

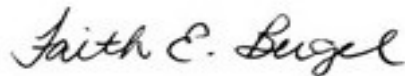
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF SERVICE

PLEASE TAKE NOTICE that I have served a true and correct copy of **COMPLAINANTS' INDIVIDUAL EXHIBIT LIST** via electronic mail to the parties listed on the attached service list before 5:00 p.m.

Respectfully submitted,



Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
FBugel@gmail.com

Attorney for Sierra Club

Dated: May 3, 2023

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)	
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)	PCB No-2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

COMPLAINANTS’ INDIVIDUAL EXHIBIT LIST

Complainants reserve the right to identify further evidence and exhibits for cross-examination, impeachment, or rebuttal. Complainants reserve the right to use stipulated exhibits or exhibits admitted through an earlier witness with a subsequent witness without referencing or repeating them on Complainants’ exhibit list. Complainants reserve the right to use exhibits introduced by Respondent. Complainants reserve the right to use exhibits admitted into the record during the liability-phase hearing without listing them on Complainants’ exhibit list. All exhibits are subject to objection unless agreed to, and neither party waives any objection it may have to an exhibit that is not on the agreed list.

The Parties have identified, as much as possible, the objections that we can foresee in advance of the hearing. However, the Parties expect to identify additional objections (e.g., foundation, admissibility, relevance based on the questions asked of the witness and how the witness answers) at the hearing depending upon how the document is offered and used.

	Party’s Bates No.	Doc. No.	Description	Date	Witness	Objection Where Identified
1.	Comp.	65921-66010	Evaluation and Modeling of Cap Alternatives at Three Unlined Coal Ash Impoundments	Sep-01	Quarles	Subject to Objection: Foundation, authenticity, hearsay, and relevance.
2.	Comp.	66012	Letter from Mark Holbrook to Randy Jones	10-Feb-20	Quarles	Subject to Objection: Foundation, authenticity,

						hearsay, and relevance.
3.	Comp.	66013-66027	2018 CCR Annual Groundwater Monitoring and Corrective Action Report: Indianapolis Power & Light Company, Harding Street Generating Station	31-Jan-19	Quarles	Subject to Objection: Foundation, authenticity, hearsay, and relevance.
4.	Comp.	66028-66067	Report on Corrective Measures Assessment, Harding Street Generating Station, Indianapolis, Indiana	Sep-19	Quarles	Subject to Objection: Foundation, authenticity, hearsay, and relevance.
5.	Comp.	66068-66069	Coal Combustion Residue Management in Illinois	Sep-10	Quarles	Subject to Objection: Foundation, authenticity, hearsay, and relevance.
6.	Comp.	67340-67380	Use of Monitored Natural Attenuation at Superfund, RCRA CA, and UST Sites	1-Aug-15	Quarles	Subject to Objection: Foundation, authenticity, hearsay, and relevance.
7.	Comp.	67391-67473	Use of Monitored Natural Attenuation for Inorganic Contaminants in Groundwater at Superfund Sites	Aug-15	Quarles	Subject to Objection: Foundation, authenticity, hearsay, and relevance.
8.			Expert Opinion of Mark A. Quarles, P.G., Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC	Jan-21	Quarles	Renewal of objection re failure to follow Hearing Officer's Order to build on prior expert and certain unprofessio

						nal/biased opinions.
9.		-	Expert Opinion, Rebuttal Report of Mark A. Quarles, P.G., Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC	Jul-21	Quarles	
10.	MWG_13-15	76150-76176	Non-Disclosable Midwest Generation, LLC and Subsidiaries, Consolidated Financial Statements, 2017 and 2018	December 31, 2018 and 2017	Shefftz	Subject to Objection: authenticity, foundation, hearsay, and relevance
11.	MWG_13-15	76177-76201	Non-Disclosable Midwest Generation, LLC and Subsidiaries, Consolidated Financial Statements, 2018 and 2019	December 31, 2019 and 2018	Shefftz	Subject to Objection: authenticity, foundation, hearsay, and relevance
12.	MWG_13-15	108251-108252	Non-Disclosable Midwest Generation, LLC and Subsidiaries, Consolidated Balance Sheets, 2018 and 2019	December 31, 2020 and December 31, 2019	Shefftz	Subject to Objection: authenticity, foundation, hearsay, and relevance
13.			Expert Opinion on Economic Benefit of Noncompliance and Economic Impact of Penalty Payment and Compliance Costs	25-Jan-21	Shefftz	Renewal of objection re Opinions not based on reliable evidence and do not aid the Board.
14.			Supplemental and Rebuttal: Expert Opinion on Economic Benefit of Noncompliance and Economic Impact of Penalty Payment and Compliance Costs	16-Jul-21	Shefftz	Renewal of objection re Opinions not based on reliable evidence and do not aid the Board.

15.			Second Supplemental and Rebuttal: Expert Opinion on Economic Benefit of Noncompliance and Economic Impact of Penalty Payment and Compliance Costs	26-Oct-21	Shefftz	Renewal of objection re Opinions not based on reliable evidence and do not aid the Board.
16.			Expert Report on Remedy for Groundwater Contamination by James R. Kunkel, Ph.D., P.E.	1-Jul-15	Shefftz	Subject to Objection: Foundation and authenticity.
17.	MWG_13-15	71841-71844	Closure Plan, Former Ash Basin, Powerton Station	Apr-18	Shealey	Subject to Objection: Relevance
18.	MWG_13-15	71847-71849	Closure Plan, Former Ash Basin, Powerton Station	May-19	Shealey	Subject to Objection: Relevance
19.	MWG_13-15	73136-73139	Letter to IEPA Re: IEPA Program: COALIN – Invoices Addressed to Midwest Generation, LLC for CCR Surface Impoundments	29-Jan-20	Shealey	
20.	MWG_13-15	73176-73178	Letter to IEPA Re: Invoices to Midwest Generation, LLC for CCR Surface Impoundments	29-Apr-20	Shealey	
21.	MWG_13-15	77743-77874	Letter to IEPA Re: Violation Notice: Midwest Generation, LLC, Waukegan Generating Station	16-Sep-20	Shealey	
22.	MWG_13-15	77920-78362	Will County Generating Station, Demonstration for a Site-Specific Alternative Deadline to Initiate Closure	30-Nov-20	Shealey	
23.	MWG_13-15	78366-78816	Waukegan Generating Station, Demonstration for a Site-Specific Alternative Deadline to Initiate Closure	30-Nov-20	Shealey	

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24.	MWG_13-15	78820-79314	Powerton Generating Station, Demonstration for a Site-Specific Alternative Deadline to Initiate Closure	30-Nov-20	Shealey	
25.	MWG_13-15	116758-117216	Application for Retrofit Construction Permit, Powerton - Bypass Basin	15-Jul-22	Shealey	
26.	MWG_13-15	_119367-120525	AS 2021-001, Midwest Generation LLC's Petition for Adjusted Standard and Finding of Inapplicability for the Joliet 29 Station	11-May-21	Shealey	Agreed
27.	MWG13-15	120526-120614	AS 2021-001, Recommendation of the IEPA, Joliet 29 Station	22-Sep-21	Shealey	Agreed
28.	MWG13-15	120615-122671	AS 2021-001, Recommendation of the IEPA Joliet 29 Station	4-Feb-22	Shealey	Agreed
29.	MWG13-15	123236-124087	AS 2021-003, Midwest Generation LLC's Petition for an Adjusted Standard and Finding of Inapplicability for the Waukegan Station	11-May-21	Shealey	Agreed
30.	MWG13-15	124088-124116	AS 2021-003; Midwest Generation, LLC's Amended Petition for an Adjusted Standard and a Finding of Inapplicability for Waukegan Station	17-Sep-21	Shealey	Agreed
31.	MWG13-15	124132-124139	AS 2021-002, Midwest Generation, LLC's Amended Petition for an Adjusted Standard and a Finding of Inapplicability for Powerton Station	11-Nov-21	Shealey	Agreed
32.			AS 2021-002, Midwest Generation, LLC's Petition for an Adjusted Standard and Finding of Inapplicability for the Powerton Station	11-May-21	Shealey	

33.			AS 2021-003, Illinois Environmental Protection Agency's Recommendation for Waukegan Station	31-Oct-22	Shealey	Subject to Objection: Foundation, authenticity, hearsay, and relevance.
34.			R 2020-19, Pre-filed Testimony of Sharene Shealey on Behalf of Midwest Generation, LLC	27-Aug-20	Shealey	
35.	MWG_13-15	18823-18990	Letter with attachments from Gnat to Briette Re Coal Ash and Slag Removal - Joliet #29	6-Dec-05	Gnat	
36.	MWG_13-15	63811-63873	CCA Quarterly Groundwater Monitoring Results – Third Quarter 2019 Joliet #29	7-Oct-19	Gnat	Agreed
37.	MWG_13-15	64321-64555	CCR Compliance Annual Groundwater Monitoring and Corrective Action Report – 2018 Former Ash Basin, Powerton Generating Station	31-Jan-19	Gnat	Agreed
38.	MWG_13-15	64906-65216	CCR COMPLIANCE ANNUAL GROUNDWATER MONITORING and CORRECTIVE ACTION REPORT – 2018 ASH BY-PASS BASIN AND ASH SURGE BASIN	31-Jan-19	Gnat	Agreed
39.	MWG_13-15	65456-65856	CCR COMPLIANCE ANNUAL GROUNDWATER MONITORING and CORRECTIVE ACTION REPORT – 2019 ASH BY-PASS BASIN AND ASH SURGE BASIN, January 31, 2020	31-Jan-20	Gnat	Agreed
40.	MWG_13-15	66096-66203	CCA Quarterly Groundwater Monitoring Results – Third Quarter 2019	7-Oct-19	Gnat	

			Powerton			Agreed
41.	MWG_13-15	67097-67289	CCR COMPLIANCE ANNUAL GROUNDWATER MONITORING and CORRECTIVE ACTION REPORT, Waukegan – 2018	31-Jan-19	Gnat	Agreed
42.	MWG_13-15	68260-68923	CCA Quarterly Groundwater Monitoring Results – Third Quarter 2019 Waukegan	7-Oct-19	Gnat	Agreed
43.	MWG_13-15	69436-69609	CCR COMPLIANCE ANNUAL GROUNDWATER MONITORING and CORRECTIVE ACTION REPORT – 2018, Will County	31-Jan-19	Gnat	Agreed
44.	MWG_13-15	69946-70017	CCA Quarterly Groundwater Monitoring Results – Third Quarter 2019 Will County	7-Oct-19	Gnat	Agreed
45.	MWG_13-15	70018-70091	CCR Compliance Annual Groundwater Monitoring and Corrective Action Report – 2019, Will County	1/31/2019 [sic]	Gnat	Agreed
46.	MWG13-15	70527–70601	Alternative Source Demonstration for Former Ash Basin	9-Mar-20	Gnat	Subject to Objection: Relevance
47.	MWG_13-15	72568-72667	CCR COMPLIANCE ANNUAL GROUNDWATER MONITORING and CORRECTIVE ACTION REPORT – 2019 Waukegan	31-Jan-20	Gnat	Agreed
48.	MWG_13-15	76486-76562	Quarterly Groundwater Monitoring Report, Will County Generating Station, Letter to Ms. Andrea Rhodes from Kristina Cameron, Station Director	13-Jul-20	Gnat	
49.	MWG_13-15	76563-76742	Quarterly Groundwater Monitoring Report, Powerton Generating	13-Jul-20	Gnat	

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			Station, Letter to Ms. Andrea Rhodes from Dale Green, Station Manager			Agreed
50.	MWG_13-15	79493-79771	Waukegan Field investigation	23-Nov-20	Gnat	Agreed
51.	MWG_13-15	79775-79903	Annual and Quarterly Groundwater Monitoring Report, Joliet #29 Generating Station - Fourth Quarter 2020	21-Jan-21	Gnat	Agreed
52.	MWG_13-15	79904-80049	Annual and Quarterly Groundwater Monitoring Report, Powerton Generating Station - Fourth Quarter 2020	15-Jan-21	Gnat	Agreed
53.	MWG_13-15	80050-80156	Annual and Quarterly Groundwater Monitoring Report, Will County Generating Station - Fourth Quarter 2020	21-Jan-21	Gnat	Agreed
54.	MWG_13-15	80157-80354	Annual and Quarterly Groundwater Monitoring Report, Waukegan Generating Station - Fourth Quarter 2020	21-Jan-21	Gnat	Agreed
55.	MWG_13-15	108447-108482	Joliet 29 Alternative Source Demonstration Joliet	11-Oct-21	Gnat	Agreed
56.	MWG_13-15	108719-109154	Application for Operating Permit, Joliet #29 Generating Station	29-Oct-21	Gnat	Subject to Objection: relevance
57.	MWG_13-15	109638-110275	Application for Initial Operating Permit, Powerton Generating Station - Ash Bypass, Ash Surge, and Former Ash Basin	29-Oct-21	Gnat	Subject to Objection: relevance
58.	MWG_13-	110625-	Application for Initial	29-Oct-21	Gnat	Subject to

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	15	111264	Operating Permit, Waukegan Generating Station			Objection: relevance
59.	MWG_13- 15	113953- 114056	Federal CCR Compliance Annual Groundwater Monitoring and Corrective Action Report - 2021, Joliet #29 Generating Station	31-Jan-22	Gnat	Agreed
60.	MWG13-15	115224- 115272	Data Summary Posting, Joliet #29 Generating Station	2021-2022 (various dates)	Gnat	Agreed
61.	MWG13-15	115601- 115662	Data Summary Posting, Waukegan Generating Station	2021-2022 (various dates)	Gnat	Agreed
62.	MWG_13- 15	115942- 116018	CCR Groundwater Monitoring Report, Powerton Generating Station Monitoring Results - Ash By-Pass Basin & Ash Surge Basin - Second Quarter 2022	26-Jul-22	Gnat	Agreed
63.	MWG_13- 15	116082- 116117	CCR Detection Groundwater Monitoring Report, Waukegan Generating Station, Fed. 1st Semi annual 2022	27-Jul-22	Gnat	Agreed
64.	MWG13-15	116118- 116145	CCR Detection Groundwater Monitoring Report, Joliet 29 Generating Station Fed. 1st Semi annual 2022	26-Jul-22	Gnat	Agreed
65.	MWG13-15	116146- 116240	Assessment Monitoring Will County Station	27-Jul-22	Gnat	Agreed
66.	MWG13-15	116241- 116331	Alternate source demonstration, Will County	28-Mar-22	Gnat	Agreed
67.	MWG_13-	116332-	Application for Initial	28-Jan-22	Gnat	Subject to

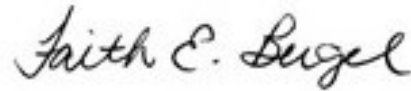
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	15	116757	Construction Permit, Joliet #29 Generating Station - Pond #2			Objection: relevance
68.	MWG_13-15	117229-118125	AS 2021-001, Midwest Generation, LLC's Petition for Adjusted Standard and Finding of Inapplicability for the Joliet 29 Station	28-Jan-22	Gnat	
69.	MWG13-15	118134-118235	CCA Annual report, Joliet 29	20-Jan-22	Gnat	Agreed
70.	MWG13-15	118236-118378	CCA Annual report, Powerton	14-Jan-22	Gnat	Agreed
71.	MWG13-15	118379-118488	CCA Annual report, Will County	20-Jan-22	Gnat	Agreed
72.	MWG13-15	118489-118627	CCA Annual report, Waukegan, Jan. 2022	20-Jan-22	Gnat	Agreed
73.	MWG_13-15	124547-125119	Application for Construction Permit, Powerton Generating Station - Former Ash Basin	26-Oct-22	Gnat	Subject to Objection: relevance
74.	MWG_13-15	125120-125604	Application for Initial Operating Permit, Powerton Generating Station - Metal Cleaning Basin	31-Mar-22	Gnat	Subject to Objection: relevance
75.	MWG_13-15	125605-126095	Application for Initial Operating Permit, Will County Generating Station - Pond 1N & Pond 1S	31-Mar-22	Gnat	Subject to Objection: relevance
76.		Koch Dep. Ex. 5	Lessons Learned: Using Decision Analysis to Estimate Toxic Tort Liabilities, NR&E Winter 2006	Winter, 2006	Koch	
77.	MWG13-15_	83328-83331	Presentation slides: "Tips for Chemical 17	9-Apr-12	Koch	

			Engineers from Over 25 Years in Litigation"			
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Dated: May 3, 2023

Respectfully submitted,



Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
FBugel@gmail.com

Keith Harley
Chicago Legal
Clinic, Inc. 211
W. Wacker,
Suite 750
Chicago, IL 60606
312-726-2938
KHarley@kentlaw.iit.edu

Attorney for CARE

Albert Ettinger
Law Firm of Albert Ettinger
7100 N. Greenview
Chicago, IL 60606
ettinger.albert@gmail.com

Attorney for ELPC

Gregory E. Wannier
2101 Webster St., Ste. 1300
Oakland, CA 94612
(415) 977-5646
Greg.Wannier@sierraclub.org

Attorneys for Sierra Club

Abel Russ Attorney
Environmental Integrity Project 1000 Vermont
Avenue NW Washington, DC 20005
802-482-5379 (phone)
Aruss@environmentalintegrity.org

Attorney for Prairie Rivers Network

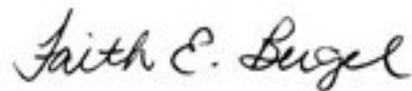
CERTIFICATE OF SERVICE

The undersigned, Faith E. Bugel, an attorney, certifies that a true copy of the foregoing **NOTICE OF SERVICE** was filed electronically on May 3, 2023 with the following:

Don Brown,
Clerk of the Board Illinois Pollution Control Board
100 West Randolph St Suite 11-500
Chicago, IL 60601

And that I have served electronically upon the individuals named on the attached Service List a true and correct copy of **COMPLAINANTS' AMENDED PRE-HEARING MEMORANDUM REGARDING REMEDIES** before 5 p.m. Central Time on May 3, 2023 to the email addresses of the parties on the attached Service List. The entire filing package, including attachments, is 14 pages.

Respectfully submitted,



Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
FBugel@gmail.com

PCB 2013-015 SERVICE LIST:

Jennifer T. Nijman
Kristen L. Gale
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3600
Chicago, IL 60603
jn@nijmanfranzetti.com
kg@nijmanfranzetti.com

Bradley P. Halloran,
Hearing Officer
Illinois Pollution Control Board
100 West Randolph St., Suite 11-500
Chicago, IL 60601
brad.Halloran@illinois.gov

Abel Russ
Environmental Integrity Project
1000 Vermont Avenue NW
Washington, DC 20005
aruss@environmentalintegrity.org

Gregory E. Wannier
Sierra Club Environmental Law Program
2101 Webster St., Ste. 1300
Oakland, CA 94612
greg.wannier@sierraclub.org

Albert Ettinger
Law Firm of Albert Ettinger
7100 N. Greenview
Chicago, IL 60606
ettinger.albert@gmail.com

Melissa S. Brown
HeplerBroom LLC
4340 Acer Grove Drive
Springfield, IL 62711
melissa.brown@heplerbroom.com