

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 February 16, 2021, I caused to be filed with the Clerk of the Pollution Control Board of the State of Illinois, Johns Manville’s Motion to Correct the Corrected Transcripts of October 28 and 29, 2020 Hearing Dates, a copy of which is attached hereto and herewith served upon you via e-mail.

JOHNS MANVILLE

By: /s/ Kristen L. Gale

Dated: February 16, 2021

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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 the Corrected Transcripts of October 28 and 29, 2020 Hearing Dates was filed on February 16, 2021 with the following:

Don Brown, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
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and that true copies were emailed on February 16, 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 MOTION TO CORRECT THE  
CORRECTED TRANSCRIPTS OF OCTOBER 28 and 29, 2020 HEARING DATES**

Pursuant to 35 Ill. Adm. Code 101.604, Complainant Johns Manville (“JM”), by its undersigned counsel, submits to the Hearing Officer this motion to correct the corrected transcripts for the October 28 and 29, 2020 hearing dates. 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. Due to the many errors in the October 28 and 29, 2020 transcripts, the Hearing Officer granted JM’s unopposed request that the court reporter prepare a corrected transcript. On February 2, 2021, the Hearing Officer forwarded to the parties the corrected October 28, 2020 transcript and on February 5, 2020, the Hearing Officer forwarded to the parties the corrected October 29, 2020 transcript. JM reviewed the corrected transcripts, including reviewing the Board’s video of the hearing, and identified multiple errors. Some of the errors were non-substantive and in the interest of economy due to the extensive time it has taken to correct the transcripts, JM is not addressing those errors. Instead, JM requests that the Hearing Officer correct the substantive errors identified herein in the October 28 and 29, 2020 corrected transcripts, and grant this motion to correct those errors.

**Requested Corrections to the October 28, 2020  
Corrected Transcript Received on February 2, 2021**

<b>Page No.</b>	<b>Line No.</b>	<b>Now Reads</b>	<b>Requested Correction</b>	<b>Audio Verification Time</b>
10	16	It crosses over Nicor <del>GAFK</del>	It crosses over Nicor <b>Gas</b>	
41	11	<del>MS. BRICE:</del>	<b>Delete this entire line.</b>	
41	12	<del>MS. O'LAUGHLIN:</del>	MS. BRICE:	
41	18	<del>MS. BRICE:</del>	<b>MS. O'LAUGHLIN:</b>	
41	20	<del>MS. O'LAUGHLIN:</del>	<b>MS. BRICE:</b>	
65	16	Frak?	<b>Ramp?</b>	2:17
65	17	Frak was not	<b>Ramp</b> was not	2:17
82	22	attributions in Exhibit <del>S</del> , correct?	attributions in Exhibit <b>F</b> , correct?	3:56
84	15-17	And you had this document, this 204:38 in your possession. At the time you wrote your Report, <del>it didn't show up</del> , right?	And you had this document, this <b>204-38</b> in your possession at the time you wrote your Report, <b>Exhibit 205</b> , right?	3:59
96	22	Do you deny saying that Sir? Yes.	Do you deny saying that sir? <b>Nope.</b>	4:21
102	4-5	"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."	4:29
121	21-22	Q. 57534? A. 57534.	<b>Q. 67-534? A. 67-534.</b>	5:02
159	5	faster way to get to the question. MS. O'LAUGHLIN: I don't mean to mess up your thoughts. <del>MS. BRICE: I disagree.</del>	faster way to get to the question. I don't mean to mess up your thoughts. <b>MS. O'LAUGHLIN: I disagree.</b>	AUDIO CUTS OUT AT 6:08

**Requested Corrections to the October 29, 2020  
Corrected Transcript Received on February 5, 2021**

<b>Page No.</b>	<b>Line No.</b>	<b>Now Reads</b>	<b>Requested Correction</b>	<b>Audio Verification Time</b>
5-6	24-1	So, did you use this C-0022JM004753, which was hearing exhibit 6699,	So, did you use this C- <b>0022J, M004753</b> , which was hearing exhibit <b>66-99</b>	
9	6	calculated as your <del>denomination</del> ,	calculated as your <b>denominator</b>	
9	21	is <del>accurate</del> , then your numerator	is <b>inaccurate</b> , then your numerator	
21	19-20	to Bill <del>Bel</del> Bowe at LSR and Dr. Dr. Ebihara	To Bill <b>Bow</b> at <b>LFR</b> , and Dr. Ebihara	
24	13-14	And like Mr. Dorgan, you agreed that there were four task buckets that drove the need to <del>get water</del>	And like Mr. Dorgan, you agreed that there were four task buckets that drove the need to <b>dewater</b>	
28	18-19	Site 3 work, along for dewatering in Site 6	Site 3 work alone for dewatering, <b>and</b> Site 6	
29	11	because you thought it was too far west on parcel 039	because you thought it was too far west on parcel <b>0393</b>	
<b>33</b>	4-6	You stated that you used the same <del>zero</del> approach as Mr. Dorgan for general site preparation work.	You stated that you used the same <b>general</b> approach as Mr. Dorgan for general site preparation work.	
34	5-7	Waukegan Water line, AT&T, <del>Nicor Gas</del> , Northeast excavation, dewatering, ramp and filling and capping; is that right?	And construction services task buckets in this category are the <b>Nicor</b> , Waukegan Water line, AT&T, <b>Northshore gas</b> , Northeast excavation, dewatering, ramp and filling and capping; is that right?	

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36, 37	22-24; 1-2	that all of these Tasks in Site 3 Prep, Site 6 Prep, Site 3 and 6 Prep, <del>compensate</del> Site 3 oversight, and Site 6 oversight and legal, all depend upon the	that all of these Tasks in Site 3 Prep, Site 6 Prep, Site 3 and 6 Prep, <b>Health and Safety</b> , Site 3 oversight, and Site 6 oversight and legal, all depend upon the	
37	3	various task <del>methods</del> that we just went through?	various task <b>buckets</b> that we just went through?	
40	13	<del>photograph</del> that begins at <del>55</del> -by 50 grid?	<b>paragraph</b> that begins a <b>50</b> by 50 grid?	
40	16	<del>55</del> by 50	<b>50</b> by 50	
41	17	location D3-15	location <b>B3-15</b>	
43	4	transite-5 and the remaining as concrete <del>salt</del> paper,	transite <b>pipe</b> and the remaining as concrete <b>felt</b> paper,	
44	24	, which is <del>0625</del>	, which is <b>6-25</b>	
51	17	to USEPA regarding <del>ECB</del> cleanups.	to USEPA regarding <b>PCB</b> cleanups.	
52	15	Exhibit 2 of 2	Exhibit <b>202</b>	1:39
54	17	I'm lock being at	I'm <b>looking</b> at	1:44
59	14	February 6 <sup>th</sup> , 2019	February 6, <b>2009</b> .	1:56
61	4	the next planned	the next <b>cleanest</b>	1:58:20
65	17	I believe they did.	<b>I don't</b> believe they did.	2:06
73	7	Looking at <del>0441A</del> , 7S, and it talks about black fill; is <del>that right?</del>	Looking at <b>204-41A</b> , <b>and I just want to go to 7S, and you were asked a question about black cinder fill and peat, correct?</b>	2:21
74	15	that give <del>salt</del> borings	that give <b>some</b> borings	2:23
75	9-10	There's nothing that shows that there's anything there.	<b>Insert Line Break. MS. BRICE:</b> There's nothing that shows that there's anything there.	
75	15	<del>Were</del> break shoes used for other miscellaneous debris?	<b>Or</b> break shoes or <b>other miscellaneous debris?</b>	2:24
83	7	264, please	<b>206-4</b> , please	3:55
85	3-4	An example would be the North Shore <del>GASK</del> line in the <del>main</del> corridor	An example would be the North Shore <b>Gas</b> line <b>and the clean</b> corridor	3:57
87	20	were <del>inaccurate</del>	<b>never accurate</b>	4:00

Page No.	Line No.	Now Reads	Requested Correction	Audio Verification Time
95	10-13	It's like <del>3</del> boundary after the corrections appear to line up closely with that particular linear feature.	<b>The new Site 3 boundary</b> , after the corrections, appear to line up closely with that particular linear feature.	4:13
98	24	entire <del>55x50</del>	entire 55, <b>50 by 50</b>	4:18
109	6	-- you've at boring logs	-- you've <b>looked</b> at borings logs	4:30
110	4	debris found them?	debris found <b>in</b> them?	4:31
111	15-16	<del>at lease onto</del> only part of the northeast excavation that's is <del>had</del> parcel 0393.	<b>to only the location</b> , only the part of the northeast excavation that's in parcel 0393.	4:34
113	6		<b>1889</b> . Okay.	4:37
113	6	Do you believe Mr. <del>Gorgan</del> has placed the NRP's observations in the correct place?	Do you believe Mr. <b>Gobelman</b> has placed the Northeast excavation in the correct place?	
113	21	you believe the <del>Washington</del> water line is in the wrong location	you believe the <b>Waukegan</b> water line is in the wrong location	4:38
116	4	They said that the lines for a segment of Site 6 <del>in our</del> ground <del>when</del> on poles for the rest line for Site 6.	They said that the lines <b>ran for</b> a segment of Site 6 <b>and then came out of</b> ground <b>and went</b> on poles for the rest of the lines for Site 6.	4:41
117	24	That clean <del>borders</del>	That clean <b>corridors</b>	4:45
121	5	says the North Shore GASK lines run	says the North Shore <b>Gas line runs</b>	
123	12	in the <del>northern</del> 6 excavation	in the <b>northeast</b> excavation	4:54
129	1	Mr. Dorgan	<b>Mr. Gobelman</b>	
129	14	oversight, oversight and legal;	oversight, <b>Site 6</b> oversight and legal;	5:03
141	15	And the clear corridors	And the <b>clean</b> corridors	5:47
145	5	206-40	204-40	6:04
149	1	<del>MS. BRICE</del>	MS. O'LAUGHLIN:	
149	5	<del>MS. O'LAUGHLIN:</del>	MS. <b>BRICE:</b>	6:09
150	3	<del>MS. BRICE:</del>	MS. O'LAUGHLIN:	6:10

<b>Page No.</b>	<b>Line No.</b>	<b>Now Reads</b>	<b>Requested Correction</b>	<b>Audio Verification Time</b>
151	4		Insert Line Break FURTHER REDIRECT <b>MS. BRICE:</b> In your opinion...	6:11
151	8	<del>MS. GALE</del>	MS. O'LAUGHLIN:	
152	4	<del>MS. BRICE:</del>	MS. GALE:	
152	14		<b>MS. GALE:</b> I'm just going to read	

Respectfully submitted,  
Johns Manville

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

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