254:15,23 258:6,12 260:6 261:10,11,24 262:1 267:4,4 267:11,23 270:22 276:10 276:11 277:17	295:15 296:18 297:22 300:9 300:19,21 301:20 303:12 304:9 <b>pond's</b> 49:22 <b>ponds</b> 10:19 11:12,17 13:20 14:10,14,22 15:4,14,21,24 16:9,13,17,23 17:22 18:10,17 35:9,13,19,20 35:24,24 36:3 36:7,10,14,16 37:4,13,19 38:12,23 40:13 40:21 43:16 45:22 46:8,9 46:22 48:4,18 52:15,20 55:15 56:15 58:21 60:19,23 61:22 62:23 63:1,10 63:12,13,14,17 63:18,22 64:22 65:7,8 69:9 70:7 86:9 90:23 92:9,10 92:15 94:23 107:20,24 114:5 115:5 117:3,4 121:6 121:20,20 122:10 127:6 127:11 128:3 131:24 142:19 145:1 153:6,9 154:1,18 156:7 159:12,12 162:1,1,3,8
<b>pipe</b> 277:6	96:13,19 97:23 99:10 104:19 107:4 113:13 146:7,9 151:22 158:8 161:6 169:4 190:8 193:5 207:11 208:17 211:24 216:4 218:2 222:1 230:2 255:24 265:9 267:8 269:19 313:13	52:16,21,23 55:3,3,5,16,19 55:21,24 56:10 56:19,23 57:1 57:6,9 58:11 60:14 66:12 67:1,10,16 68:8,11,12,15 68:17,18,21,23 69:1,3,5,7 72:9 72:12,18,22,24 73:3 76:1,2,4,6 76:8,11 77:24 78:3,9,19 82:4 82:5 83:22 85:18 87:16,21 92:12,18 97:15 104:6 108:4,5 108:15 110:1 113:17 114:15 114:16,23 115:1,2,12,15 116:12,17 117:22 118:1,3 118:17 121:3 122:15,20 127:16 128:18 130:8 131:7 132:5,11 133:8 135:10 137:18 138:16 139:3,8 141:22,23,24 143:22 144:8 144:10,11,17 149:8 152:10 152:10,11 153:21 154:13 155:3,9,14,23 155:24 157:2 157:10,12,16	165:7,11 166:11 167:4 167:16,19 168:7 170:21 171:1,1,2,10 171:14,15 185:17 186:24 187:9,14,19 188:3,7,13 191:3,7,13 192:6,19,24 194:16 201:22 204:11,18,20 204:22,24 205:24 206:1,2 206:8,11,13 214:12 216:13 216:23,24 217:10,13,19 217:23 218:6,8 218:10 221:20 222:3 223:5,15 223:16,17,20 224:9,11,14,17 230:15 234:8 235:1,3 238:16 239:8 240:11 240:12,16 241:15 242:24 243:3,9,11,14 244:16,18 245:24 246:3 249:11 252:7 254:15,23 258:6,12 260:6 261:10,11,24 262:1 267:4,4 267:11,23 270:22 276:10 276:11 277:17	295:15 296:18 297:22 300:9 300:19,21 301:20 303:12 304:9 <b>pond's</b> 49:22 <b>ponds</b> 10:19 11:12,17 13:20 14:10,14,22 15:4,14,21,24 16:9,13,17,23 17:22 18:10,17 35:9,13,19,20 35:24,24 36:3 36:7,10,14,16 37:4,13,19 38:12,23 40:13 40:21 43:16 45:22 46:8,9 46:22 48:4,18 52:15,20 55:15 56:15 58:21 60:19,23 61:22 62:23 63:1,10 63:12,13,14,17 63:18,22 64:22 65:7,8 69:9 70:7 86:9 90:23 92:9,10 92:15 94:23 107:20,24 114:5 115:5 117:3,4 121:6 121:20,20 122:10 127:6 127:11 128:3 131:24 142:19 145:1 153:6,9 154:1,18 156:7 159:12,12 162:1,1,3,8
<b>pixed</b> 309:16	96:13,19 97:23 99:10 104:19 107:4 113:13 146:7,9 151:22 158:8 161:6 169:4 190:8 193:5 207:11 208:17 211:24 216:4 218:2 222:1 230:2 255:24 265:9 267:8 269:19 313:13	52:16,21,23 55:3,3,5,16,19 55:21,24 56:10 56:19,23 57:1 57:6,9 58:11 60:14 66:12 67:1,10,16 68:8,11,12,15 68:17,18,21,23 69:1,3,5,7 72:9 72:12,18,22,24 73:3 76:1,2,4,6 76:8,11 77:24 78:3,9,19 82:4 82:5 83:22 85:18 87:16,21 92:12,18 97:15 104:6 108:4,5 108:15 110:1 113:17 114:15 114:16,23 115:1,2,12,15 116:12,17 117:22 118:1,3 118:17 121:3 122:15,20 127:16 128:18 130:8 131:7 132:5,11 133:8 135:10 137:18 138:16 139:3,8 141:22,23,24 143:22 144:8 144:10,11,17 149:8 152:10 152:10,11 153:21 154:13 155:3,9,14,23 155:24 157:2 157:10,12,16	165:7,11 166:11 167:4 167:16,19 168:7 170:21 171:1,1,2,10 171:14,15 185:17 186:24 187:9,14,19 188:3,7,13 191:3,7,13 192:6,19,24 194:16 201:22 204:11,18,20 204:22,24 205:24 206:1,2 206:8,11,13 214:12 216:13 216:23,24 217:10,13,19 217:23 218:6,8 218:10 221:20 222:3 223:5,15 223:16,17,20 224:9,11,14,17 230:15 234:8 235:1,3 238:16 239:8 240:11 240:12,16 241:15 242:24 243:3,9,11,14 244:16,18 245:24 246:3 249:11 252:7 254:15,23 258:6,12 260:6 261:10,11,24 262:1 267:4,4 267:11,23 270:22 276:10 276:11 277:17	295:15 296:18 297:22 300:9 300:19,21 301:20 303:12 304:9 <b>pond's</b> 49:22 <b>ponds</b> 10:19 11:12,17 13:20 14:10,14,22 15:4,14,21,24 16:9,13,17,23 17:22 18:10,17 35:9,13,19,20 35:24,24 36:3 36:7,10,14,16 37:4,13,19 38:12,23 40:13 40:21 43:16 45:22 46:8,9 46:22 48:4,18 52:15,20 55:15 56:15 58:21 60:19,23 61:22 62:23 63:1,10 63:12,13,14,17 63:18,22 64:22 65:7,8 69:9 70:7 86:9 90:23 92:9,10 92:15 94:23 107:20,24 114:5 115:5 117:3,4 121:6 121:20,20 122:10 127:6 127:11 128:3 131:24 142:19 145:1 153:6,9 154:1,18 156:7 159:12,12 162:1,1,3,8
<b>place</b> 128:17 139:1 167:13 211:15 215:14 224:24 242:12 260:11	96:13,19 97:23 99:10 104:19 107:4 113:13 146:7,9 151:22 158:8 161:6 169:4 190:8 193:5 207:11 208:17 211:24 216:4 218:2 222:1 230:2 255:24 265:9			

163:2,13	24:3 60:12	300:21 304:6,8	<b>Presumes</b> 250:9	75:20 91:11,18
164:17 166:19	82:4 96:2	304:12,15	<b>pretty</b> 139:3	99:14 123:10
167:3,24 168:8	152:3 224:13	<b>practice</b> 15:20	158:23	124:24 151:20
169:14,22	261:9	58:10 158:10	<b>prevent</b> 130:18	161:3,10 200:3
170:19 176:1,5	<b>possibly</b> 232:24	258:8	130:22 168:10	211:7 246:17
176:17 177:3,6	254:13	<b>Prairie</b> 1:4 8:6	308:6	274:6 315:15
177:18,21	<b>post</b> 132:3	<b>pre-'92</b> 48:24	<b>preventing</b>	316:7,9
178:4 186:13	<b>post-hearing</b>	<b>pre-job</b> 36:24	308:4	<b>process</b> 35:17,18
186:15 187:3,6	110:21 111:3	130:24 166:20	<b>previous</b> 70:18	35:19,21,21,22
188:11 189:5,5	<b>postdated</b> 299:6	<b>pre-Midwest</b>	128:7 148:20	35:22 36:7,18
189:11 190:12	<b>posts</b> 132:1,2,10	180:10	200:7 244:10	36:22 58:12
190:17 201:14	<b>potential</b> 58:13	<b>preceded</b> 34:5	279:18 311:18	60:6 88:22
201:20 216:16	<b>potentially</b>	43:24,24 47:22	<b>previously</b> 71:22	114:11 116:11
219:2,5,8,17	159:21 249:24	229:6	73:3 216:24	116:18,20
219:20,21	294:15	<b>precedes</b> 228:2	306:24 309:2	117:22 118:3,6
221:5,10,17	<b>pounds</b> 293:13	232:20	<b>prior</b> 43:16	128:8,16
222:14 223:1	<b>power</b> 283:4	<b>preceding</b>	47:18 48:4	133:23,24
223:10 234:15	<b>Powerton</b> 9:3,3	196:19,20	64:12,15 71:6	141:17 146:16
236:17 253:15	9:12 51:20	<b>precipitation</b>	74:10 98:15	149:8,24 150:1
253:19 263:20	54:18 57:15,20	16:1,5,7,10	161:23 227:20	153:19 156:2
263:21 264:1,3	92:9,12,15,21	185:14 188:21	235:3 254:16	159:9 160:10
264:8,19	92:23 93:13	<b>prejudicial</b>	281:11 294:14	160:13 162:9
265:15 268:17	96:1 102:17	110:23 229:14	294:23	162:10 164:18
268:19 269:13	103:10 109:21	229:18	<b>priority</b> 128:14	164:20 168:6
270:16,18,20	110:1 120:9	<b>prep</b> 302:4	<b>privity</b> 75:4	171:7 177:6
270:21 272:2	122:11 136:7	<b>preparation</b>	<b>probably</b> 17:8	217:16,20
275:23 276:3,9	136:21,23,24	62:18,19	36:24 127:13	221:21 224:1,4
276:13,15,23	137:2 148:19	203:10,11	150:22 236:14	231:19 241:12
278:23 279:1	158:21	294:10	240:14,17	242:5 249:21
279:17,19	<b>poz-o-pac</b> 12:16	<b>preparations</b>	282:17 305:16	251:2 291:19
281:9 283:2,3	12:24 13:18,24	202:11	305:19	293:1,2 295:10
284:13 285:16	184:6,8 186:17	<b>prepare</b> 165:13	<b>problem</b> 37:15	295:14,17
298:2 308:5,7	188:10 191:12	<b>prepared</b> 202:17	92:6 124:4,7	<b>processed</b> 218:9
311:22 312:4	192:11,13,23	255:3 293:4	172:4	218:11 271:23
<b>poor</b> 12:18 13:5	194:3,10,12,20	303:13,19	<b>problems</b>	277:4 308:4
13:6,11	194:22 198:20	<b>preparing</b>	157:23 200:24	<b>processes</b> 33:18
<b>POP</b> 215:6	199:1,12 215:7	282:16	<b>proceed</b> 32:13	33:20 35:14,16
<b>portion</b> 90:17	253:14,18,23	<b>present</b> 161:14	92:5 105:7	<b>produce</b> 18:13
139:13 207:12	253:23 254:7	189:14 203:11	107:1 161:18	106:19 229:4
<b>portions</b> 61:3,6	254:11,15	221:14 294:16	172:22 211:9	287:20
<b>position</b> 19:22	258:6,12,16,19	294:23 295:9	212:1 246:22	<b>produced</b>
20:4,10 21:10	267:15,15	295:10,12	262:23 263:5	105:12,12
34:10,13 155:1	268:9 269:5	<b>pressure</b> 50:8,18	264:12 289:19	106:1,4 196:21
165:15 176:24	277:24 278:4	51:21 52:15	<b>proceeding</b>	197:4,12
238:5	278:12,17	129:9,13,17	31:23	200:19 226:1,5
<b>possible</b> 9:3,11	280:16,21	293:12	<b>proceedings</b>	228:6,11 229:5
23:13,16,22,24	281:2,7,9	<b>presume</b> 251:8	1:11 26:6	232:17 287:13



287:15,17 288:10 306:24 309:2,9,15 <b>production</b> 196:12,12 <b>products</b> 276:7 276:18 312:22 <b>professional</b> 43:2 <b>progress</b> 160:14 <b>project</b> 2:9 46:21 87:5,12 92:22 103:15 122:12,24 137:7 204:12 252:22,22,23 283:15 286:2 290:7 301:20 303:12 <b>projects</b> 45:15 46:19 114:17 114:24 158:15 282:8 292:14 296:8 <b>pronounce</b> 49:6 <b>pronounced</b> 79:9 <b>pronouncing</b> 156:16 <b>proof</b> 74:14 75:8 119:13 120:1,3 124:1,9 201:2 201:3 228:18 229:22,23 232:6,13,15 <b>proper</b> 146:19 <b>properly</b> 239:10 <b>properties</b> 45:10 <b>property</b> 20:22 158:10 165:17 207:12 <b>proposals</b> 292:13,15 <b>propose</b> 21:1 <b>proposed</b> 21:7 21:16 <b>prosecuted</b>	31:24 <b>protection</b> 205:1 <b>protective</b> 115:17,20,22 115:24 116:8 117:24 131:7 164:21 165:4 166:8,9 167:11 <b>provide</b> 180:4 194:9 236:10 264:4 303:21 <b>provided</b> 26:15 29:12,16 <b>providing</b> 255:16 272:7 <b>PSI</b> 293:13 <b>public</b> 17:3,6 <b>puddling</b> 56:22 <b>pull</b> 22:4 226:2 226:3 <b>pulled</b> 67:11 109:6 168:5 243:9 245:5 <b>pulling</b> 122:12 139:8 148:22 <b>pump</b> 138:24 139:9,10 213:4 279:8 <b>pumped</b> 217:20 270:21 <b>puncture</b> 59:5 <b>punctured</b> 60:6 217:1 234:14 <b>purchase</b> 76:24 77:1,12,23 143:14,17,19 154:5 <b>purpose</b> 20:11 20:16 39:6 182:9 213:1 291:14,15 <b>purposes</b> 18:7,9 141:5 171:16 181:16,21 182:8 <b>pursuant</b> 277:11 <b>push</b> 78:18	84:22 133:19 135:17 155:8 250:18 251:3 <b>pushed</b> 298:1 <b>pushes</b> 249:23 <b>pushing</b> 135:2,5 135:13 155:17 251:7 <b>put</b> 8:23 12:24 15:6,21 29:4 48:23 50:8,18 52:15 123:20 129:9 131:2 132:6,13,16 134:2 138:22 139:16 141:17 146:19 154:22 162:16 194:11 205:5,7 231:24 269:19 289:22 306:14 <b>putting</b> 43:16 51:21 144:14 233:13	257:15 261:5 266:21 273:3 280:22 288:22 289:2,3,17 290:16 313:13 <b>questioning</b> 107:1 124:6 <b>questions</b> 10:17 21:21 22:1 23:1 24:14 25:18 32:15 100:4 105:20 120:21 159:1 160:21 170:15 171:18 182:21 184:13,21 185:20,23,24 186:7 188:24 197:11,14 200:24 201:2 202:10,14 217:4 229:22 232:13 235:3 235:18,20 244:5 245:16 246:11 262:5,6 262:15,18 263:9 268:11 268:14 271:6 273:12 274:1 293:3 306:13 308:16,19 309:20,21,22 309:24 310:2 310:13 311:3,5 <b>quick</b> 243:24 268:14 <b>quickly</b> 70:2 165:19,23 <b>quite</b> 100:6 131:4 174:17 233:6 295:12 310:1,5 <b>quote</b> 10:4 12:15 12:18 110:21 138:9 241:9	<b>R</b> <b>R</b> 2:1 8:21 22:2 22:2 33:6 125:4 152:1,1 159:6,6 161:20 170:16 173:1 247:1 263:7,7 268:15,15 269:11,11 271:13,13 273:4,4,13,13 275:1 <b>R-E-B-E-C-C-A</b> 173:15 <b>Rabins</b> 287:4 <b>Race</b> 4:2 8:12,16 8:18,23 25:23 26:18 27:6 28:23 <b>racetrack</b> 166:13 <b>rain</b> 138:15 217:13 266:8 <b>raining</b> 257:2 <b>rainwater</b> 56:17 218:11 267:1 298:11 <b>raise</b> 8:15 172:15 235:11 <b>raised</b> 137:17 197:7 <b>raising</b> 9:10 <b>ramp</b> 78:8,10,18 116:10,13 117:23 134:19 134:23 135:3,6 135:7,13,14,16 154:12,16,19 154:23 155:2,4 155:5,7,9,11 155:18,20,21 155:22,23 164:19,20,22 165:8,9,14,16 167:12,12 171:6,7,9,11
<b>Q</b>				
		<b>qualities</b> 45:2 <b>quality</b> 20:20 53:11 293:14 302:3 <b>question</b> 9:11 10:21 19:2 39:20 42:7 46:1 59:12 90:1 96:12 98:5,13,13 99:16 115:9 169:13 184:20 190:2,7 192:1 193:4,9 199:9 203:4,8 208:11 208:21,23 212:24 214:24 219:11 226:17 235:10,11 244:11,19 250:15 254:2		

171:13,17	29:24 30:2	269:7 270:17	259:6 266:3	161:22 207:22
240:16,23	101:22,24	276:13 279:10	268:23 278:13	210:12 298:12
241:5,7,8	195:15,16	282:18,22	<b>recommendati...</b>	<b>reference</b> 9:16
249:10,14,16	237:10,12,16	284:12 286:8	10:16 142:22	9:24 12:3
249:17,18,22	240:8,9 242:20	288:15 289:12	142:23 143:2	112:19 119:13
249:23,23	242:21	289:22 290:9	<b>record</b> 8:11 26:1	261:10 274:13
250:1,18,18	<b>real</b> 241:10	290:11,12	26:8,10,10,13	<b>referenced</b>
251:3,6 261:11	243:23	294:3,4,6	28:14 46:2	138:12 144:2
261:12 262:1	<b>really</b> 50:5 60:4	298:6 299:9	75:13 80:10	148:11,18
311:24 312:2	111:1 121:23	300:24 301:2	91:8,13,21,22	<b>references</b> 105:5
<b>ramps</b> 154:17	153:15 154:3	303:14 304:18	99:10 100:19	<b>referencing</b>
<b>ran</b> 238:4	159:9 199:3	304:22 308:3,8	101:7 110:12	129:13 130:5
<b>range</b> 232:18	210:24 223:6	312:3 314:18	123:4,7,12,18	137:1
<b>ranking</b> 10:15	235:22 236:3	<b>recalls</b> 98:15	123:21,22	<b>referred</b> 24:21
12:5	287:19 293:2	<b>receive</b> 34:23	124:21 125:2	40:24 182:19
<b>Raymond</b>	308:1	35:3 69:23	151:17 160:23	207:10 242:24
237:19	<b>reason</b> 99:2	86:22 105:13	161:12 169:3	243:16 244:20
<b>re--</b> 60:17	131:3 134:21	125:18 126:5	189:13,20	245:4
<b>re-ask</b> 208:23	174:22 224:8	178:20 197:17	190:9 193:6	<b>referring</b> 9:18
<b>re-call</b> 28:23	251:5 252:15	284:14 295:16	199:23 200:5	12:9 14:2 18:8
<b>re-compacted</b>	252:17	<b>received</b> 126:7	211:4,9 245:12	22:16 23:8
130:12	<b>Rebecca</b> 4:19	196:4 197:20	245:12 246:14	55:2,6 56:2,3,7
<b>re-cross</b> 25:20	5:6 172:2,18	198:2 206:6	246:19 250:10	57:15 85:15,20
159:4	173:15 228:21	214:13 259:17	250:11 262:24	103:8,20 104:4
<b>re-redirect</b>	244:7	284:12	274:3,8 281:21	110:2 199:12
269:23	<b>rebuilding</b>	<b>receiving</b> 125:14	287:14 313:15	243:4 270:23
<b>re-sloped</b> 168:8	143:4	183:7,16	315:12,17,19	271:15 297:9
<b>read</b> 46:1,2	<b>recall</b> 10:21 11:2	187:14 189:6	<b>Recross-Exam...</b>	307:19
89:22 99:20	14:5 15:15	189:11 190:13	4:12,24	<b>refers</b> 9:23
190:7,9 193:4	16:3,23 19:22	262:4 276:6,7	<b>rectangle</b> 69:9	238:9
193:6 252:10	50:14 52:3	276:15,18	206:2	<b>reflect</b> 181:17
252:16 255:11	84:14,14 85:5	<b>recipients</b>	<b>recycled</b> 18:7,9	<b>reflecting</b>
265:20 275:15	104:10 126:18	112:12	<b>redirect</b> 4:5,11	150:15
280:14,24	128:22 129:2,6	<b>recognize</b>	4:23 21:23	<b>reflects</b> 119:17
291:19 293:7	129:10,23	119:22 120:7	151:22 261:16	<b>refresh</b> 62:7
293:24 294:10	144:8 148:10	255:1 275:5	267:19	216:2 221:2
306:12,22	184:1,6 186:20	281:19 285:5	<b>redirected</b> 277:4	254:19 255:15
308:24 309:13	188:9 191:5	286:20 291:6	308:8	265:1 266:2
309:17,19	204:7,17,21	292:5 296:2	<b>reduce</b> 227:12	267:6 278:13
313:13,15	209:6,9 210:23	299:24 301:11	<b>reinforcement</b>	<b>refreshed</b> 52:10
<b>reading</b> 67:10	218:21 220:2,5	303:2 304:2	243:12,16	<b>regard</b> 129:8
87:18 98:16,17	220:6 222:2	307:13 312:12	244:17,20	<b>regarding</b> 9:11
138:21 190:2	234:18 254:14	<b>recollection</b>	245:3	13:11 16:22
267:12 291:16	254:23 258:5	52:10 62:8	<b>reengineered</b>	17:10 136:4
308:19	258:17 260:3	144:3 145:10	279:3	<b>regards</b> 244:6
<b>reads</b> 84:6	262:3,8,9,11	145:13 205:19	<b>refer</b> 38:3,11,12	<b>regular</b> 34:17,18
<b>ready</b> 22:22	264:20 267:17	254:20 255:16	76:23 105:23	35:6 125:15

142:18	92:18 94:22	162:8 166:4	<b>replacement</b>	212:7,8,13,16
<b>regularly</b> 140:2	103:15,22	194:12,22	10:15 55:15	212:19,20,21
157:1 198:1	114:17 121:3,6	206:20 207:5	56:8,8,10,23	213:2,4,11
253:1	121:10,20	223:24 224:8	109:21 122:6	216:14 252:4,6
<b>regulations</b>	122:10 149:8	304:16	235:4 285:15	273:8 292:13
21:13 175:23	168:7 248:16	<b>removes</b> 243:11	287:6 288:17	292:15
176:6,7,8	252:7 254:16	244:15	291:10 296:19	<b>requested</b> 16:24
<b>relate</b> 260:5	260:13 290:10	<b>removing</b> 84:4	300:18 301:20	46:3 190:10
<b>related</b> 79:20	295:10	152:7 217:9,15	<b>replacements</b>	193:7 252:12
101:6 111:14	<b>relinings</b> 121:11	304:12,14	54:23 55:1,3,7	252:14 288:16
180:9 198:17	122:16,20	<b>renew</b> 180:9	55:11,24 56:5	313:7,9,16,21
227:21 248:2	<b>rely</b> 255:9,10	202:9 265:4	<b>replied</b> 82:11,14	<b>Requesting</b>
252:1 272:12	<b>remain</b> 65:7	<b>repair</b> 73:5,11	<b>reply</b> 105:14	313:10
<b>relates</b> 35:24	224:6	84:16 128:8,10	<b>report</b> 1:11	<b>require</b> 55:17
105:17 261:10	<b>remained</b>	133:17 134:3	26:15,20 27:3	244:4
272:6	267:11	259:16	27:3,5,7 66:13	<b>required</b> 138:19
<b>relating</b> 9:2	<b>remaining</b> 14:10	<b>repaired</b> 50:4	70:5,10 71:1,6	139:4 286:5
35:13 74:12	84:3,20 159:16	73:15 85:1	122:14 139:22	289:10
<b>relation</b> 107:20	217:12 224:7	128:12 130:7	141:15 142:22	<b>requirement</b>
<b>release</b> 167:13	224:10	130:15 135:22	147:6 177:23	21:12 214:14
<b>relevant</b> 17:5	<b>remains</b> 224:3	141:18 143:24	181:11 214:10	<b>requirements</b>
100:23 101:2	<b>remember</b> 23:2	144:7 145:12	214:16 255:3,6	15:11 32:7
111:10	23:14 24:15	145:16 251:13	255:9 258:7,8	59:8,18 293:19
<b>reline</b> 45:22	40:22 49:19,24	251:15	259:3 300:8	<b>reread</b> 231:6
121:19 284:13	50:16 51:4	<b>repairs</b> 83:22	303:12	<b>researched</b> 9:16
286:6	58:8 60:7,9	86:8 87:16,21	<b>reported</b> 3:3	<b>residence</b>
<b>relined</b> 13:17,21	61:23 71:2,5	134:9 143:22	71:1,11 316:6	270:20
36:4 46:8,9,9	72:19,24 76:9	144:16 153:16	<b>reportedly</b>	<b>resolve</b> 262:15
46:22,23 48:16	85:23 87:15,20	153:18	12:18	262:18
49:1,13,18	87:23 88:19	<b>repeat</b> 27:1	<b>Reporter</b> 32:20	<b>respect</b> 9:5,22
61:22 62:23	117:9 125:16	78:12 192:21	80:17 191:18	12:2 17:18
63:1,13,15,17	126:14 141:23	212:23 230:21	208:10,20	87:8
63:19,23 92:15	154:6,19	250:15 266:21	288:21 289:1	<b>respond</b> 110:24
103:11 137:13	186:18 199:3	<b>repeating</b>	316:6	143:2
137:22 145:2	203:14 204:5	161:23	<b>reporting</b> 93:1	<b>Respondent</b> 1:9
149:10 158:22	210:24 217:21	<b>rephrase</b> 40:8	145:21 153:13	3:1 275:7
167:16 168:1	219:6 230:16	40:17 44:15	258:5 259:16	282:1 285:7,20
169:14,15	231:9 242:8	59:15 96:19	<b>reports</b> 69:23	286:22 291:1
188:13 190:24	249:19 264:16	112:21 121:4	70:1 180:11	292:6 295:22
192:12 258:13	264:17 300:20	121:13 152:24	<b>represent</b>	300:1 301:12
290:13,14	<b>remind</b> 82:15,18	177:3 192:1,21	227:11	303:4 306:5
295:16 304:9	131:1 167:15	193:8 202:5	<b>represented</b>	312:8
<b>relines</b> 115:6	<b>reminder</b> 72:3	216:8 218:1	173:4,7,21	<b>Respondent's</b>
<b>relining</b> 36:6	<b>remove</b> 84:2,20	219:13 231:1	174:12 202:17	285:1 295:6
37:13 40:21	207:4 217:17	254:4 280:4	<b>representing</b>	299:18 301:6
45:15 46:19,20	<b>removed</b> 15:22	<b>replaced</b> 55:19	172:10 173:24	302:14 314:15
47:18 64:1,21	29:15 102:22	55:20 103:21	<b>request</b> 202:10	<b>responding</b>

99:16,16 100:1	311:16	<b>roller</b> 168:20	116:15,17	<b>scrape</b> 135:7
<b>response</b> 81:4	<b>RFP</b> 292:24	<b>rolling</b> 57:24	131:10 138:19	<b>scraping</b> 155:16
98:9 158:13	293:2	<b>room</b> 1:14 155:9	139:6,8,11,17	155:19 249:24
215:2 262:6	<b>RFP's</b> 293:18	165:1,6,19	140:10 154:22	<b>screen</b> 150:10
<b>responsibilities</b>	<b>rhetorical</b> 227:1	166:12	164:21,24	247:20
33:15 35:13	<b>ride</b> 82:16,18	<b>root</b> 67:8,11	<b>sandbags</b>	<b>screenings</b>
81:23 87:8	<b>right</b> 8:15 23:19	<b>roughly</b> 127:15	114:13	283:18
126:13 147:10	26:21 50:7	<b>rounds</b> 127:5	<b>sarcasm</b> 169:3	<b>screens</b> 309:3
<b>responsibility</b>	59:1 74:24	222:24	<b>satisfied</b> 259:15	<b>sealing</b> 305:7,16
157:22 158:5	82:5,9 91:21	<b>routine</b> 34:21	<b>satisfy</b> 15:10	305:17,18,19
259:1 273:19	102:17 105:22	35:3 116:22	<b>save</b> 223:14	<b>seams</b> 231:20
<b>responsible</b> 37:2	114:17 120:11	<b>routines</b> 223:2	<b>saw</b> 106:8 128:7	305:17
37:6,9,10	123:12,24	<b>rubber</b> 118:10	141:16 160:15	<b>second</b> 12:14
158:6 176:9	128:16 133:3	168:17 293:12	168:6 253:5	17:18 19:17,21
<b>rest</b> 196:6	134:11 135:3	<b>Ruining</b> 1:5 8:7	294:4 309:19	51:13 57:11
225:21 227:2	136:2 138:6	<b>rule</b> 19:23 30:22	<b>saying</b> 26:20	70:6 79:14,15
272:6	141:18 142:1	120:4 263:5	28:17 46:12	80:2,9 86:10
<b>restate</b> 39:20	145:7,8,15	<b>ruled</b> 263:3	99:19 125:24	89:22 93:10,15
42:7 60:17	149:9,17	<b>rules</b> 31:13	131:12 135:6	94:8 101:21
96:12 289:5	156:16 161:12	<b>ruling</b> 203:18	186:3	102:11,12,24
<b>result</b> 266:8	165:9 170:6	<b>run</b> 132:17	<b>says</b> 12:15 23:9	113:2 120:9
313:24	172:16 186:4	168:12	66:24 70:7,10	149:20 150:5,8
<b>resulted</b> 52:18	195:11 196:9	<b>running</b> 166:16	70:17 77:16	150:19 151:2,2
<b>resulting</b> 249:24	210:8 219:18	<b>runoff</b> 297:24	78:8 82:6 94:8	151:3 215:6
<b>results</b> 177:23	225:19 226:3	<b>runs</b> 127:2	98:15,21	217:8 237:18
300:15 313:8	246:19 247:12	<b>RUSS</b> 2:10	102:18 107:12	270:15 277:20
313:20 314:4	257:5 262:19		140:8 141:21	288:22 289:2
<b>retention</b> 206:3	263:15 276:20	<hr/> <b>S</b> <hr/>	143:8 144:10	297:1,3 304:2
206:3,5 243:4	277:8 282:22	<b>S</b> 2:1 5:10 8:21	149:19,22	304:17
245:6 263:22	306:21 307:3	8:21 125:4,4	200:15 201:24	<b>secondary</b> 57:15
263:24	309:7,9,18	159:6,6 170:16	214:24 216:13	93:13 95:1
<b>retired</b> 163:9	311:9 315:7	170:16 247:1,1	251:22 256:19	102:17 103:10
<b>returned</b> 258:18	<b>right-hand</b> 25:6	268:15,15	257:6 260:19	104:9 136:6,9
258:20	296:18	<b>S-L-O-U-G-H</b>	271:16,22	137:12,21,23
<b>reuse</b> 15:6,11	<b>rip</b> 80:3	49:6	277:17,20,23	158:21
207:4	<b>rips</b> 82:4,4,16	<b>safety</b> 36:24	283:6,16 287:2	<b>seconds</b> 231:6
<b>reused</b> 249:2	85:18	142:18 170:7	287:4 296:21	<b>section</b> 31:18
<b>review</b> 70:1	<b>river</b> 96:1,3	171:15 315:5,8	297:20 305:21	77:24 133:7
105:1 111:23	<b>Rivers</b> 1:4 8:6	<b>saith</b> 8:20 33:5	312:21	171:2 203:17
225:7 232:19	<b>road</b> 2:3 135:10	172:20	<b>schedule</b> 92:23	263:5 278:17
234:4 237:9	135:11 155:13	<b>sampled</b> 312:4	114:19 122:12	<b>sections</b> 84:4
240:7 242:19	155:24 210:24	<b>samples</b> 198:22	<b>Schuh</b> 9:2,6,10	<b>secure</b> 109:10
312:17	<b>roads</b> 222:24	312:18	9:16	148:24
<b>reviewed</b> 74:22	<b>rocks</b> 294:16	<b>sand</b> 23:9 70:9	<b>scooped</b> 146:19	<b>secured</b> 108:20
275:14,15	<b>role</b> 122:15	115:18,19,21	<b>scope</b> 212:11,12	<b>secures</b> 149:5
<b>reviewing</b> 52:3	292:24 302:2,9	115:23 116:2,7	264:10 265:5	<b>security</b> 83:15
293:4 303:14	<b>roles</b> 137:7	116:9,14,14,15	296:21	<b>see</b> 9:24 13:17

23:10 28:16	299:22 301:21	283:11	237:21 238:2,4	<b>sir</b> 30:17 45:17
42:19 77:14,16	305:9 306:10	<b>sentences</b>	238:7	51:17 120:7
79:24 82:16,17	306:22 308:22	294:11	<b>shifts</b> 127:3	195:17 232:16
82:18 87:1	309:4	<b>separate</b> 39:8	153:11	247:16
91:14 99:21	<b>seeing</b> 10:7,10	79:24 130:4	<b>shingles</b> 18:8,14	<b>sit</b> 146:21
102:11,15,24	10:11 148:10	252:4	<b>short</b> 91:22	308:18
103:4 112:24	226:9,10 242:9	<b>separated</b> 39:24	246:20	<b>site</b> 17:12 25:1,3
113:4,16,18	269:7 282:18	<b>separating</b>	<b>shorthand</b> 316:5	25:8,14 90:18
117:18 121:13	294:6	39:15	316:7	90:20 97:3
127:9,12,13,20	<b>seeking</b> 32:14	<b>separation</b>	<b>shortly</b> 254:21	119:17 179:22
127:24 132:16	<b>seen</b> 13:1 51:24	39:11	<b>show</b> 82:7,8	181:2,6 198:21
133:3,5 136:24	66:2,15 115:11	<b>September</b>	180:7 228:1	199:2 205:12
140:24 142:8	115:14 117:5	110:9 158:18	254:19	205:23 209:12
142:23 143:1	131:17,21,23	292:23 296:16	<b>showing</b> 196:5,7	210:6 214:10
145:23 146:11	153:22 282:23	<b>sequentially</b>	232:18 275:3	214:15 287:5
150:11,12,14	311:21	162:3 279:20	285:3 307:16	297:5
159:23 164:13	<b>seeping</b> 215:6	<b>series</b> 9:20	<b>shut</b> 276:17	<b>sites</b> 18:21 121:7
165:8,21,22	266:7,13 267:2	199:15 277:5	<b>side</b> 11:13	121:19
167:10,23	267:10	<b>serve</b> 39:7	141:22 163:19	<b>sits</b> 270:22
169:10 172:22	<b>send</b> 34:21	201:11	171:14 186:23	<b>sitting</b> 138:16
181:7,16,22	86:19 155:7	<b>serves</b> 137:7	204:17,23	<b>situation</b> 16:8
198:19,24	178:18 215:23	<b>service</b> 155:3	205:23 224:6	60:7 203:13
205:24 206:2	<b>senior</b> 175:10	162:4,5,15,16	231:14 243:23	<b>situations</b> 79:21
207:11,13	<b>seniority</b> 31:3	224:9 276:6	<b>sides</b> 41:9 43:21	<b>six</b> 115:24
209:15,19	31:10	277:3 283:12	47:11 49:13,18	131:11 145:6
210:5,10 212:6	<b>sense</b> 16:10	<b>services</b> 64:5	49:22 68:23	290:21
212:15,18	74:21 121:9	109:18 157:3	69:5,6 168:13	<b>six-inch</b> 304:20
214:9,23	<b>sent</b> 17:24 53:22	<b>set</b> 155:16	253:19 281:9	304:21
222:24 223:1	72:4 81:16	226:22	<b>Sierra</b> 1:3 2:14	<b>size</b> 117:17
223:16,21,23	83:14 87:2	<b>settles</b> 56:24	8:5	134:7
224:14 226:8	93:15,16 102:5	<b>settling</b> 56:14,18	<b>signature</b>	<b>skip</b> 69:11
227:19 230:8	102:9 103:14	56:21 283:2	213:10 316:13	170:23 223:13
232:21 243:6	105:15 107:6	<b>seven</b> 19:21	<b>significant</b> 67:4	242:10
244:8 247:20	109:12 112:6	199:16 292:3	<b>significantly</b>	<b>slack</b> 84:17,24
255:19 256:5	146:1 149:16	<b>sf@nijmanfra...</b>	163:9	<b>slag</b> 9:4,11 38:21
256:11,12	196:8 228:21	2:23	<b>similar</b> 16:9	85:3 108:3
257:6,8,22,23	228:24 229:8,9	<b>shape</b> 163:17	17:2 51:20	117:24 118:17
258:15,18	234:2 237:19	<b>shaped</b> 210:6	74:9 122:11	178:24 179:3
259:24 260:20	240:5 270:11	<b>shared</b> 68:24	138:5	183:20,24
261:7 269:5	288:3	<b>sharing</b> 69:7	<b>simplified</b>	188:6 206:6,8
271:18 275:20	<b>sentence</b> 10:3,6	<b>sharp</b> 294:16	291:20	206:11,17,20
275:22 277:18	12:14 70:6	<b>she'd</b> 186:3	<b>simply</b> 98:17	206:24 207:1,4
277:20 280:12	90:11 94:8	<b>sheds</b> 90:14,15	110:20 111:12	207:6,10,23
282:9 283:5,19	102:11,24	91:1	288:4	208:4 209:4,15
285:19 287:7	112:24 217:8	<b>sheet</b> 292:18	<b>sincerely</b> 244:1	209:15 210:3,6
287:14 290:18	235:21 238:24	<b>sheets</b> 251:22	<b>single</b> 29:16	210:12,15
296:22 297:22	243:6,7 244:1	<b>shift</b> 127:6 153:6	169:6 171:11	243:8,11,13,17

244:16,17,21	<b>Smith</b> 140:19	243:6 255:13	292:14,14	<b>SS</b> 316:2
245:5 276:16	<b>smooth</b> 168:14	256:23 261:21	295:11,15	<b>stabilize</b> 130:12
<b>slam@enviro...</b>	168:16 294:21	272:11 282:20	296:18 300:9	<b>stack</b> 22:5 29:5
2:13	<b>SO2</b> 264:1,3,8	285:1 287:1	300:10,11,22	180:7
<b>slid</b> 57:21	264:19 265:15	298:18,19	301:20 303:12	<b>stage</b> 223:18
<b>slide</b> 230:15	268:17 269:13	299:23 300:10	307:18 312:23	<b>staged</b> 166:1
<b>slightly</b> 23:22	270:18	305:18 313:13	<b>southeast</b>	<b>stand</b> 8:13 41:2
290:6	<b>soil</b> 42:11 43:11	314:22	207:12	161:14 308:18
<b>slit-like</b> 140:23	47:14 51:23	<b>sort</b> 17:16	<b>span</b> 189:15	315:19
<b>slop</b> 57:1,7	52:2,19,24	144:23	<b>speak</b> 163:17	<b>standards</b> 53:12
138:24	57:6 113:20	<b>sound</b> 144:12	208:8,17	<b>standing</b> 203:18
<b>slope</b> 49:10	130:13 168:6	145:7	225:16	217:10,11,23
57:21 67:3,7	193:15	<b>sounds</b> 274:22	<b>speaking</b> 31:5	<b>stands</b> 227:18
68:15 70:18	<b>soil/rock</b> 23:5	<b>source</b> 252:18	164:9	273:6
127:14,14	<b>solid</b> 186:24	253:5 298:16	<b>specialist</b> 88:22	<b>start</b> 91:20
130:10,12,15	<b>Solutions</b> 60:3	<b>south</b> 2:21 14:4	88:22 137:5	93:16 98:1
132:6,9 142:13	238:9,10	90:22 183:6,6	175:11,19	135:12 151:14
160:2 230:15	<b>somebody</b> 123:1	183:6 187:7,7	197:23,24	153:19 226:7
296:21	155:8,14 160:9	187:8,9,14,19	<b>specific</b> 33:22	235:3
<b>slopes</b> 68:11	229:7	188:3,7,13,18	36:1 77:14	<b>started</b> 48:24
131:5 132:11	<b>somewhat</b> 37:16	188:20 189:3	85:23 191:5	125:8 135:11
167:10 168:8,9	111:10 126:16	190:14,14	201:21 206:21	136:22 139:6
168:10,13	<b>soon</b> 146:18	191:3,4,7,13	248:13	222:10 234:19
204:18,23	<b>sorry</b> 10:10	192:6,19,24	<b>specifically</b>	274:15,17
224:6 231:14	22:15,23 26:19	194:15 204:12	19:20 165:4	<b>starting</b> 51:12
<b>Sloping</b> 279:6	29:8 30:6	204:13,16	219:9 265:16	81:15 98:4
<b>sloughing</b> 49:5,8	46:11 48:11	205:24 206:1	<b>specification</b>	165:20 192:7
49:13,14,18,20	51:14 53:16	214:12 216:13	121:22 139:4	220:14 265:9
49:23 50:3,7	55:12 61:2	219:2,3,24,24	<b>specifications</b>	274:20
50:17 51:21	64:14 74:3	219:24 221:19	64:1 94:22	<b>starts</b> 211:22
52:14,18 67:16	76:5,17 78:12	221:19 222:3	293:18	225:9,20 230:8
67:18 70:19	79:14 80:7	243:2,3 249:11	<b>specified</b> 13:6	249:22 280:15
71:3 129:2	81:7 86:13	252:8 253:15	<b>speculate</b> 78:7	<b>state</b> 84:20
130:2,6 168:11	92:5 93:5 98:7	253:15 254:15	117:11	138:17 170:19
<b>slow</b> 166:2	98:22 99:9	254:15 258:6	<b>speculation</b>	316:1
<b>slowly</b> 118:18	100:4 101:18	259:24 260:2	78:10 95:20	<b>stated</b> 10:4
165:1,14	101:23 110:15	263:22 276:4,5	257:13 261:14	37:12 52:7
166:10 311:23	124:11 126:20	276:9,11,11,14	266:16	114:19 121:21
<b>sluice</b> 11:5,8	149:17 170:23	276:24 277:2	<b>spell</b> 173:9,14	133:10 140:11
108:3 218:10	179:19 180:15	278:7,19,24	<b>spent</b> 227:11,13	142:12 168:17
<b>sluiced</b> 38:22	181:18 188:12	280:11,23	270:16	226:17 261:5
283:3	189:18 195:6	281:5 282:8,8	<b>spread</b> 116:14	289:9
<b>slurry</b> 270:16	195:23 205:6	283:2 285:15	116:16	<b>statement</b> 12:21
<b>small</b> 113:18	212:23 225:15	285:16 286:1,2	<b>spreading</b>	17:23,23 56:3
136:14 140:22	225:17 226:11	286:2 288:17	164:21	80:18 129:12
155:15 166:7	228:4 230:21	290:1,8,14	<b>spreads</b> 108:4	200:7 283:16
210:7	231:1 240:24	291:10,10	<b>Spring</b> 247:6,7	293:17 297:20

<b>statements</b> 18:22 19:2,5,9	<b>Steven</b> 3:4 200:5 288:24 313:14	<b>subject</b> 10:15 94:24 102:18	<b>supposed</b> 203:7	232:13,14
<b>states</b> 17:19 54:20,24 77:23	315:12 316:5 316:20	216:12,13 226:8 228:3,7	<b>supposition</b> 13:13	<b>surrounds</b> 155:24 186:12
89:9 102:13 107:8 146:7	<b>sticking</b> 206:2	229:6 273:7 308:13 311:2	<b>sure</b> 17:1,8 36:2 37:9 39:22	186:15
217:8 243:8 253:8 283:2	<b>stipulate</b> 27:11 28:20,21	315:19	40:9,18 42:9 42:20 44:9	<b>survey</b> 272:12 297:17 300:15
<b>station</b> 17:4,7,22 20:1 21:5,8	<b>stipulation</b> 29:2	<b>submit</b> 74:14 308:16 309:20	50:6,15 54:19 56:16 57:19	302:7
25:5,11,13 43:10 54:19	<b>stockpile</b> 260:19 260:22	309:23 311:5	60:18,24 61:18 67:24 68:4	<b>SUSAN</b> 2:20
57:16 87:13 88:23 92:9,21	<b>stone</b> 154:22 284:4,8,10	<b>subpoenaed</b> 233:7	70:21 71:5 75:15 81:9	<b>sustain</b> 75:6
96:2 108:1,17 109:21 114:21	<b>stood</b> 45:7	<b>subsequently</b> 13:10 88:17	86:12 89:24 94:18 95:15	<b>sustained</b> 39:18 62:13 63:7
136:7 140:20 145:24 147:1	<b>stop</b> 42:16 284:5	157:20	96:15,20 98:10 100:6,8 107:21	65:18 69:13
147:14 158:4 158:10 160:9	<b>stopped</b> 247:4	<b>substance</b> 181:24	112:22 116:6 121:14 123:6	75:9 89:15
162:11 167:4 170:4 175:22	<b>stopping</b> 165:20	<b>substitute</b> 29:14 <b>sufficient</b> 101:2	124:7,15 128:16 139:15	95:10 97:19
175:23 176:2 176:22 197:23	<b>store</b> 39:1,3 47:5 182:16 183:3	<b>sufficiently</b> 106:24 111:8	145:16 147:6 153:2,22 154:3	99:8 100:10
234:20,21,23 235:19 239:13	183:19,23	<b>suggest</b> 138:17 203:5	157:23 158:12 158:23 166:24	104:1 109:1
247:5 248:13 248:22 285:16	<b>storing</b> 183:24	<b>suggests</b> 259:12	167:8,10,12 169:7 172:13	114:1,8 152:24
<b>stations</b> 10:19 18:18 20:7,13	<b>storm</b> 139:15 214:10,13,15	<b>suit</b> 291:17	187:21 190:5 192:23 196:11	176:13 177:15
21:2,17 114:20 122:13 254:24	217:13 256:20 256:24 257:6,9	<b>Suite</b> 2:7,11,16 2:21 316:21	196:14,15 199:22 200:22	181:14 182:23
<b>status</b> 81:3 223:5 276:3	276:7 285:24 286:1 299:11	<b>summary</b> 19:15 296:8,14	201:22 202:6 206:14 213:1	183:12 184:15
<b>stay</b> 131:6 <b>stayed</b> 267:23	<b>straight</b> 165:16	298:17	214:3 216:9 218:3 262:11	186:10 187:23
<b>staying</b> 12:14 <b>steel</b> 58:24 59:4	<b>Street</b> 2:15,21 316:21	<b>summer</b> 255:4 280:20	226:23 268:2 282:23 287:20	189:1 191:23
186:22,23	<b>stringent</b> 59:8 74:21	<b>sump</b> 107:17 108:7,9,10	291:16 293:9 306:23 308:21	201:17 202:5
<b>stenographic</b> 316:10	<b>strips</b> 107:10 109:6,7,9	138:22	310:1,5 <b>surface</b> 51:23	209:23 210:19
<b>step</b> 25:23 171:23	148:21,23 305:20	<b>sun</b> 150:14	52:1,20 294:21 <b>surrounded</b>	221:12 224:22
<b>stepping</b> 70:17 70:19	<b>strong</b> 291:17	<b>supervisor</b> 128:6 153:16	65:3 185:16,17 <b>surrounding</b>	230:19,23
<b>steps</b> 159:10 <b>Steve</b> 27:2	<b>structure</b> 68:15 107:15 109:10	237:22 238:3,7	68:20 69:4,9 201:2 229:22	231:1 234:11
	204:6	<b>supervisors</b> 153:17		245:1 254:4
	<b>struggle</b> 228:11	<b>supplier</b> 77:17		266:11 267:21
	<b>subbases</b> 41:15	<b>support</b> 48:8 236:9		268:4 279:15
	<b>subgrade</b> 294:9 294:13 296:22	<b>supporting</b> 52:2		280:4 288:24
	297:4,7 302:4	<b>suppose</b> 196:24		230:19,23
				231:1 234:11
				245:1 254:4
				266:11 267:21
				268:4 279:15
				280:4 288:24
				<b>SUV's</b> 114:13
				<b>swear</b> 8:13 32:22
				<b>switch</b> 210:8
				<b>sworn</b> 8:20 32:20 33:5
				172:20
				<b>SYLVIA</b> 2:10
				<b>system</b> 137:23 140:6 153:13
				<b>systems</b> 12:16 213:8
				<b>T</b>
				<b>T</b> 2:20 5:10 8:21 22:2,2 33:6,6

125:4 152:1,1	201:3 211:5	153:14 251:6	<b>Terry</b> 112:6,9	124:20 125:3
159:6 161:20	228:14 229:17	<b>technical</b> 10:14	<b>test</b> 209:18	130:16 132:12
161:20 170:16	229:23 232:15	11:1 12:19	306:21	132:21 133:5
173:1,1 247:1	246:15 274:4	<b>technically</b>	<b>tested</b> 209:14	147:22 149:11
263:7,7 268:15	315:13 316:11	238:16	<b>testified</b> 129:1	151:9 159:3
269:11,11	<b>takes</b> 249:21	<b>technology</b>	133:6	160:19 161:7
271:13,13	<b>talk</b> 38:13 85:14	235:17 236:8	<b>testify</b> 119:14	161:19 170:11
273:4,4,13,13	108:1 228:13	241:14	174:19	170:14 171:22
275:1,1	245:13	<b>Ted</b> 123:2	<b>testifying</b> 136:4	173:11,17
<b>tab</b> 274:13 275:3	<b>talked</b> 67:15	252:19,20,24	152:20	175:3 180:23
281:18 284:15	121:9 125:6,14	253:4	<b>testimony</b> 10:21	182:5,6,11
284:23 285:3	126:12 133:2	<b>tell</b> 24:1 27:8	11:2 14:6	189:23 192:2
285:17,18	141:2 162:7	120:8,10	59:12 64:12,16	193:10 194:24
286:18 289:12	164:2 168:11	134:10 137:17	75:9 97:17	195:18 197:15
290:21 292:3	299:11 304:19	140:17,18	101:6 105:7	200:5 201:4,5
295:19 299:20	311:17	141:19 143:20	111:14 125:16	202:7 203:20
299:22 301:8	<b>talking</b> 43:8	146:12 147:5	126:15,18	205:18 209:1
302:17 306:9	45:8 48:17	150:20 278:1	134:17 150:9	211:11 213:19
312:6	100:7 136:22	280:18 281:4	161:23 180:9	214:4 215:11
<b>table</b> 138:18	146:13 159:8	<b>telling</b> 10:6	229:22 232:14	218:16 219:13
<b>take</b> 27:10 53:24	194:1 225:13	18:17 238:14	232:14 247:24	221:3 233:11
66:23 70:3	262:3	<b>temperatures</b>	248:5 261:6	236:22 241:21
75:7 80:1	<b>talks</b> 138:8	73:14	279:18 311:18	244:13 245:10
82:15,18 91:14	148:21	<b>ten</b> 127:20	313:11	245:14,16,17
94:7 105:10	<b>tall</b> 132:3	142:13,14	<b>testing</b> 209:21	245:20 246:13
107:4 119:15	<b>tank</b> 220:21	163:7 301:8	293:10,15	246:23 247:17
130:18,21	<b>tanks</b> 38:21	<b>tense</b> 189:14	314:3	255:24 256:6,8
135:17 136:13	221:1	<b>tenure</b> 314:19	<b>text</b> 77:15	258:23 259:19
150:10 161:5	<b>tear</b> 51:24 53:2	<b>term</b> 36:15 38:5	<b>thank</b> 21:22	261:21 262:22
162:14,24	76:14 78:6	38:15 41:21	22:12 25:17,19	263:6 264:13
195:13 198:22	128:11,15,20	45:7 48:22	25:23,24 27:17	268:12 269:8
199:20 201:1	133:10,17	57:2,4 65:13	28:6 29:1,20	271:4,7 273:1
205:3 207:8	134:18 140:23	68:8,12 70:19	32:12,18 37:18	273:21 274:22
211:24 225:6	141:9,16,19	178:24 179:3	46:5,16 49:4	280:4 281:15
226:2,18	143:24 144:2	179:10 185:7	50:18 51:10	284:20 286:14
227:24 228:18	144:20 154:14	206:12 240:14	56:12 71:20	288:12 289:6
229:12,14,17	154:15 160:15	245:24 253:22	72:6 75:17	294:18 295:1,5
229:21 230:1	160:16 166:24	254:6,10	77:20 78:23	299:14,17
232:5 233:1	169:22 170:1	<b>terminology</b>	80:24 81:1	301:5 302:13
270:6 275:17	240:15 249:9	236:15 238:11	83:4 85:10	305:22 306:3
298:22 306:18	251:9,13	238:12 254:9	88:7 91:6,15	311:12 315:9
<b>taken</b> 26:4 75:18	<b>tears</b> 53:5 73:5	270:18 278:18	91:24 92:4	315:11,20,22
91:9,16 99:12	73:11 75:24	<b>terms</b> 12:20	100:14 101:20	315:23
119:17,20	76:1,3,5,7	37:20 177:8,8	104:16 118:21	<b>thanks</b> 86:13
123:8 124:22	87:15,20	291:20	119:3 120:17	172:15 242:17
151:18 161:1,8	128:22 135:20	<b>Terra</b> 109:15,17	121:15 123:13	247:22
199:19 200:1	144:3,6 145:6	<b>Terrific</b> 30:11	123:14 124:9	<b>thereto</b> 111:14



<b>they'd</b> 134:14 135:11	77:15 84:2 127:3 128:3	160:8 162:7,8 163:1 165:11	<b>title</b> 54:19	<b>traffic</b> 236:1,13 261:6,10,23
<b>thick</b> 18:19	141:3 152:18	169:15 172:3,5	<b>today</b> 8:9 16:8 18:1 30:3	<b>train</b> 147:4
<b>thickness</b> 155:20	153:3,10,11	174:19 176:19	32:18 62:11	<b>training</b> 36:24 166:18
<b>thing</b> 67:20,21 68:14,18 81:9	162:11 163:3 170:20 183:6	183:15,23 185:13 189:7	163:2 164:9 240:21	<b>transcribed</b> 316:11
130:2 154:11 165:6 166:21	187:7 190:14 191:13 194:15	189:15 192:17 193:19 194:19	<b>toe</b> 297:22	<b>transcript</b> 52:3 52:4 62:1
179:14 194:17 226:13 232:6	195:24 204:13 205:24 214:12	208:14,15,16 210:22 211:11	<b>toed</b> 142:6	265:3 316:9
308:19	216:7,13 219:3 219:24 221:19	212:9 215:1 218:18 220:4	<b>told</b> 169:21	<b>transmittal</b> 251:23
<b>things</b> 17:12,16 52:13 133:9	222:3 239:1 249:11 251:23	221:11 222:15 223:3,14 224:8	<b>tomorrow</b> 232:17 315:18	<b>trapped</b> 252:18
149:13 165:11 223:13 242:10	252:7 253:15 254:15 258:6	226:18,24 227:11 235:6,8	<b>top</b> 42:1 43:6 60:9 67:2	<b>travel</b> 223:1
248:15 309:16	259:24 260:2 260:19 280:24	237:21 245:21 250:20 253:3	72:23 78:8 80:1 84:3,21	<b>treat</b> 175:3 203:19
<b>think</b> 12:22 17:2 23:22 28:4	281:6 282:8 283:2,5,9	256:17 258:12 260:12 270:20	85:3,14,15,16 106:22 110:6	<b>treatment</b> 170:5 187:2 276:21 279:7
55:8 57:14 75:6 76:3	284:23 285:3 285:15 286:2,2	272:4,16,22 273:16 279:23	116:1 117:9 127:17 130:15	<b>tree</b> 67:1,3,8 71:9
85:15 105:6 106:24 115:8	290:8 291:10 292:14 295:11	282:12 283:12 301:1 302:6	131:6 133:11 134:18,22	<b>trial</b> 316:7,10
121:21 122:7 123:12 129:4	295:15 296:18 300:9,10,11,19	303:15 304:8 304:24 309:13	135:14,15,16 138:20 139:5	<b>tried</b> 309:13,15
132:1 137:6 138:1,7 140:1	300:21 304:21 312:23	311:4,24 314:4 314:19,24	139:17,19,19 142:4,5 144:19	<b>trough</b> 107:16 108:3,6,7 163:21
145:8 150:8 154:8 158:13	<b>thru-hole</b> 67:9	<b>timeframe</b> 50:2 50:5 154:10	149:2 154:16 154:17,21	<b>truck</b> 116:5,7,10 116:14 117:14
163:5 164:13 172:5 201:24	<b>tie</b> 84:17,24	162:22,23 163:1,12	155:18,20,22 170:7 184:11	117:18 118:19 118:20 154:24
202:20 203:2 226:22 229:3	<b>tied</b> 70:22	206:22	194:11,21 201:22 243:13	155:1,11 165:1 171:13 311:23 312:1
240:19 247:3 275:13 287:16	<b>tile</b> 138:22	<b>timely</b> 251:15	244:17 249:13 249:18 251:6	<b>trucks</b> 115:11 115:14 116:19
299:5 308:17	<b>time</b> 9:7 11:1,15 13:20,23 17:24	<b>times</b> 58:7 72:15 126:23 127:1	261:4 262:24 270:15 277:17	116:23 117:2,5 117:6,8,21 165:13
<b>thinner</b> 155:21	45:18 57:9 61:19 78:4	128:4 134:6 141:3 152:18	296:17 301:22 304:6,16 305:9 309:11	<b>true</b> 17:23 18:1 18:21 19:5,9 77:7 106:13,20 125:20 130:17 227:23 261:18 261:23 316:8
<b>third</b> 18:5 23:23 70:16 113:10	82:15,17 87:9 93:2,23,24	152:22 153:3 153:10 156:6,8	<b>torn</b> 52:23 58:12 72:12,15,18,22 73:1,3 77:24	<b>try</b> 225:16 226:18 255:17 280:4
<b>Thirty-six</b> 278:4 280:21 281:7	95:17 104:10 115:6 117:2	160:6 309:16	133:7 134:4 178:12 221:21	
<b>Thompson</b> 1:14	126:6 129:7 130:14 137:11	<b>Timing</b> 248:18	<b>total</b> 293:13	
<b>thought</b> 30:19 63:18 81:7	138:24 145:5 146:22 147:1	<b>tiny</b> 134:2	<b>touch</b> 108:11,22	
100:3 134:14 150:7,9 167:21	149:6 150:18 151:7 155:6	<b>tire</b> 134:1 168:17	<b>touching</b> 84:12	
181:6 <b>three</b> 10:3 69:5	158:16 159:19	<b>tires</b> 118:10 293:12	<b>track</b> 287:20	

<b>trying</b> 165:11,24 203:6,14 223:13 227:12 229:17 233:5 291:17 310:9	163:10 179:17 179:22 183:6 187:7 189:3 190:14 191:3,4 191:7 192:6,19 192:24 194:10 194:20 198:22 204:12,12,15 205:24 206:7 219:2,24 220:18 221:19 230:15 233:19 242:24 251:23 253:15 254:15 254:18 263:19 263:21 268:14 276:15,16 279:17 280:11 281:18 282:8 283:1,2 285:15 286:1 288:18 290:1,14 291:10 292:14 294:10 301:20 303:12 311:10	155:15 157:2 157:17 162:4,5 163:15,20 165:9 167:6 171:15 223:19 224:5,12 243:8 278:18 <b>Typo</b> 281:1	133:20 149:23 164:4 178:17 179:2 236:7 265:24 267:24 271:20,21 283:13 286:4 294:19 302:8 304:7 313:23 <b>understood</b> 17:9 131:9 197:5 247:24 <b>unemployed</b> 160:7 <b>unfair</b> 229:10 <b>unfamiliar</b> 235:16 <b>Unfortunately</b> 181:19 <b>unit</b> 77:17,17 163:8 242:24 <b>units</b> 162:11,20 163:10 164:8 206:7 263:19 263:21 276:16 283:5,9 <b>unknown</b> 252:17 253:8 270:21 298:16 <b>unload</b> 155:4 <b>unrelated</b> 79:21 <b>updates</b> 290:7 <b>uprooted</b> 67:3 <b>URS</b> 27:3,5 <b>use</b> 9:3,11 16:1 18:9,12 27:5 36:15 64:20 74:5 133:24 134:2 144:11 167:14 179:16 204:10 225:8 226:14 227:22 235:13 236:17 240:15 263:2 271:17 277:9 278:18 <b>usually</b> 135:20 311:23	<b>utilized</b> 293:9 <b>utmost</b> 315:4 <hr/> <b>V</b> <hr/> <b>vacuum</b> 154:24 154:24 155:11 <b>vague</b> 39:16 41:17 44:24 60:10 65:16 69:10 97:6 99:24 108:23 113:21 114:6 115:7 116:24 176:10 177:13 193:1 201:15 207:15 217:24 266:17 <b>vaguely</b> 53:13 54:13 61:10 83:19 86:18 88:19 94:3 98:15 102:4 109:19 112:5 <b>vagueness</b> 59:12 <b>Valdes</b> 66:12 69:15,16,19 71:1,4,11 139:22 140:1,8 140:14 141:1,3 142:17 156:15 156:16,17,18 157:15 <b>varies</b> 224:5 <b>various</b> 10:19 13:19 219:1 289:10 <b>Veenbaas</b> 88:16 88:20,21 89:3 89:13,21 90:4 145:20 146:12 158:8 <b>Veenbaas's</b> 89:18 90:11 157:19 <b>vehicle</b> 113:16 164:19 165:8 165:14 171:5,7
<b>turbine</b> 35:18 197:24				
<b>turn</b> 10:12 22:13 25:1 70:15 97:21 113:13 118:21 136:2 142:15,21 165:2,10,15 171:8,8,9,9,17 237:18 255:12 263:10 266:5 281:18 282:24 284:15 290:21 292:17 293:6 295:19 296:11 301:8 303:23 305:1 312:6 313:3	204:12,12,15 205:24 206:7 219:2,24 220:18 221:19 230:15 233:19 242:24 251:23 253:15 254:15 254:18 263:19 263:21 268:14 276:15,16 279:17 280:11 281:18 282:8 283:1,2 285:15 286:1 288:18 290:1,14 291:10 292:14 294:10 301:20 303:12 311:10	<b>U</b> <b>U</b> 163:16 269:11 271:13 273:4 273:13 <b>U-turn</b> 165:22 166:3,11 <b>unable</b> 110:23 110:23 180:5 203:4 <b>unacceptable</b> 158:10 <b>unauthenticat...</b> 119:12 227:22 <b>underneath</b> 51:21 52:1 66:23 77:14 130:11 150:6 169:11 252:15 287:3 298:8 <b>understand</b> 30:14 106:2 117:7 203:7 227:5 288:5,9 291:18 <b>understanding</b> 9:17,19 10:5 12:22 14:8 17:14 18:15 20:3 31:1,8,9 55:8 61:14 62:21 63:16,21 63:24 65:6 67:20 80:21 89:20 90:6 94:14 95:24 97:13 103:7,13 103:19 104:3,7 112:15 122:21	<b>understood</b> 17:9 131:9 197:5 247:24 <b>unemployed</b> 160:7 <b>unfair</b> 229:10 <b>unfamiliar</b> 235:16 <b>Unfortunately</b> 181:19 <b>unit</b> 77:17,17 163:8 242:24 <b>units</b> 162:11,20 163:10 164:8 206:7 263:19 263:21 276:16 283:5,9 <b>unknown</b> 252:17 253:8 270:21 298:16 <b>unload</b> 155:4 <b>unrelated</b> 79:21 <b>updates</b> 290:7 <b>uprooted</b> 67:3 <b>URS</b> 27:3,5 <b>use</b> 9:3,11 16:1 18:9,12 27:5 36:15 64:20 74:5 133:24 134:2 144:11 167:14 179:16 204:10 225:8 226:14 227:22 235:13 236:17 240:15 263:2 271:17 277:9 278:18 <b>usually</b> 135:20 311:23	<b>vacuum</b> 154:24 154:24 155:11 <b>vague</b> 39:16 41:17 44:24 60:10 65:16 69:10 97:6 99:24 108:23 113:21 114:6 115:7 116:24 176:10 177:13 193:1 201:15 207:15 217:24 266:17 <b>vaguely</b> 53:13 54:13 61:10 83:19 86:18 88:19 94:3 98:15 102:4 109:19 112:5 <b>vagueness</b> 59:12 <b>Valdes</b> 66:12 69:15,16,19 71:1,4,11 139:22 140:1,8 140:14 141:1,3 142:17 156:15 156:16,17,18 157:15 <b>varies</b> 224:5 <b>various</b> 10:19 13:19 219:1 289:10 <b>Veenbaas</b> 88:16 88:20,21 89:3 89:13,21 90:4 145:20 146:12 158:8 <b>Veenbaas's</b> 89:18 90:11 157:19 <b>vehicle</b> 113:16 164:19 165:8 165:14 171:5,7
<b>turning</b> 16:20 18:5 69:15 90:10 119:6 149:11 157:18 158:19 180:3 238:23 244:10 251:18 258:23 259:19 260:8 261:1 265:2 267:7 270:14 278:6 291:11 292:3 299:20 306:9	<b>two-and-a-hal...</b> 168:10 <b>two-to-one</b> 168:9 <b>type</b> 12:6 35:23 70:22 107:17 147:6 156:15 156:21 179:7,9 218:5 235:11 235:13,15,16 236:8,15 256:23 259:2,5 284:4 <b>types</b> 114:21 217:22 <b>typical</b> 18:12 38:4,5 <b>typically</b> 37:17 58:22 69:21,24 108:10 118:14 131:1,4 135:9 142:13 153:5	<b>two-and-a-hal...</b> 168:10 <b>two-to-one</b> 168:9 <b>type</b> 12:6 35:23 70:22 107:17 147:6 156:15 156:21 179:7,9 218:5 235:11 235:13,15,16 236:8,15 256:23 259:2,5 284:4 <b>types</b> 114:21 217:22 <b>typical</b> 18:12 38:4,5 <b>typically</b> 37:17 58:22 69:21,24 108:10 118:14 131:1,4 135:9 142:13 153:5	<b>two-and-a-hal...</b> 168:10 <b>two-to-one</b> 168:9 <b>type</b> 12:6 35:23 70:22 107:17 147:6 156:15 156:21 179:7,9 218:5 235:11 235:13,15,16 236:8,15 256:23 259:2,5 284:4 <b>types</b> 114:21 217:22 <b>typical</b> 18:12 38:4,5 <b>typically</b> 37:17 58:22 69:21,24 108:10 118:14 131:1,4 135:9 142:13 153:5	<b>two</b> 9:23 15:14 19:8 24:9,14 24:18 37:21 50:22 55:6 61:21 63:13,14 69:9 74:19 82:4 93:14 115:5 130:4 141:22,23 150:18 158:15 158:16 162:1

<b>vehicles</b> 114:3,4 114:10,22 115:3 118:2 164:10,11,13 164:16 165:7 294:1,4,6 311:20,21	<b>waffle</b> 130:11 <b>wait</b> 27:19 80:17 101:19 161:17 214:1 288:21 <b>waiting</b> 311:6,24 <b>waiving</b> 111:13 147:19	<b>Washington</b> 2:12 <b>wasn't</b> 13:12,14 52:2 70:13 152:19 165:18 206:24 279:11 309:6	271:23 272:2 276:7,20 277:4 277:4 278:24 279:4,7,9 285:24 286:1 297:21 298:8,9 298:10,16 299:12 308:4,6	154:2,7 157:16 159:12 162:1 169:14 170:4 170:19 <b>way</b> 36:18 37:10 60:13 69:2,8 74:12 83:16 106:14 120:4 134:15 146:14 148:14 176:4 185:20 228:6 229:4 231:22 287:18 289:23 307:8 308:6 309:5
<b>vendor</b> 153:19 <b>vendor's</b> 77:14 <b>vendors</b> 249:3 <b>verify</b> 294:15 295:16	<b>walk</b> 167:8 306:20 <b>walking</b> 146:24 191:21 192:5 193:13 194:14	<b>waste</b> 314:4,6 <b>wastewater</b> 127:4 140:6 153:5 187:2 269:16 270:20 270:23 271:22 276:21 277:6 279:7	<b>waterline</b> 128:21,23 129:14,20 133:15 134:23 142:11,13 144:5,7 145:10 152:8,15 153:21,23 155:2 159:22	106:14 120:4 134:15 146:14 148:14 176:4 185:20 228:6 229:4 231:22 287:18 289:23 307:8 308:6 309:5 <b>Wayne</b> 79:9 81:17
<b>Vermont</b> 2:11 <b>version</b> 106:21 110:6,9 306:12 <b>versus</b> 8:8 <b>vertical</b> 243:15 244:19 245:3	<b>wall</b> 68:9 103:1 103:8,18 107:10,14,15 107:17,19 109:11 149:5	<b>watch</b> 147:5 <b>watching</b> 160:12 <b>water</b> 11:5,8 19:4 55:17 56:10,17,18,22 56:24 94:10 95:4,5,13,17 96:16,22,23 97:11,14 98:6 98:8 99:4,23 108:5 113:2 127:19 128:18 128:19 134:7 138:11,18 139:14,15 144:14 149:20 152:10,11,12 162:6 163:23 187:1 213:8 214:10,13,15 215:5 217:10 217:11,12,13 217:13,23,23 218:5,9,10,11 240:16,21 241:2 252:17 253:5 257:10 264:7,15,19 265:15 266:7 266:13,23 267:2,9,23 268:8 269:15	<b>watertight</b> 18:20 <b>Waukegan</b> 13:6 17:4,7,22 26:14 33:24 34:3 35:10 37:21 38:13 43:10 52:15,20 53:12 54:21,22 55:4 57:20 58:2,7,21 59:23 60:5,19 61:1,20 62:4 62:17 64:10,22 64:24 68:21 77:5 82:21 83:14,15 86:9 87:13 88:23 89:7 90:18 108:1,8,17 114:18,21 115:12,24 117:4 121:10 125:7 126:14 126:21 127:11 128:23 131:11 131:19 138:16 140:3 142:19 145:1,24 146:17 147:1 147:14 153:3	106:14 120:4 134:15 146:14 148:14 176:4 185:20 228:6 229:4 231:22 287:18 289:23 307:8 308:6 309:5 <b>Wayne</b> 79:9 81:17 <b>ways</b> 223:10 <b>we'll</b> 30:2 69:11 82:15,18 91:12 91:14 93:16 105:10 120:12 128:15 167:11 172:15 189:3 196:23 197:14 226:1 230:1 231:24 245:13 260:19 274:16 302:18 <b>we're</b> 26:8,9,11 28:12,13 45:8 67:24 85:21 91:13,19,20,21 97:24 98:2 100:7 111:2 120:12 123:7 123:12,19 124:7,11,21 125:1 132:16 154:23 161:12 164:3,5,5 179:20 181:17 181:23 182:1 184:12 195:10 196:7 199:18 200:4 205:8 211:4,8 212:9
<b>Vermon</b> 2:11 <b>version</b> 106:21 110:6,9 306:12 <b>versus</b> 8:8 <b>vertical</b> 243:15 244:19 245:3	<b>walls</b> 50:8 51:20 52:14 67:15,20 67:22 68:17 108:2,6,8,11 108:13,16,19 108:21,22	<b>water</b> 11:5,8 19:4 55:17 56:10,17,18,22 56:24 94:10 95:4,5,13,17 96:16,22,23 97:11,14 98:6 98:8 99:4,23 108:5 113:2 127:19 128:18 128:19 134:7 138:11,18 139:14,15 144:14 149:20 152:10,11,12 162:6 163:23 187:1 213:8 214:10,13,15 215:5 217:10 217:11,12,13 217:13,23,23 218:5,9,10,11 240:16,21 241:2 252:17 253:5 257:10 264:7,15,19 265:15 266:7 266:13,23 267:2,9,23 268:8 269:15	<b>waterline</b> 128:21,23 129:14,20 133:15 134:23 142:11,13 144:5,7 145:10 152:8,15 153:21,23 155:2 159:22	106:14 120:4 134:15 146:14 148:14 176:4 185:20 228:6 229:4 231:22 287:18 289:23 307:8 308:6 309:5 <b>Wayne</b> 79:9 81:17 <b>ways</b> 223:10 <b>we'll</b> 30:2 69:11 82:15,18 91:12 91:14 93:16 105:10 120:12 128:15 167:11 172:15 189:3 196:23 197:14 226:1 230:1 231:24 245:13 260:19 274:16 302:18 <b>we're</b> 26:8,9,11 28:12,13 45:8 67:24 85:21 91:13,19,20,21 97:24 98:2 100:7 111:2 120:12 123:7 123:12,19 124:7,11,21 125:1 132:16 154:23 161:12 164:3,5,5 179:20 181:17 181:23 182:1 184:12 195:10 196:7 199:18 200:4 205:8 211:4,8 212:9
<b>violation</b> 53:9 53:10 59:9,19 <b>violations</b> 53:11 290:19 <b>Virgo</b> 232:10,11 <b>visible</b> 11:8 <b>visible</b> 135:24 <b>visit</b> 296:9 <b>visual</b> 60:15,18 60:21 61:2,2,5 64:8,22 153:7 153:9 224:16 <b>visually</b> 152:6 294:13 <b>vociferously</b> 233:4 <b>void</b> 67:9,11,13 71:8,10 <b>volume</b> 227:10 227:12 <b>vs</b> 1:7	<b>wall</b> 68:9 103:1 103:8,18 107:10,14,15 107:17,19 109:11 149:5 <b>walls</b> 50:8 51:20 52:14 67:15,20 67:22 68:17 108:2,6,8,11 108:13,16,19 108:21,22 <b>WANNIER</b> 2:15 <b>want</b> 22:7,9 28:5 28:8,19 40:8 81:3 113:11 116:5 121:13 123:22 131:5 133:8 149:12 154:11 158:20 159:10 166:9 166:16,22 170:8,9,18 171:12 186:8 189:13 247:20 255:20 262:23 263:17 306:18 307:9 308:18 <b>wanted</b> 13:9 17:8,13 75:22 118:21 229:16 <b>wants</b> 185:21 <b>warning</b> 132:1,2 132:9 235:23 283:17,22,24 298:2 302:5	<b>Washington</b> 2:12 <b>wasn't</b> 13:12,14 52:2 70:13 152:19 165:18 206:24 279:11 309:6 <b>waste</b> 314:4,6 <b>wastewater</b> 127:4 140:6 153:5 187:2 269:16 270:20 270:23 271:22 276:21 277:6 279:7 <b>watch</b> 147:5 <b>watching</b> 160:12 <b>water</b> 11:5,8 19:4 55:17 56:10,17,18,22 56:24 94:10 95:4,5,13,17 96:16,22,23 97:11,14 98:6 98:8 99:4,23 108:5 113:2 127:19 128:18 128:19 134:7 138:11,18 139:14,15 144:14 149:20 152:10,11,12 162:6 163:23 187:1 213:8 214:10,13,15 215:5 217:10 217:11,12,13 217:13,23,23 218:5,9,10,11 240:16,21 241:2 252:17 253:5 257:10 264:7,15,19 265:15 266:7 266:13,23 267:2,9,23 268:8 269:15	<b>waterline</b> 128:21,23 129:14,20 133:15 134:23 142:11,13 144:5,7 145:10 152:8,15 153:21,23 155:2 159:22 <b>watertight</b> 18:20 <b>Waukegan</b> 13:6 17:4,7,22 26:14 33:24 34:3 35:10 37:21 38:13 43:10 52:15,20 53:12 54:21,22 55:4 57:20 58:2,7,21 59:23 60:5,19 61:1,20 62:4 62:17 64:10,22 64:24 68:21 77:5 82:21 83:14,15 86:9 87:13 88:23 89:7 90:18 108:1,8,17 114:18,21 115:12,24 117:4 121:10 125:7 126:14 126:21 127:11 128:23 131:11 131:19 138:16 140:3 142:19 145:1,24 146:17 147:1 147:14 153:3	106:14 120:4 134:15 146:14 148:14 176:4 185:20 228:6 229:4 231:22 287:18 289:23 307:8 308:6 309:5 <b>Wayne</b> 79:9 81:17 <b>ways</b> 223:10 <b>we'll</b> 30:2 69:11 82:15,18 91:12 91:14 93:16 105:10 120:12 128:15 167:11 172:15 189:3 196:23 197:14 226:1 230:1 231:24 245:13 260:19 274:16 302:18 <b>we're</b> 26:8,9,11 28:12,13 45:8 67:24 85:21 91:13,19,20,21 97:24 98:2 100:7 111:2 120:12 123:7 123:12,19 124:7,11,21 125:1 132:16 154:23 161:12 164:3,5,5 179:20 181:17 181:23 182:1 184:12 195:10 196:7 199:18 200:4 205:8 211:4,8 212:9
<hr/> <b>W</b> <hr/> <b>W-O-L-A-N</b> 260:5 <b>Wacker</b> 2:6				

213:22 227:18	69:1,1,5 72:18	157:9 171:24	212:11,14	<b>X</b>
228:10 233:5	72:21,24 76:1	172:19 173:9	237:23 239:13	
235:8 237:2,16	76:4 82:5 86:9	174:10,18,23	292:16 296:21	22:2 33:6
239:21 246:19	87:21 127:11	175:3 181:10	311:7,8	125:4 152:1
254:20 269:19	141:22,23	183:10 185:1	<b>worked</b> 30:19	159:6 161:20
274:7 289:16	143:22 144:8	190:22 193:21	35:8 120:22,23	170:16 173:1
289:19 306:14	144:10 167:19	194:7 198:8	140:19 153:24	247:1 263:7
311:5 315:16	186:23 316:21	200:14 202:10	<b>workers</b> 305:4	268:15 269:11
<b>we've</b> 128:17	<b>wet</b> 57:6 258:19	203:3,6,13,20	<b>working</b> 9:6	271:13 273:4
159:8 161:5	<b>whatnot</b> 245:14	207:18 209:21	33:22 34:2,6,6	273:13 275:1
290:21 292:3	<b>wheels</b> 117:8	217:2 228:13	45:18 84:2	
309:2 315:17	<b>white</b> 284:9,10	229:11,11,18	154:7 174:21	<b>Y</b>
<b>weather</b> 298:10	305:6	230:20 241:4	175:13,14,18	
<b>Webster</b> 2:15	<b>William</b> 53:22	246:22 250:11	178:14 183:24	<b>yeah</b> 32:21
<b>weeks</b> 311:10	54:14,17 93:15	250:14 263:2,3	185:5 187:11	40:16 44:16
<b>weight</b> 111:9	<b>Wilmette</b> 2:3	266:20 274:9	187:15,17	51:8 54:13
138:20 139:17	<b>Wilson</b> 107:7	275:10 279:13	188:8,14	59:16 80:3
293:13	109:12,13	280:2 285:10	189:10 193:19	83:19,19
<b>weir</b> 107:10,14	110:2 148:12	285:23 288:20	198:13 206:9	101:18,20
107:15,19	<b>wind</b> 51:24	289:15 292:9	206:18 207:1	108:13 109:19
108:2,6,13,16	<b>withdraw</b>	300:4 301:15	207:24 209:5,7	110:9 115:2
108:18,21,22	120:13,15	302:19 307:2	209:11 211:12	117:20 135:9
109:11 149:5	123:17,19	310:7,16,19,23	222:8 234:19	137:10,19,24
186:17,21,22	191:24 288:11	313:11,19	235:7 247:4	138:14 142:5
<b>weirs</b> 107:23	<b>withdrawing</b>	316:13	249:2,6 269:14	145:8 150:16
<b>welcome</b> 245:22	123:20 124:7	<b>witness's</b> 50:22	<b>works</b> 31:4	151:8 160:2,14
<b>welding</b> 133:23	<b>withdrawn</b> 73:9	100:21 196:24	54:18 81:24	167:6 169:1
305:22	124:8,10	<b>witnesses</b> 31:21	94:15 109:15	173:10 227:14
<b>wells</b> 19:5 20:16	<b>withhold</b> 293:20	202:14 274:18	236:8	228:10 229:19
20:17,18,19	<b>withstand</b>	274:18	<b>worries</b> 304:23	240:23 257:16
21:2,8,9,10	235:24	<b>Wolan</b> 237:19	<b>worry</b> 164:1	277:10 279:22
218:19,23	<b>witness</b> 4:2,7,14	237:20 260:5	<b>wouldn't</b> 136:17	284:11 287:8
219:7,9,15	4:19 5:6 8:19	<b>wondering</b>	146:21 161:17	311:11
220:6,16,16	22:18 25:24	245:23	179:8,8 181:17	<b>year</b> 162:13,14
<b>went</b> 130:8,9	30:4,10 31:3,5	<b>word</b> 18:3 120:5	262:14 271:23	162:18 167:16
139:5,16 150:6	31:16 32:2,7	236:17 240:15	279:2	206:23 219:6
168:9 265:23	32:15,18 33:4	269:5	<b>write</b> 34:14,14	290:1
265:24 300:21	39:19 40:6	<b>words</b> 129:14	148:4 230:5	<b>years</b> 12:17 49:2
<b>weren't</b> 13:3	42:6,13,24	136:24 240:18	<b>writes</b> 158:8	125:11 145:2
276:17 287:14	44:13 45:1	249:17	<b>writing</b> 252:12	163:3,7 170:21
<b>west</b> 38:1,4,5,7	50:21 66:1	<b>work</b> 33:9,17,19	252:14 310:15	<b>yes/no</b> 185:20
38:11,14,24	68:1 74:5,14	33:20 34:20	<b>written</b> 143:21	<b>yesterday</b> 8:11
39:3,7 41:6,9	95:23 96:11	35:2,15,15,23	213:4 215:5	27:16 28:3
41:10 43:9,15	97:9 101:24	87:13 92:23	253:6 260:12	29:14 74:9
43:18 47:6	110:17 113:22	121:19 128:18	287:4	179:21 226:17
49:17,19 55:3	115:10 117:12	156:15,22	<b>wrote</b> 54:14	<b>Yup</b> 281:1
55:16 56:8	119:14 147:23	174:4,6 181:22	89:3,6 90:4	

<b>Z</b>	104:17 136:3	<b>18-inches</b>	<b>2013</b> 16:21	<b>25</b> 12:17 127:18
<b>zoom</b> 309:15,19	158:20	304:22	53:23 63:17,19	<b>251-5255</b> 2:22
<b>0</b>	<b>109</b> 5:24 104:20	<b>18D</b> 180:3	63:23 110:9	<b>263</b> 4:23
<b>084-004675</b> 3:4	104:22 110:12	205:17	137:15 158:23	<b>263-4453</b> 2:12
316:23	111:7,11	<b>18th</b> 303:15	226:24 288:16	<b>268</b> 4:24
<b>1</b>	147:16 148:2	<b>19</b> 51:9,12 98:1	290:1,4,10,13	<b>269</b> 5:1
<b>1</b> 245:6 275:4	<b>11</b> 267:8 302:17	<b>195</b> 6:3	<b>2014</b> 303:15	<b>26th</b> 16:21 240:7
<b>1:15</b> 161:7	<b>110</b> 6:1 111:18	<b>1992</b> 34:4 125:8	<b>2015</b> 66:14	300:13
<b>1:22</b> 161:13	111:20 118:22	<b>1997</b> 74:9 75:2	85:19,24	<b>270</b> 6:12
<b>10</b> 2:21 299:3	118:24 119:4	<b>1999</b> 170:4	139:23 144:2,4	<b>27001</b> 195:2
<b>10/22</b> 298:10	149:11	<b>19th</b> 299:3	247:6,7 276:3	<b>271</b> 5:2
299:10	<b>1100</b> 2:11	<b>2</b>	276:13	<b>27129</b> 228:4
<b>10:47</b> 91:14	<b>111</b> 6:1,2 54:2	<b>2</b> 245:6	<b>2016</b> 26:15	<b>27130</b> 228:3
<b>100</b> 5:15 66:6,8	119:7,9	<b>20</b> 49:2,2 98:20	<b>2017</b> 1:16 8:9	<b>27135</b> 230:2,6
69:16 71:15,20	<b>112</b> 5:14 53:15	98:23 127:18	316:15	<b>273</b> 5:3,4
139:21 274:19	54:6 71:23	226:10,13	<b>202</b> 2:12	<b>275</b> 5:8 6:13
<b>1000</b> 2:11	72:2,7 138:7	<b>20-foot</b> 132:2	<b>20D</b> 24:11	<b>27th</b> 53:23 232:8
<b>1004</b> 2:3	<b>11573</b> 132:16	<b>20-page</b> 226:12	<b>2101</b> 2:15	<b>28031</b> 149:12
<b>101</b> 5:16,23	<b>119</b> 6:2	<b>200</b> 274:19	<b>211</b> 6:4	151:1
73:18,20 75:9	<b>11th</b> 53:8	<b>2000</b> 154:9	<b>214</b> 6:5	<b>28032</b> 113:13
123:18,19,21	<b>12</b> 115:23	<b>20005</b> 2:12	<b>215</b> 6:6	<b>28033</b> 150:8,20
124:10	131:10 199:16	<b>2002</b> 169:15,16	<b>21st</b> 10:14	<b>282</b> 6:14
<b>101.624</b> 31:18	<b>12:15</b> 161:5	169:19,20	<b>22</b> 4:5	<b>282-9119</b> 2:4
203:17 263:5	<b>121</b> 267:7	<b>2003</b> 49:1 145:2	<b>22014</b> 136:3	<b>28235</b> 301:10
<b>102</b> 5:17 76:18	<b>125</b> 4:10	145:5 167:18	<b>22020</b> 138:7	<b>28237</b> 301:10
76:20 78:21,24	<b>12th</b> 158:18	169:15	<b>22023</b> 98:2	<b>285</b> 6:15,16
80:13 132:15	<b>13</b> 312:6	<b>2004</b> 145:3,6	<b>225</b> 6:7	<b>286</b> 6:17
132:24 133:6	<b>13-15</b> 1:5 8:9	167:20,22	<b>22765</b> 110:7	<b>28849</b> 211:22
220:13,14	<b>13-15-1</b> 254:22	169:16	148:2	251:19 298:24
<b>103</b> 5:18 79:3,5	<b>13-15_44622</b>	<b>2005</b> 10:14 11:3	<b>22766</b> 107:6	<b>28850</b> 211:17
79:8 80:15,20	80:20	167:21 280:20	<b>22934</b> 147:17	212:4,22 252:6
80:23 82:24	<b>1300</b> 2:16	281:5	<b>22nd</b> 282:9	298:14
83:1,5	<b>14177</b> 247:13	<b>2007</b> 77:2 78:5	297:12,15	<b>28851</b> 252:1
<b>104</b> 5:19,24	<b>14705</b> 312:7	163:9 316:21	<b>23</b> 265:22	<b>28862</b> 213:23
76:17 83:8,10	<b>14712</b> 313:3	<b>2008</b> 9:1 178:16	<b>233</b> 6:8	253:12 256:11
85:8,11 144:15	<b>14730</b> 313:1	282:10 292:23	<b>23339</b> 25:1	256:20
<b>105</b> 5:20 86:2,4	<b>14732</b> 312:7	<b>2009</b> 290:5	<b>23614</b> 14:2	<b>28863</b> 213:24
88:3,8 143:11	<b>14C</b> 22:5,6,7	296:16 297:13	<b>237</b> 6:9	257:19
<b>106</b> 5:21 88:10	<b>15</b> 91:14 220:14	297:15 298:21	<b>23987</b> 286:20	<b>28th</b> 296:16
88:12 91:4,7	<b>152</b> 4:11	299:4 300:13	<b>23989</b> 286:20	<b>29</b> 24:22 25:5,11
145:18 157:19	<b>159</b> 4:12	301:1	<b>23rd</b> 8:11	<b>29023</b> 281:23
<b>107</b> 5:22 93:5,8	<b>1600</b> 2:7	<b>2010</b> 19:15	<b>240</b> 6:10	<b>29024</b> 283:1
100:18 101:4	<b>161</b> 4:16	220:17 238:5	<b>242</b> 6:11	<b>29081</b> 281:23
<b>108</b> 5:23 101:11	<b>170</b> 4:17	276:17	<b>24433</b> 302:21	<b>291</b> 6:18
101:14 104:14	<b>173</b> 4:21	<b>2012</b> 53:9 59:9	<b>247</b> 4:22	<b>29100</b> 290:23
	<b>17th</b> 196:4	240:7	<b>24th</b> 1:15 8:9 9:1	<b>29104</b> 290:23
			110:9	291:11

29165 292:4	309 6:11 242:13	46 19:14	303:5 305:23	296:13
292 6:19	242:15 245:8	48567 271:17	511 6:24 306:6	8250 297:9
29249 294:9	245:11 258:23	48568 259:20	308:11	299:11
29250 293:6	263:11	48586 260:9	512 7:1 312:7,9	8255 295:21
29257 292:18	311 6:9 237:4,6	48604 285:5	314:10,15	83 5:19
29259 292:5	239:16,19	48605 285:5	54 5:14	86 5:20
29339 306:10	259:20	48612 233:15	5739 180:4,22	87 51:9
295 6:20	312 2:4,8,22 7:1	261:2	205:20	88 5:21
29589 258:24	316:22	49272 70:4	5th 19:15	8th 292:23
29590 259:11	32 8:24	139:22		
29th 66:14	324 303:23	49273 66:21	<b>6</b>	<b>9</b>
139:23 298:21	33 4:9 275:5	70:16	6 62:1	9 24:21 25:13
<b>3</b>	302:19	49274 142:21	6-6 277:23	9-040 1:14
3.02 294:9	34 10:13 12:4	49283 140:21	278:11 280:16	9:00 1:16 8:10
3:00 245:13	34268 302:18	49286 143:12	281:1	315:18
3:15 246:20	34274 303:24,24	144:10	6:32 196:4	93 5:22
3:45 274:8	34285 305:1,10	49289 143:12	60091 2:3	94612 2:16
30 265:2,11,12	34433 302:22	49290 143:16	60601 2:7	977-5637 2:17
300 6:3,21 195:1	35 2:6		60603 2:22	
195:4 274:19	36 278:3,20	<b>5</b>	316:22	
301 6:12,22	3600 2:21	5 293:12	61553 26:16	
270:3,9 271:2	37982 19:20	500 6:13 274:20	61574 26:17	
271:5,16	39 62:1	275:4,8 281:13	66 5:15	
302 6:4 211:16	3rd 77:2	281:16		
211:19 213:15	3S 216:13	501 6:14 281:22	<b>7</b>	
213:20 251:19	238:15 240:10	282:2,21	7/23/14 200:16	
298:13,18,20	240:12	284:16 285:1	701 93:5	
303 6:5,23	<b>4</b>	502 6:15 285:4,8	70s 140:20	
213:23 214:6	4 276:8	286:11,15	271:18	
215:9,12	400 274:19	503 6:16 285:18	7167 22:14,17	
253:11 256:10	415 2:17	285:21 286:12	73 5:16 98:1	
266:6 269:4	419-9292 316:22	286:15	74 97:23 98:3,23	
304 6:6 215:15	42.5F 28:12,18	504 6:17 286:19	750 293:13	
215:17 216:19	28:22 29:1	286:23	76 5:17	
218:13,16	42F 28:8	505 6:18 290:22	79 5:18	
260:8 269:20	43 16:20 28:11	291:2,22 292:1	795-3712 2:8	
305 6:7 225:1,3	43F 28:9	506 6:19 292:4,7	7th 75:2	
232:2	44 29:13,17,21	295:2,6		
306 6:8,24	44588 145:19	507 6:20 295:20	<b>8</b>	
233:14,17,21	44589 89:6	295:23 299:15	8 4:4 255:12	
236:20,23	146:7	299:18	280:8 316:21	
261:1,2	44621 80:2,23	508 6:21 299:23	8233 299:23	
307 6:10 239:23	83:2	300:2 301:3,6	300:15	
240:2 241:19	44622 80:10,10	509 6:22 301:10	8234 299:23	
241:22 247:13	44623 83:8	301:13 302:11	8235 299:23	
247:15	144:16	302:14	8236 295:20	
		510 6:23 302:17	8240 296:11,12	