

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
JOHNS MANVILLE, a Delaware Corporation,)	
Complainant,)	PCB No. 14-3
)	
v.)	
)	
ILLINOIS DEPARTMENT OF TRANSPORTATION,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on November 24, 2020, I caused to be filed with the Clerk of the Pollution Control Board of the State of Illinois, Johns Manville’s Motion to Correct October 28, 2020 Hearing Transcript, a copy of which is attached hereto and herewith served upon you via e-mail.

JOHNS MANVILLE

By: /s/ Kristen L. Gale

Dated: November 24, 2020

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Johns Manville's Motion to Correct October 28, 2020 Hearing Transcript was filed on November 24, 2020 with the following:

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
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and that true copies were emailed on November 24, 2020 to the parties listed on the foregoing Service List.

/s/ Kristen L. Gale

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHNS MANVILLE, a Delaware corporation)	
)	
Complainant,)	
)	
v.)	PCB No. 14-3
)	(Citizen Suit)
)	
ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondent.)	

**JOHNS MANVILLE’S MOTION TO CORRECT
OCTOBER 28, 2020 HEARING TRANSCRIPT**

Pursuant to 35 Ill. Adm. Code 101.604, Respondent Midwest Generation, LLC (“MWG”), by its undersigned counsel, submits to the Hearing Officer this motion to correct the transcript for the October 28, 2020 hearing date and states as follows:

Page No.	Line No.	Now Reads	Requested Correction
8	5	So it had to a smooth tie0in	So it had to have at smooth tie-in
10	16	It crosses over Nicor GAFK	It crosses over Nicor Gas
14	17	in this binder, it is the add fill for the	in this binder, it is the as built for the
37	23	is called the lap area.	is called the ramp area.
41	11	MS. O’LAUGHIN:	MS. BRICE:
41	17	MS. BRICE:	MS. O’LAUGHLIN:
41	19	MS. O’LAUGHLIN:	MS. BRICE:
65	14	Frak?	Ramp?
65	15	Frak was not	Ramp was not
69	21	, buried ATM in those	, buried ACM in those
71	11	And M. Hogan	And, Mr. Halloran
78	15	Litigants under circular or	litigants under CERCLA or
78	24	doing cost allocation under circular	doing cost allocation under CERCLA
79	6	Do you know what the forecasters are?	Do you know what the Gore Factors are?
80	24	certificate to IDOT.	attributable to IDOT.
81	23	And you used the same 13 taks buckets	And you used the same 13 task buckets
82	19	attributions in Exhibit S, correct?	attributions in Exhibit F , correct?

Page No.	Line No.	Now Reads	Requested Correction
83	4	storage of the material for the figures”;	source of the material for the figures;
84	10	“Note: Site layout drawings by AE Con.”	“Note: Site layout drawings by AECOM ”
84	13	If you had this document, this 204.38	If you had this document, this 204-38
86	16-18	In fact, you didn’t look at how important allocation response costs in an environmental case before writing your report, did you?	In fact, you didn’t look at how courts allocate response costs in an environmental case before writing your report, did you?
86	20-23	My question is: You didn’t look at how important to allocate response costs in environmental cases, did you?	My question is: You didn’t look at how courts allocate response costs in environmental cases, did you?
89	2	What JM had to do is dissolve the bore and	What JM had to do is resolve the bore and
90	7	created in auto cast, correct?	created in AutoCAD , correct?
90	9-11	And you relied on Mr. Neugyen, and I’ll spell that for you, Court Reporter. It’s N-e-u-y-e-n. To use auto cast to mark the map	And you relied on Mr. Nguyen and I’ll spell that for you, Court Reporter. It’s N-g-u-y-e-n . To use AutoCAD to mark the map
91	2	, an EWG file,	, an DWG file,
91	13	I would like to mark Exhibit 6699	I would like to mark Exhibit 66-99
92	6	does it have an EWG reference on it?	does it have an DWG reference on it?
92	17	EWG file, correct?	DWG file, correct?
93	8-9	I want you to look at Exhibit 6673, 6699, 6674 and 75	I want you to look at Exhibit 66-73, 66-99, 66-74 and 75
95	7	So, it follows, then, does it now, if your	So, it follows, then, does it not , if your
95	19	viable at the first hearing	liable at the first hearing
96	3-6	“Based upon your opinion in this report, your current report, you’re saying that the map support to render its opinion were not accurate?”	Based upon your opinion in this report, your current report, you’re saying that the maps the board was using to render its opinion were not accurate?
96	12	were based on materials submitted by HS to USEPA,	were based on materials submitted by JM to USEPA,
96	19	Mr. Neuyen,	Mr. Nguyen
101	16	“Answer: It can be on the GAFK site re-boundary. I don’t know.”	“Answer: It can be on the Site 3 boundary . I don’t know.”
101	24	And you didn’t tie in the location of many	And you didn’t tie in the location of any
103	3-4	And this document has state claim gorges on it, does it not?	And this document has state plane coordinates on it, does it not?
105	7	North Shore GAFK?	North Shore Gas Line?

Page No.	Line No.	Now Reads	Requested Correction
105	15	square footage for the North Shore task line based	square footage for the North Shore Gas line based
105	24	sending a larger area beyond the D326	saying a larger area beyond the D326
106	21	and that had Mr. Neuyen	and that had Mr. Nguyen
107	12	on the accuracy of the AE Con	on the accuracy of the AECOM
108	6	And you used ELM16,	And you used ELM-16
108	9	And you used AE Con map 6699,	And you used AECOM map 66-99 ,
108	22	North Shore taks line,	North Shore Gas line,
109	2	And you used the same forces for both	And you used the same sources for both
110	8	and you used the AE Con final	and you used the AECOM final
111	9	It says, "IDOT right-of-way 0393. lane	It says, "IDOT right-of-way 0393 Land
115	15	Okay pren.	Okay then .
116	3	Okay. And these were likely EPS, then,	Okay. And these were likely GPS , then,
118	11	How a grid, do you see a grid?	How about a grid, do you see a grid?
119	14	It says, "Why did you use ELM15, given	It says, "Why did you use ELM-15 , given
121	4	go to 57534,	go to 67534 ,
121	8-9	Q. 57534? A. 57534.	Q. 67534? A. 67534.
121	11	prepare by AE Con,	prepare by AECOM ,
122	3	What is saham scaling?	What is hand scaling?
126	10	don't mind this. Is actually	don't mind, this is actually
128	23	how much ATM was	how much ACM was
129	3	But you don't know do you how much ATM was	But you don't know, do you, how much ACM was
129	24	didn't take into account the amount of ATM	didn't take into account the amount of ACM
130	1	availability core effort	analytically work effort
130	7	continuing theme of ATM running	continuing seam of ACM running
130	18	photographs they claim showed a theme of asbestos	photographs they claim showed a seam of asbestos
138	2	is used my the contractor	is used by the contractor
138	24	And I'm going to hand you 21A, 26A	And I'm going to hand you 21A-26A
139	7	that same thing, it has the word "piece" and it has	that same thing, it has the word "peat" and it has
158	12	thin all of the exhibits	find all of the exhibits
158	13-15	faster way to get to the question. MS. O'LAUGHLIN: I don't mean to mess up your thoughts. MS. BRICE: I disagree.	faster way to get to the question. I don't mean to mess up your thoughts. MS. O'LAUGHLIN: I disagree.

Respectfully submitted,
Midwest Generation, LLC

By: /s/ Kristen L. Gale
One of Its Attorneys

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