

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 January 7, 2021, I caused to be filed with the Clerk of the Pollution Control Board of the State of Illinois, Johns Manville’s Supplemental 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: January 7, 2021

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true copy of the foregoing Johns Manville's Supplemental Motion to Correct October 28, 2020 Hearing Transcript was filed on January 7, 2021 with the following:

Don Brown, Clerk  
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and that true copies were emailed on January 7, 2021 to the parties listed on the foregoing Service List.

/s/ Kristen L. Gale

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

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

Pursuant to 35 Ill. Adm. Code 101.604, Complainant Johns Manville (“JM”), by its undersigned counsel, submits to the Hearing Officer this Supplemental Motion to correct the transcript for the October 28, 2020 hearing date. On November 24, 2020, JM filed a Motion to Correct the October 28, 2020 Hearing Transcript and on January 4, 2021 the Hearing Officer granted JM’s Motion. However, further review of the October 28, 2020 transcript revealed additional errors that require correction, otherwise material prejudice will result. JM has confirmed that Respondent, the Illinois Department of Transportation (“IDOT”) does not object to this Supplemental Motion. The requested corrections in this Supplemental Motion to Correct the October 28, 2020 Hearing Transcript supersedes the requested corrections in the Motion filed on November 24, 2020. JM notes that on page 89 of the transcript, the Court Reporter transcribed that the witness testifying was “inaudible.” Due to the material prejudice that will result if the transcript is not accurate, JM requests that the Court Reporter listen to the recording for this section of the hearing to correct the transcript and also provide the recording to the parties so they too can further correct the transcript. JM further requests that the October 28, 2020 Transcript be stricken from the record to remove confusion.

Page No.	Line No.	Now Reads	Requested Correction
8	5	So it had to a smooth tie0in	So it had to <b>have</b> at smooth tie-in
10	16	It crosses over Nicor GAFK	It crosses over Nicor <b>Gas</b>
14	17	in this binder, it is the add fill for the	in this binder, it is the <b>as built</b> for the
37	23	is called the lap area.	is called the <b>ramp</b> area.
41	11	MS. O’LAUGHIN:	<b>MS. BRICE:</b>
41	17	MS. BRICE:	<b>MS. O’LAUGHLIN:</b>
41	19	MS. O’LAUGHLIN:	<b>MS. BRICE:</b>
45	5	you assume passages.	you assume <b>distances</b>
49	16	the UTA oversight costs	the <b>EPA</b> oversight costs
65	14	Frak?	<b>Ramp?</b>
65	15	Frak was not	<b>Ramp</b> was not
69	21	, buried ATM in those	, buried <b>ACM</b> in those
71	11	And M. Hogan	And, Mr. <b>Halloran</b>
78	15	Litigants under circular or	litigants under <b>CERCLA</b> or
78	24	doing cost allocation under circular	doing cost allocation under <b>CERCLA</b>
79	6	Do you know what the forecasters are?	Do you know what the <b>Gore Factors</b> are?
80	24	certificate to IDOT.	<b>attributable</b> to IDOT.
81	23	And you used the same 13 taks buckets	And you used the same 13 <b>task</b> buckets
82	19	attributions in Exhibit S, correct?	attributions in Exhibit <b>F</b> , correct?
83	4	storage of the material for the figures”;	<b>source</b> of the material for the figures;
84	10	“Note: Site layout drawings by AE Con.”	“Note: Site layout drawings by <b>AECOM</b> ”
84	13-15	If you had this document, this 204.38 in your possession at the time you wrote your report, it didn’t show up, right?	<b>And</b> you had this document, this <b>204-38</b> in your possession at the time you wrote your Report, <b>Exhibit 205</b> , right?
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 <b>courts allocate</b> 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 <b>courts</b> allocate response costs in environmental cases, did you?
87	14-18	Let’s take a more granular look at your methodology. You seem to limit your IDOT areas of liability areas immediately surrounding soil borings specifically identified by the bores as being attributed to IDOT; is that right?	Let’s take a more granular look at your methodology. You seem to limit your IDOT Areas of Liability <b>to</b> areas immediately surrounding soil borings specifically identified by the <b>Board</b> as being attributed to IDOT; is that right?

Page No.	Line No.	Now Reads	Requested Correction
89	1-3	asbestos around a single bore, was it? What JM had to do is dissolve the bore and [inaudible]	asbestos around a single <b>boring</b> , was it? What JM had to do is <b>resolve</b> the <b>boring</b> and JM requests that the Court Reporter provide the recording of the Oct. 28, 2020 Hearing in order to transcribe the complete sentence.
90	7	created in auto cast, correct?	created in <b>AutoCAD</b> , 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. <b>Nguyen</b> and I'll spell that for you, Court Reporter. It's <b>N-g-u-y-e-n - to use AutoCAD</b> to mark the map
91	2	, an EWG file,	, <b>a DWG</b> 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 <b>a DWG</b> reference on it?
92	17	EWG file, correct?	<b>DWG</b> 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 <b>not</b> , if your
95	19	viable at the first hearing	<b>liable</b> at the first hearing
96	3-9	“Based upon your opinion in this report, your current report, you’re saying that the map support to render its opinion were not accurate? Answer: You are utilizing my base maps. Those maps would -- I would have been inaccurate.” Did you say that?	“Based upon your opinion in this report, your current report, you're saying that the <b>maps the Board was using</b> to render its opinion were not accurate? Answer: <b>If</b> you are utilizing my base map, <b>then yes, those</b> maps would -- I would have <b>deemed them as being</b> inaccurate.” Did you say that?
96	11-14	Those maps were relied upon by the Board were based on materials submitted by HS to USEPA, correct?”	Those <b>maps relied</b> upon by Board were based upon materials submitted by <b>AECOM</b> to USEPA, correct?
96	19	Mr. Neuyen,	Mr. <b>Nguyen</b>
101	16	“Answer: It can be on the GAFK site re-boundary. I don’t know.”	“Answer: It can be on the <b>Site 3 boundary</b> . I don’t know.”
101-102	24; 1-3	And you didn’t tie in the location of many Site 3 boundaries, such as boring locations, to this new northern boundary of Site 3 on 205-22; isn’t that right?	<b>You then tied</b> the location of <b>any key Site features</b> , such as boring locations, to this new northern boundary of Site 3 on 205-22; isn’t that right?
103	3-4	And this document has state claim gorges on it, does it not?	And this document has state <b>plane coordinates</b> on it, does it not?
105	7	North Shore GAFK?	North Shore <b>Gas Line?</b>

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 <b>Gas</b> line based
105	24	sending a larger area beyond the D326	<b>saying</b> a larger area beyond the D326
106	17-18	You didn't begin a new other map from the first hearing, right?	You didn't begin <b>anew with any other maps used in</b> the first hearing, right?
106	21	and that had Mr. Neuyen	and that had Mr. <b>Nguyen</b>
107	12	on the accuracy of the AE Con	on the accuracy of the <b>AECOM</b>
108	6	And you used ELM16,	And you used <b>ELM-15</b>
108	9	And you used AE Con map 6699,	And you used <b>AECOM</b> map <b>66-99</b> ,
108	22	North Shore taks line,	North Shore <b>Gas</b> line,
109	2	And you used the same forces for both	And you used the same <b>sources</b> for both
110	8	and you used the AE Con final	and you used the <b>AECOM</b> final
111	9	It says, "IDOT right-of-way 0393. lane	It says, "IDOT right-of-way 0393 <b>Land</b>
112	10	source of reference	<b>point</b> of reference
115	15	Okay pren.	Okay <b>then</b> .
116	3-4	Okay. And these were likely EPS, then, I take it?	Okay. And these were likely <b>GPS'd in</b> , I take it?"
118	11	How a grid, do you see a grid?	How <b>about</b> a grid, do you see a grid?
119	14	It says, "Why did you use ELM15, given	It says, "Why did you use <b>ELM-15</b> , given
121	4	go to 57534,	go to <b>67-534</b> ,
121	8-9	Q. 57534? A. 57534.	<b>Q. 67-534? A. 67-534.</b>
121	11	prepare by AE Con,	prepare by <b>AECOM</b> ,
122	3	What is saham scaling?	What is <b>hand</b> scaling?
126	10	don't mind this. Is actually	don't mind, <b>this is</b> actually
128	23	how much ATM was	how much <b>ACM</b> was
129	3	But you don't know do you how much ATM was	But you don't know, do you, how much <b>ACM</b> was
129	24	didn't take into account the amount of ATM	didn't take into account the amount of <b>ACM</b>
130	1	availability core effort	<b>analytically work</b> effort
130	7	continuing theme of ATM running	continuing <b>seam of ACM</b> running
130	18	photographs they claim showed a theme of asbestos	photographs they claim showed a <b>seam</b> of asbestos
138	2	is used my the contractor	is used <b>by</b> the contractor
138	24	And I'm going to hand you 21A, 26A	And I'm going to hand you <b>21A-26A</b>
139	7	that same thing, it has the word "piece" and it has	that same thing, it has the word <b>"peat"</b> and it has
158	12	thin all of the exhibits	<b>find</b> all of the exhibits

<b>Page No.</b>	<b>Line No.</b>	<b>Now Reads</b>	<b>Requested Correction</b>
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. <b>MS. O'LAUGHLIN:</b> I disagree.
159	8	wouldn't go up accordingly	<b>would</b> go up accordingly

Respectfully submitted,  
Johns Manville

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

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