

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE OF FILING**

To: ALL PERSONS ON THE ATTACHED CERTIFICATE OF SERVICE

Please take note that today, February 18, 2016, I filed Respondent, Illinois Department of Transportation's Exhibit and Witness List with the Clerk of the Pollution Control Board, a copy of which are hereby served upon you.

Respectfully Submitted,

By:



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

**ILLINOIS DEPARTMENT OF TRANSPORTATION’S EXHIBIT AND WITNESS LIST**

Respondent, Illinois Department of Transportation (“IDOT”) herewith lists the exhibits and witnesses that it presently intends to present at hearing in this matter (“Exhibit List”), which is currently set for March 15 through 17, 2016. IDOT expressly reserves its right to amend or otherwise modify this Exhibit and Witness List, as may be necessary to list such additional exhibits and/or witnesses which it may name or identify in response to new allegations and claims raised by Complainant, Johns Manville, in their Motion for Leave to File Second Amended Complaint, which was filed with the Pollution Control Board on February 16, 2016.

**A. EXHIBITS**

IDOT identifies the following exhibits which it may seek to introduce into evidence in the hearing for this this matter:

Exhibit No.	Exhibit Description
1	All Pleadings Filed in Case
2	Expert Report of Douglas G. Dorgan, Jr. and all documented cited in the bibliography thereto:  A. Removal Action Work Plan, Revision 2; Southwestern Site Area – Sites 3, 4/5, and 6, Johns Manville Site, Waukegan, Illinois dated March 31, 2014, prepared for United States Environmental Protection Agency (USEPA) Region 5 and prepared by AECOM Technical Services, Inc.

- B. Engineering Evaluation/Cost Analysis (EE/CA) Southwestern Site Area Sites 3, 4/5, and 6; Revision 4 and Addendum dated April 4, 2011 and October 31, 2011, prepared for Johns Manville and Commonwealth Edison Company and prepared by ARCADIS U.S., Inc.
- C. Surface and Subsurface Characterization Site 2 and Site 3 Former Johns Manville Manufacturing Facility: Waukegan, Illinois dated December 10, 1999, prepared for Johns Manville and prepared by ELM Consulting, LLC.
- D. Johns Manville Southwestern Site Area, Waukegan, Lake County, Illinois, Administrative Order on Consent V-W-07-C-870 dated February 1, 2012 (initial version dated June 11, 2007).
- E. Fourth Five-Year Review Report for Johns-Manville Site dated April 30, 2013, prepared for USEPA Region 5 and prepared by ESEPA Region 5.
- F. Enforcement Action Memorandum dated November 30, 2012, prepared for Johns Manville and Commonwealth Edison Company and prepared by USEPA Region 5.
- G. Standard Specifications for Road and Bridge Construction dated January 1, 2012, prepared for Illinois Department of Transportation and prepared by Illinois Department of Transportation.
- H. Results of Power Line Excavation; Greenwood Avenue Ramp adjacent to Southwestern Site Area, Waukegan Illinois dated July 8, 2008, prepared for Commonwealth Edison Company and Exelon Corporation and prepared by LFR Inc.
- I. Brad Bradley (USEPA) to Denny Clinton (Johns Manville) dated July 10, 1998, Exhibit C.
- J. Second Five-Year Review Report for Johns-Manville Site dated May 2, 2003, prepared for USEPA Region 5 and prepared by USEPA Region 5.
- K. Bruce D. Ray (Johns Manville) to Margaret Herring (USEPA Region 5) dated July 1, 1999, Response to CERCLA Section 104(e) Request.
- L. Barnhardt, M.L., 2010, Surficial Geology of Waukegan Quadrangle, Lake County, Illinois; Illinois State Geological Society, USGS-STATEMAP contract report, 2 sheets, 1:24,000.

	<p>M. Respondents Response Document to Engineering Evaluation/Cost Analysis (EE/CA), Revision 4, as Modified and Approved by USEPA; Southwestern Site Area, Waukegan, Illinois dated March 12, 2012, prepared for USEPA Region 5 and prepared by AECOM Technical Services, Inc.</p> <p>N. Cali, S., Scheff, P., and Sokas, R., 2006 Illinois Beach State Park (IBSP); Determination of Asbestos Contamination in Beach Nourishment Sand Final Report of Findings, Great Lakes Centers for Occupational and Environmental Safety and Health.</p> <p>O. AECOM Johns Manville Site 3 and Site 6 Draft Cost Estimate_11Mar15 dated March 12, 2015, prepared for Weaver Consultants Group and prepared by AECOM Technical Services, Inc.</p> <p>P. Williams, E.G.; Von Aspern, K., Asbestos Cement Pipe: What if it Needs to be Replaced?, HDR Engineering, Inc.</p> <p>Q. Modifications to the Engineering Evaluation/Cost Analysis dated February 2012, prepared for Johns Manville and prepared by USEPA Region 5.</p> <p>R. Complainant's Motion for Leave to File Its First Amended Complaint, In the Matter of: Johns Manville, a Delaware Corporation, Complainant, vs. Illinois Department of Transportation, Respondent PCB No. 14-3 dated March 12, 2014.</p>
3	<p>Deposition Transcript of Douglas G. Dorgan, including all exhibits (May 16, 2015)</p>
4	<p>Expert Rebuttal Report of Steven L. Gobelman and all documented cited in the bibliography thereto:</p> <p>A. Expert Report of Douglas G. Dorgan, Jr, Johns Manville vs Illinois Department of Transportation, prepared by Weaver Consultants Group, dated March 16, 2015.</p> <p>B. Notice to Bidders, Specifications, Proposal, Contract and Contract Bond. 1971.</p> <p>C. State of Illinois Department of Public Works and Buildings, Division of Highways, Plans for Proposed Federal Aid Highway, F.A. Route 42 – Section 8-HB &amp; 8-VB, Lake County, Contract #28266. 1971.</p> <p>D. Ziejewski, Sigmund C. IDOT memo regarding utility conflicts. October 13, 1971.</p>

- E. Standard Specifications for Road and Bridge Construction, adopted January 2, 1971.
- F. Riddle, Paul F. Authorization of Contract Changes not Involving Section Length, document Authorization #14. November 14, 1973.
- G. Authorization of Contract Changes not Involving Section Length, Authorization #18 (Final). May 5, 1975.
- H. Resolution with the City of Waukegan. April 7, 1966.
- I. Resolution with Lake County. October 20, 1965.
- J. Engineering Evaluation/Cost Analysis (EE/CA) Southwestern Site Area Sites 3, 4/5, and 6: Revision 4, prepared for Johns Manville and Commonwealth Edison Company. s.l. : prepared by ARCADIS U.S., Inc., April 4, 2011.
- K. Erdmann, Anne. Topographic Maps Pictures of the years 1908, 1914, 1929, 1939, 1960, 1972, 1980, 1993, and 2012. [Email] s.l. : Illinois State Geological Survey (ISGS), December 16, 2013.
- L. Aerial Photography. July 20, 1939.
- M. Results of Power Line Excavation; Greenwood Avenue Ramp adjacent to Southwestern Site Area; Waukegan Illinois, prepared for Commonwealth Edison Company and Exelon Corporation. s.l. : prepared by LFR, Inc., July 8, 2008.
- N. Illinois Department of Transportation's response to U.S. Environmental Protection Agency's Request for Information Regarding the Johns Manville Superfund Site in Waukegan, Illinois. November 27, 2000.
- O. Aerial Photograph from October 20, 1967, June 11, 1970, October 26, 1972, October 30, 1978, August 17, 1988, and March 31, 2000.
- P. Hagerman, T.E. Supervising Engineer's Report. October 23, 1972.
- Q. Enforcement Action Memorandum – Determination of Threat to Public Health, Welfare, or the Environment to Conduct a Non-Time-Critical Removal Action at the Southwestern Site Area, Site 3, 4/5, and 6 of the Johns-Manville Corp. Superfund Site, Waukegan. s.l. : USEPA, November 30, 2012.

	R. Surface and Subsurface Characterization Site 2 and Site 3 Former Johns Manville Manufacturing Facility Waukegan Illinois, Volume 1, Appendix A – Appendix K, prepared for Johns Manville. s.l. : prepared by ELM Consultants, LLC., December 10, 1999.
5	Deposition Transcript of Steven L. Gobelman, including all exhibits (07/10/16).
6	Rebuttal Report of Douglas G. Dorgan (07/27/15).
7	Deposition Transcript of Denny Clinton, including all exhibits (10/28/15).
8	Deposition Transcript of Douglas G. Dorgan, including all exhibits (10/29/15).
9	<p><u>IDOT Historical Aerial Photos of Vicinity of Site</u></p> <ul style="list-style-type: none"> <li>A. BW Photo 07/20/39</li> <li>B. BW Photo 07/20/39</li> <li>C. BW Photo 07/01/54</li> <li>D. BW Photo 07/01/54</li> <li>E. BW Photo 10/20/67</li> <li>F. BW Photo 10/20/67</li> <li>G. BW Photo 06/11/70</li> <li>H. BW Photo 06/11/70</li> <li>I. BW Photo 10/26/72</li> <li>J. BW Photo 10/26/72</li> <li>K. BW Photo 10/30/78</li> <li>L. BW Photo 10/30/78</li> <li>M. BW Photo 08/17/88</li> <li>N. BW Photo 08/17/88</li> <li>O. BW Photo 03/31/00</li> <li>P. BW Photo 03/31/00</li> <li>Q. Color Photo 03/31/00</li> <li>R. Color Photo 03/31/00</li> </ul>
10	<p><u>Historical Topographical Maps of Vicinity of Site</u></p> <ul style="list-style-type: none"> <li>A. 1914 Topo Map</li> <li>B. 1929 Topo Map</li> <li>C. 1939 Topo Map</li> <li>D. 1960 Topo Map</li> <li>E. 1972 Topo Map</li> <li>F. 1980 Topo Map</li> <li>G. 1993 Topo Map</li> <li>H. 2012 Topo Map</li> </ul>
11	Aerial Photograph of Johns Manville Facility from 1960s (JM 001296).
12	Text of Environmental Protection Act (1970).

13	Pollution Control Board Solid Waste Regulations (July 19, 1973).
14	Administrative Settlement Agreement and Order on Consent for Removal Action, USEPA Region 5, CERCLA Docket No. V-W-07-C-870.
15	USEPA September 29, 2000 Section 104(e) Information Request.
16	IDOT November 27, 2000 Response to Section 104(e) Request.
17	IDOT 1971 "Standard Specifications"
18	Johns Manville's Responses to IDOT's First Set of Interrogatories (12/12/14).
19	Johns Manville's Responses to IDOT's First Set of Requests for Production (12/12/14).
20	Johns Manville's Responses to IDOT's Second Set of Interrogatories (01/02/15).
21	Johns Manville's Responses to IDOT's Second Set of Requests for Production (01/02/15).
22	All documents produced by Johns Manville to IDOT (JM000001-0006026).
23	Complainant's Revised Responses to [IDOT's] Interrogatories 1 and 2 (05/13/15).
24	IDOT's Subpoena to Johns Manville for Deposition of Douglas G. Dorgan, Jr.
25	IDOT's Subpoena to Johns Manville for Deposition of William D. Clinton.
26	Johns Manville's Response to IDOT's Subpoena of Deposition of Douglas G. Dorgan, Jr. (10/27/15).
27	Johns Manville's Response to IDOT's Subpoena of Deposition of William Dennis Clinton (10/27/15).
28	IDOT's Production of Documents to Johns Manville (Bates # IDOT00001-0001057).
29	IDOT's Production of Documents to Johns Manville (Bates # IDOT001064-001067).
30	IDOT's Third Production of Documents to Johns Manville (Bates # IDOT002664-0003354).

**B. POTENTIAL WITNESSES**

IDOT may call some or all of the following persons as witnesses in the hearing no this matter:

1. Steven L. Gobelman (IDOT expert witness)
2. Keith W. Stoddard (IDOT fact witness)
3. Steven G. Warren (IDOT fact witness)
4. Douglas G. Dorgan, Jr. (Johns Manville expert witness)
5. William D. Clinton (Johns Manville fact witness)
6. Bruce Ray (Johns Manville fact witness)
7. Brent Tracy (Johns Manville fact witness)

Respectfully Submitted,

By:



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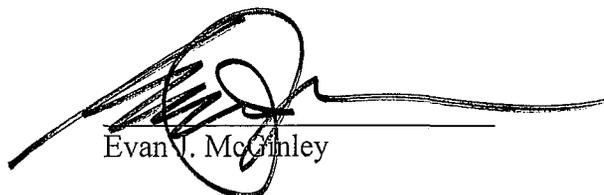
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**CERTIFICATE OF SERVICE**

***Johns Manville v. Illinois Department of Transportation, PCB 14-3 (Citizens)***

I, EVAN J. MCGINLEY, do hereby certify that, today, February 18, 2016, I caused to be served on the individuals listed below, by first class mail and electronic mail, a true and correct copy of the attached Notice of Filing, as well Respondent, Illinois Department of Transportation's, Exhibit and Witness List.

John Therriault, Assistant Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, Illinois 60601 <a href="mailto:John.Therriault@illinois.gov">John.Therriault@illinois.gov</a>	Bradley Halloran Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, Illinois 60601 <a href="mailto:Brad.Halloran@illinois.gov">Brad.Halloran@illinois.gov</a>
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