

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>In the Matter of:</b>	)	
	)	
<b>SIERRA CLUB, ENVIRONMENTAL</b>	)	
<b>LAW AND POLICY CENTER,</b>	)	
<b>PRAIRIE RIVERS NETWORK, and</b>	)	
<b>CITIZENS AGAINST RUINING THE</b>	)	
<b>ENVIRONMENT</b>	)	
	)	<b>PCB 2013-015</b>
<b>Complainants,</b>	)	<b>(Enforcement – Water)</b>
	)	
<b>v.</b>	)	
	)	
<b>MIDWEST GENERATION, LLC,</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF FILING**

TO: Don Brown, Clerk	Attached Service List
Illinois Pollution Control Board	
James R. Thompson Center	
100 West Randolph Street, Suite 11-500	
Chicago, IL 60601	

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board, Midwest Generation, LLC’s Motion *In Limine* to Exclude Evidence of the Need for a Remedy at the Historic Areas of CCR at Joliet 29 with Exhibits, a copy of which is hereby served upon you.

MIDWEST GENERATION, LLC

By:       /s/ Jennifer T. Nijman      

Dated: February 4, 2022

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	)	<b>PCB 2013-015</b>
<b>Complainants,</b>	)	<b>(Enforcement – Water)</b>
	)	
<b>v.</b>	)	
	)	
<b>MIDWEST GENERATION, LLC,</b>	)	
	)	
<b>Respondent.</b>	)	

**MIDWEST GENERATION, LLC’S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF THE NEED FOR A REMEDY AT THE HISTORIC AREAS OF CCR AT JOLIET 29**

Pursuant to 35 Ill. Adm. Code 101.500, 101.502 and 101.504, Respondent, Midwest Generation, LLC (“MWG”), submits this Motion *In Limine* requesting the Hearing Officer enter an order barring evidence relating to the need for a remedy, or remedy for the historic fill areas at the Joliet 29 Station because there is no evidence that the areas are a source of contamination and because Section 21(r) of the Illinois Environmental Protection Act (“Act”) allows disposal of coal combustion waste that was generated by the site owner and disposed at the site.

In its 2019 Interim Order, the Illinois Pollution Control Board (“Board”) found no wells were installed around the historic fill areas at Joliet 29 historic fill areas and the monitoring wells at the Station were unlikely to show any contamination from the areas. While the areas contain historic ash, there is no groundwater data to show that the areas are causing contamination. Because Complainants failed to develop evidence that the areas are a source, the Board should exclude evidence regarding the need for a remedy or remedy for the areas.

Additionally, the Board found that the ash in the historic fill areas was coal combustion *waste*, over MWG's objections. 2019 Order, p. 89. Pursuant to Section 21(r) of the Act, coal combustion *waste* may remain in place, further supporting the exclusion of evidence regarding the need for a remedy.

In support of its Motion, MWG states as follows:

**A. Background**

1. In October 2017 and continuing to January 2018, the parties participated in a lengthy and extensive hearing regarding Complainants' allegations that MWG violated the Illinois Environmental Protection Act ("Act").

2. On June 20, 2019, the Board entered an Interim Order and Opinion, which it reconsidered and revised on February 6, 2020. The Board found that the record lacked sufficient information to determine an appropriate remedy and directed the parties to proceed to hearing to determine the appropriate relief and whether a remedy is required, considering the Section 33(c) and 42(h) factors under the Act.

3. In its June 2019 Interim Order, the Board discussed three historic fill areas at the Joliet 29 Station "where coal ash was deposited before MWG began operating" – the Northeast Area, Northwest Area, and Southwest Area. Interim Order, pp. 26-28.

4. In discussing the three historic areas, the Board correctly found that "no monitoring wells are installed around any of these areas." Interim Order, p 26, para 3. Then, for each of the three historic areas, the Board found that the monitoring wells nearest to the historic fill areas are "unlikely to show conclusive results of any contaminants emanating from this historical area." See Interim Order, p. 27 (referring to the Northeast Area); p. 27, para. 1 (referring to the Southwest Area) and p. 28, para. 1 (referring to the Northwest Area).

5. Pursuant to the Board's Interim Order, the Parties engaged in additional discovery to develop information to determine the appropriate remedy. An additional approximately 60,000 pages of documents were exchanged, and eleven witnesses were deposed including six expert witnesses. The documents exchanged include annual inspections of the Northeast Area, including photographs, which show no release or discharge of material from the area. Also, the record shows that ash in the Northwest Area was removed in 2005 shortly after the material was analyzed. Hearing Ex. 903, p. 47 (MWG's Expert Report) ("Approximately 1,068 tons of fill material containing historical ash was excavated and disposed off-site at a landfill during the week of November 21, 2005") citing KPRG and Associates Inc. Coal Ash and Slag Removal - Joliet Station #29 Report, December 6, 2005, excerpt attached here as Ex. 1.

6. Despite being allowed under Illinois Supreme Court Rule 214, Complainants did not conduct any investigation of the historic fill areas at Joliet 29 during discovery to determine whether they were a source of groundwater contamination. Il. S. C. R. 214(a) (a party may have access "to real estate for the purpose of making surface or subsurface inspections...").

**B. There is no Evidence to Support the Need for a Remedy for the Historic Fill Areas at Joliet 29**

7. It is the Complainants' duty and responsibility to prove their case. *Northern Illinois Anglers' Assoc. v. Kankakee Water Co., Inc.*, PCB 81-127, 1981 WL 21931 (September 24, 1981), \*1. Here, Complainants made no attempt to prove that the historic fill areas are causing contamination, and it is certainly not MWG's duty to disprove the allegations.

8. Because there is no evidence that shows the historic fill areas are a source, a remedy should not be considered. In fact, samples of historic ash from the Northwest Area at Joliet 29 showed that the leachate from historical ash in fill materials is not adversely impacting the groundwater. Ex. 1, Hearing Ex. 903, pp. 46-47. The leaching data found nothing in the historic

ash was above the groundwater Class I quality criteria. MWG Ex. 901, p. 9, excerpt attached as Ex. 2. In its 2019 Interim Order, the Board agreed that the coal ash at each of the MWG Stations possessed similar constituents. Interim Order, p. 20. Here, the record contains samples from one of the historic coal ash areas at Joliet 29. In short, there is no evidence that the historic areas are a potential source of contamination, and the totality of the evidence demonstrates that they are not.

9. Complainants cannot assert that MWG either should have sampled or should be required to sample these areas as part of an investigation.<sup>1</sup> To date, there has been no regulatory requirement to sample and no Illinois EPA order. A party is not required to simply investigate its property when there is no apparent reason or requirement to do so. Similarly, a party cannot be forced to develop evidence to *disprove* allegations against them. If so, then all litigation would be turned on its head. A complainant would be able to make blind factual statements, without any proof or support, that a certain area is a source of contamination, and demand the respondent investigate and present proof to deny or disprove the alleged facts. That is simply not how environmental enforcement in Illinois works. For instance, when Illinois EPA suspects a site might be a source of environmental contamination but there is no evidence, it does not rush to the Board or a Court to force the owner/operator conduct an investigation. Instead, it conducts an investigation, prepares a report, and if its investigation results in evidence that there is contamination, the Illinois EPA pursues enforcement.<sup>2</sup> That the Agency gets its authority to

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<sup>1</sup> The pending regulations in PCB20-19 Subdocket A may ultimately require MWG to investigate the historic fill areas to confirm that they are not a source of contamination. If the Board passes the regulations, then MWG will comply.

<sup>2</sup> For example, in *N.Ill. Serv. Co. v. Ill. EPA*, 2016 IL App (2d) 150172 (2nd Dist. 2916), Illinois EPA conducted an inspection, and pursued enforcement against the owner following the inspection. Similarly, in *People of the State of Illinois v. D'Angelo Enterprises, Inc.*, PCB97-66, 2002 Ill.ENV LEXIS 533, the Illinois EPA conducted an inspection of a facility that contained waste, and prepared an inspection report identifying alleged violations of the Act. \*18-19. Relying upon the results of the inspection, the People of the State of Illinois brought an enforcement action. *Id.*\*4. See also *James Reichert Ltd. Family P'ship v. Ill. Pollution Control Bd.*, 2018 IL App (5th) 160533-U, (published under Rule 23(e)) (Illinois EPA conducted an inspection of a property following review of overhead satellite image of site that showed potential violations, and pursued enforcement following the inspection.)

conduct the investigations under Section 4(d) of the Act makes no difference. 415 ILCS 5/4(d). Here, Illinois Supreme Court Rule 214 allows a private party in litigation to enter and even sample property to present evidence to prove their allegations.

10. In fact, in this case, the Agency *asked* MWG to voluntarily undertake sampling at its Stations, specifically identifying the CCR impoundments (and not the known ash fill areas)<sup>3</sup> as possible sources. MWG elected to voluntarily perform that sampling, which resulted in the violation notices that started this case.

11. Complainants cannot be allowed to put the cart before the horse. Just as it is Complainants' burden to prove the liability portion of their case, it is similarly their burden to prove that a remedy is required. The Board's finding that MWG "allowed" groundwater contamination at its Stations does not equate to forcing a remedy in those locations where there is no proof of a source.<sup>4</sup>

12. Without evidence that the three historic areas are a source, any evidence of the purported need for a remedy for those areas should be excluded. Complainants cannot be permitted to demand that a respondent must go out and find the evidence (that Complainants should have presented) that might, or might not, lead to a remedy.

**C. Section 21(r) of the Act Allows Disposal of Coal Combustion Waste Onsite Negating Any Remedy Requirement**

13. Subsection 21(r) of the Act, coupled with Section 21(d), allows disposal of coal combustion waste on a person's property that was generated by a person's own activities. Thus, no remedy is required.

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<sup>3</sup> The northeast area at Joliet 29 is a part of the Joliet 29 NPDES stormwater permit, and pursuant to that permit MWG ensures that the area is covered. 1/29/18 Tr. 183:17-21 (Testimony of Race), attached as Ex. 3.

<sup>4</sup>. See MWG's Response to Complainants' Post-Hearing Brief (Aug. 30, 2018), p. 9 and MWG's Memorandum in Support of its Motion to Reconsider (Sept. 9, 2019), p. 25.



14. Subsection 21(r) states, in relevant part:

No person shall:

\* \* \*

(r) Cause or allow the storage or disposal of coal combustion waste unless:

(1) such waste is stored or disposed of at a site or facility for which a permit has been obtained or is not otherwise required under subsection (d) of this Section; (emphasis added)

415 ILCS 5/21(r)(1)

15. Subsection 21(d) of the Act, as referenced in Section 21(r) above, states, in relevant part:

No person shall:

\* \* \*

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; provided, however, that, except for municipal solid waste landfill units that receive waste on or after October 9, 1993, no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated, or disposed within the site where such wastes are generated, . . .

415 ILCS 5/21(d) (emphasis added).

16. The Board found that the coal ash in the historic fill areas was deposited before MWG began operating the Joliet 29 Station. Interim Order, p. 26. The ash in the historic fill areas was deposited by the former owner of the Station from its coal-fired power generation at the Station.<sup>5</sup> Hearing Ex. 21, p. 2-4, excerpt attached as Exhibit 4.<sup>6</sup> While MWG asserted that the CCR was not “waste”, the Board specifically found that the coal ash at the Stations was “coal

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<sup>5</sup> The historic coal ash was reportedly from Joliet 9, which Illinois EPA regards as the same station. For instance, IEPA issues permits for the “Joliet Generating Station”, covering three boilers, two located at Joliet 29 and one located at Joliet 9. See Illinois EPA’s Document Explorer, Illinois EPA Permit I.D. No.: 197809AAO, Issued July 9, 2020 and located at <https://external.epa.illinois.gov/DocumentExplorer/Documents/Index/170000162525>.

<sup>6</sup> The Hearing Officer entered Exhibit 21 over MWG’s objection. 10/23/2017 Tr., p. 124:10-13, 126:6-14. MWG continues to object to the admission of the ENSR reports.

combustion waste” as defined in 415 ILCS 5/3.140. *Id.* at pp. 87-88. (Board stated that while MWG may send some coal ash to be used beneficially by third parties, that is not the case for historic areas).

17. Section 21(r) of the Act is specific to coal combustion waste (“CCW”), which the Board concluded was at issue in the historic areas (among other areas). As such, Section 21(r) is the provision that is applicable to the historic fill areas at Joliet 29, not Section 21(a) of the Act. “It is...a fundamental rule of statutory construction that where there exists a general statutory provision and a specific statutory provision...both relating to the same subject the specific provision controls and should be applied.” *Knolls Condo. Ass’n v. Harms*, 202 Ill. 2d 450, 459 (2002).

18. Section 21(r) allows the storage or disposal of CCW outside of a permitted landfill. These are protections that the General Assembly intended for generators of CCW to have. *People ex rel. Madigan v. Wildermuth*, 2017 IL 120763, ¶17. (“When construing a statute, [a] court’s fundamental objective is to ascertain and give effect to the intent of the legislature.”).

19. In this case, the prior owner conducted “a waste-storage...or waste disposal operation for wastes generated by” its own activities, and “stored [or] disposed]” the waste “within the site where such wastes are generated.” 415 ILCS 5/21(d). Section 21(d) allowed the prior owner to do so without a permit, and under the plain text of Section 21(r), this was an acceptable practice. To the extent that MWG can be said to have “allowed” the storage or disposal of CCW at the historic fill areas at Joliet 29, the CCW was in compliance with Section 21(r) of the Act. Accordingly, because the CCW in the historic fill areas are in compliance with the Act, any evidence of a remedy for those areas should be excluded.<sup>7</sup>

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<sup>7</sup> MWG further reserves the right to claim that other areas of historic ash at its Stations are in compliance with Section 21(r) of the Act, and thus that there is no basis for a remedy.

WHEREFORE, for the reasons stated above, MWG requests that the Hearing Officer grant this Motion *In Limine* and enter an order barring evidence relating to the need for a remedy, or remedy for, the historic fill areas at the Joliet 29 Station.

Respectfully submitted,

Midwest Generation, LLC

By: /s/ Jennifer T. Nijman  
One of Its Attorneys

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# **EXHIBIT 1**

## Expert Report of John Seymour, P.E.

I have prepared this Expert Report on behalf of Midwest Generation, LLC (MWG) to present my opinions and to address the two expert reports issued by M. James R. Kunkel in the Matter of:

SIERRA CLUB, ENVIRONMENTAL LAW AND POLICY CENTER, PRAIRIE RIVERS NETWORK,  
and CITIZENS AGAINST RUINING THE ENVIRONMENT

Complainants,

v

MIDWEST GENERATION, LLC,

Respondent

PCB 2013-0015

### Section 1: INTRODUCTION

#### 1.1. Background

Since 1999, MWG has operated four electric generating stations at issue in this matter: the Joliet #29 Generating Station ("Joliet #29") located in Joliet, Will County, Illinois; the Powerton Generating Station ("Powerton") located in Pekin, Tazewell County, Illinois; the Waukegan Generating Station ("Waukegan") located in Waukegan, Lake County, Illinois; and the Will County Generating Station ("Will County") located in Romeoville, Will County, Illinois. Prior to 1999, the stations were operated by other entities and pre-1999 documents identify historic areas where ash was placed.<sup>1</sup>

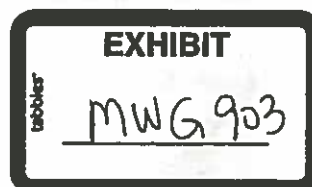
Each of the generating stations includes active ash ponds as an integral part of the generating stations' wastewater treatment systems (MWG Facility NPDES Permits).<sup>2</sup> All of the ash ponds are permitted pursuant to MWG's NPDES permits (IL0064254, IL0002232, IL0002259, and IL0002208) and operate pursuant to the limits, terms, and conditions of the permits. All of the active ash ponds at the MWG facilities are fully lined with 60 mil-thick high density polyethylene (HDPE) liners.

In 2010, MWG voluntarily agreed to Illinois EPA's request to perform hydrogeological assessments around the ash ponds at its generating stations.<sup>3</sup> On June 11, 2012, based on the results of the hydrogeological assessments, Illinois EPA issued Violation Notices (VN) to MWG alleging violations of

<sup>1</sup> MWG13-15\_8502-8536, MWG13-15\_11966-12040, MWG13-15\_29502-29532, MWG13-15\_25139-25167

<sup>2</sup> MWG's Answer and Defenses to Second Complaint, Answers to Complaint ¶¶1, 3, 5, 7

<sup>3</sup> MWG13-15\_364; MWG13-15\_384; MWG13-15\_407; MWG13-15\_421



conditions of the existing weathered ash are not contributing to groundwater exceedances at the four sites based on leaching analyses of actual ash fill at the sites.

#### 5.7.1. Coal Ash may be Classified as Coal Combustion Byproducts to Allow Beneficial Use

Structural fill and import fill ("fill") at the sites was placed historically, as long as 38 years ago. Ash generated by coal combustion may be classified as CCB when there is beneficial use determined by IEPA as established in 415 Illinois Compiled Statutes 5/3.135. Although the current IEPA criteria were not applicable when the CCB was placed, it is analogous to compare the current condition of CCB to the current IEPA criteria. Additionally, the design and construction of coal ash structural fills is a standard practice, and procedures for using coal combustion products, including fly ash, bottom ash, and boiler slag, to achieve desired geotechnical properties are described in ASTM E2277-14 (2014). In my opinion, the presence of CCB outside of the pond areas is considered an acceptable use when compared to Illinois requirements and the standard ASTM practice.

#### 5.7.2. Investigations of Potential Leaching Characteristics of Historical Ash in Fill Materials at Sites

Data obtained from recent samples of ash used as fill from multiple sites show that leachate from the ash in its current condition meets IEPA Class I standards based on leaching from a soil-like environment (NLET method). These data were obtained during a 2004 investigation at Powerton, a 2005 investigation at Joliet #29, and a 2015 investigation at Will County, as discussed further below. Based on these data, it is reasonable to conclude that historical ash areas at all four MWG sites are not a source of groundwater impacts. Significantly, there is no evidence to conclude, as Kunkel does, that the ash areas are a source.

##### 5.7.2.1. Joliet #29 Investigation

On behalf of Midwest Generation, in June 2005 KPRG performed an investigation of historical ash in fill materials at the Joliet #29 site. This investigation included the collection of historical ash samples from 15 soil borings at the Joliet #29 site. Historical ash samples were analyzed using a neutral leachable procedure (NLET) for metals. KPRG's report found the following conclusions:<sup>141</sup>

- "The ash deposits are consistent and homogenous consisting of interlayered fly ash and bottom ash/slag from the coal combustion process."

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<sup>141</sup> KPRG, 2005a

- “The NLET metals data from sample location GP-14A displayed elevated levels of lead and copper at concentrations at least two times higher than the Class I groundwater standard.” This area was later further delineated and excavated (see below).
- “The NLET metals data from the remaining 16 sample locations indicate with a high degree of statistical certainty that the criteria established in 415 ILCS 5/3.135 (formerly 415 ILCS 5/3.94) a-5(B) are met and that the material may be considered CCB relative to this criterion....”<sup>142</sup>

A supplemental investigation was performed in the vicinity of GP-14A in November 2005. Eight additional historical ash samples were collected from soil borings and analyzed using NLET for metals. The June 2005 and November 2005 samples were used to delineate the extent of excavation in the vicinity of GP-14A. Approximately 1,062.88 tons of fill material containing historical ash was excavated and disposed off-site at a landfill during the week of November 21, 2005. The excavation was backfilled using surficial materials near the excavation area. Following the excavation, the historic ash in the area met the CCB criteria under 415 ILCS 5/3.135.<sup>143</sup>

Thus, it is my opinion that leachate from historical ash in fill materials at Joliet #29 is not adversely impacting the groundwater.

#### *5.7.2.2. Powerton Investigation*

On behalf of MWG, Andrews Environmental Engineering, Inc. (AEEI) performed an investigation in May 2004 of historical ash in fill materials at Powerton<sup>144</sup>. A total of eight historical ash samples were collected from test pits in the Limestone Runoff Basin. Samples were analyzed for NLET metals using ASTM D3987-85. Selenium was detected in two NLET samples and chromium was detected in one NLET sample at concentrations greater than the IEPA Class I groundwater standards. All other metals in the NLET results from the eight ash samples were less than the IEPA Class I groundwater standards.

I reviewed selenium and chromium concentrations in groundwater at Powerton, and only selenium was detected at one location (MW-14) above IEPA Class I groundwater standards during the period of record.<sup>145</sup> Groundwater concentrations measured during the most recent full year of

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<sup>142</sup> Of the remaining 16 sample locations, 14 sample locations were located at Joliet #29.

<sup>143</sup> KPRG, 2005c

<sup>144</sup> AEEI, 2004

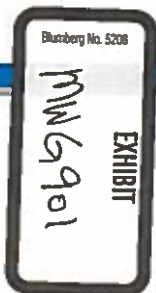
<sup>145</sup> MWG13-15\_48711-48843

# **EXHIBIT 2**



*Sierra Club Environmental, et al. v.  
Midwest Generation, LLC.*

**Respondent Expert John Seymour**



## Potential Leaching Characteristics of Historical Ash in Fill Materials

Generating station:	Joliet #29	Powerton	Will County
Sample Date:	July 2005 KPRG	May 2004 Andrews Engineering	June/August 2015 KPRG
Sample location:	15 soil borings from former ash placement area	8 ash samples from test pits in the Limestone Runoff Basin	20 soil borings at the Will County site
Findings:	-high degree of statistical certainty that the criteria established in 415 ILCS 5/3.135 (formerly 415 ILCS 5/3.94) a-5(B) are met and that the material may be considered CCB for engineering/ beneficial reuse	Metals were less than the IEPA Class I groundwater standards except selenium and chromium (2 wells); no impacts of selenium or chromium above groundwater standards	High degree of statistical certainty that the criteria established in 415 ILCS 5/3.135 (formerly 415 ILCS 5/3.94) a-5(B) are met and that the material may be considered CCB for engineering/ beneficial reuse
Sources:	MWG13-15_19486-668	MWG13-15_11302-492	MWG13-15_49565-649

# **EXHIBIT 3**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of: )  
)  
SIERRA CLUB, ENVIRONMENTAL LAW )  
AND POLICY CENTER, PRAIRIE RIVERS )  
NETWORK, and CITIZENS AGAINST )  
RUINING THE ENVIRONMENT, )  
)  
Complainants, )  
)  
-vs- ) PCB No. 2013-015  
)  
MIDWEST GENERATION, LLC, )  
)  
Respondent. )  
\_\_\_\_\_ )

REPORT OF PROCEEDINGS, at the Hearing of the  
above-entitled matter held at the James R. Thompson  
Center, 100 West Randolph Street, Suite 9-040,  
Chicago, Illinois, on the 29th day of January, 2018,  
commencing at the hour of 9:00 a.m.

HEARING OFFICER:

Mr. Bradley P. Halloran  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-8917  
brad.halloran@illinois.gov

Reported by: Pamela L. Cosentino, CSR  
License No.: 084-003601

1           A.    Thank you.  This is much easier for my old  
2  eyes.

3                    It says -- do you mean the area to the north  
4  and the east?

5           Q.    Yes, the two areas that have red font.

6           A.    Oh, okay.  Alleged former ash placement area.

7           Q.    Okay.  Do you have some general familiarity  
8  with those areas at the Joliet 29 plant?

9           A.    Yes, I do.

10          Q.    What do those two areas refer to?

11          A.    Well, in the ENSR surveys that were done at  
12  the time of the sale to Midwest Generation, those were  
13  the labels that were put on those two areas or  
14  something along those lines.

15          Q.    And what do they generally refer to as having  
16  occurred in those areas, do you know?

17          A.    Well, I know that for the northern area, the  
18  northeastern area, that there is ash placed there, and  
19  the reason I know that is because it was in the NPDS  
20  permit that we need to, as part of our storm water  
21  plan, ensure that that area stays covered.

22          Q.    Do you know anything about the other area?

23          A.    No, I don't.

24          Q.    Did Midwest Gen put any ash into either of

# **EXHIBIT 4**

**Commonwealth Edison Company**

Chicago, Illinois



Phase I Environmental Site  
Assessment of  
Commonwealth Edison  
Joliet #29 Generating Station  
1800 Channahon Road  
Joliet, Illinois.

**ENSR Consulting - Engineering - Remediation**

**October 1998**

**Document Number 1801-023-400**

storage pile. An abandoned rail switchtrack extends onto the property from the northwest and continues east across the property immediately north of the main building. Between the switchtrack and the coal pile is the main equipment storage building and a 21,000-gallon diesel fuel aboveground storage tank (AST). Northwest of the main building are the sewage treatment building, the coal handling building, the valve house, the fuel oil unloading building, and beyond the buildings is an abandoned 950,000-gallon fuel oil AST.

On the north side of the main building are the induced draft fan units and the two main chimneys. Beyond the fan units are the central storage building and the main power switchyard. Note that for the purpose of this report, the switchyard is not considered part of the subject property. Rather, it is considered an adjacent site. Equipment and materials used on site are unloaded and stored at the storage building.

Asphalt-paved employee and visitor parking areas are located east of the main building. A small training building is located on the east side of the main building across the parking area. Further east are the ash-handling ponds, the fly ash silos, an abandoned wastewater treatment facility, and the roof and yard runoff basin.

### **2.3 Topography, Hydrology, and Geology**

The subject property is relatively flat with a slight slope to the south. The topographic elevation is approximately 520 feet above mean sea level, according to the USGS Channahon, Illinois Quadrangle 7.5-Minute Series topographic map.

According to the USDA SCS Soil Survey for Will County, Illinois, the soils on the subject property consist mostly of silty loam. The inferred depth to groundwater is between 15 feet and 60 feet below grade surface (bgs). The regional groundwater is expected to flow toward the Des Plaines River adjacent to the south side of the subject property.

### **2.4 Site History**

Historical information for the subject site is based on a review of building department records, tax assessors records, zoning and planning files, aerial photographs, topographic quadrangle maps, city directories, ComEd files, and interviews from site personnel and local government officials. Sanborn Fire Insurance maps were not available for the subject property vicinity. Based upon the lack of available standard historical reference sources, ENSR was unable to track the history of the subject property prior to 1965.

According to ComEd, the site was used for coal ash disposal by the Joliet # 9 station prior to the construction of Joliet # 29 in 1964-1965. Coal ash was primarily disposed in a landfill on the eastern portion of the site. A second abandoned ash disposal landfill lies on the southwest portion of the site between the coal pile and the Caterpillar, Inc. site. A topographic map dated 1954 and