

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,)	
)	
Respondents)	

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the attached **COMPLAINANTS’ MOTION TO CORRECT THE OCTOBER 26, 2017 (AFTERNOON) HEARING TRANSCRIPT**, copies of which are served on you along with this notice.

Respectfully submitted,



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Dated: November 22, 2017 (original)
November 29, 2017 (amended)

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**COMPLAINANTS’ MOTION TO CORRECT THE
OCTOBER 26, 2017 (AFTERNOON) HEARING TRANSCRIPT**

Pursuant to 35 Ill. Adm. Code 101.604, Complainants Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment (“Complainants”), by their undersigned counsel, submit to the Hearing Officer this motion to correct the transcript for the October 26, 2017 hearing date (afternoon session) and states as follows:

On November 3, 2017, the transcript for the fourth day of the above-captioned matter (October 26, 2017), was filed with the Illinois Pollution Control Board Clerk’s Office. Pursuant to 35 Ill. Adm. Code 101.604, a party has 21 days from the date the transcript is filed with the Clerk’s Office to file a motion with the Hearing Officer to correct the transcript. Complainants have noted the following typographical errors in the October 26, 2017 hearing (afternoon) transcript and requests that the Hearing Officer make the following corrections:

Page No.	Line No.	Now Reads	Requested Correction
25	9	“involved in a coal mining,”	“involved in coal mining,”
25	12	“I spent tannings in coal ash,”	“I spent time in coal ash,”
25	15	“heat bleach pads”	“ heap leach pads ”
25	16	“HTP plastic”	“ HDPE plastic”
25	22	“Yes, my hydrology experience is well surface water and groundwater.”	Yes, my hydrology experience is, well, surface water and groundwater.”
26	10	“flow and transporting fractured rock”	“flow and transport in fractured rock”
26	22	“secondary affluent storage”	“secondary effluent storage”
27	1	“...was either land lined or reused in some other way.”	“...was either land applied or reused in some other way.”
27	13	“liner install installers”	“liner installers”
28	18	“a couple of projects on your resume”	“a couple of projects not on your resume”
29	11	“Coal Strip, Montana”	“ Colstrip Montana”
29	17	“...over the top of the gravel grains...”	“...over the top of the gravel drains... ”
30 – 31	30:24 – 31:3	“...coal ash is boiler slag. That’s the kind of shiny high temperature stuff that drops to the bottom of the boilers. Then there’s bottom ash...”	“...coal ash is boiler slag – that’s the kind of shiny high temperature stuff that drops to the bottom of the boilers – then there’s bottom ash...”
32	10-11	“flu gas desulfurization material, which we call MGD,”	“ flue gas desulfurization material, which we call FGD ,”
33	17	“What I was trying to answer is I already...”	“What I was trying to answer is, I already...”
34	8	“What that means if boron, manganese...”	“What that means is if boron, manganese...”
34	13-15	“boron, manganese and sulfate measured in the ground water. Their concentrations...”	“boron, manganese and sulfate were measured in the ground water, their concentrations...”
34	17	“those leachate characteristic’s have well been identified by EPRI, EPA, and other State of Illinois.”	“those leachate characteristics have well been identified by EPRI, EPA, and the State of Illinois.”
34	21-22	“And that either of those ash ponds weren’t lined,”	“And that either those ash ponds weren’t lined,”
35	8	“filler construction material”	“ fill or construction material”
35	12	“And at ground water elevations...”	“And that groundwater elevations...”
36	2	“And at the proposed compliance commitment agreements...”	“And that the proposed compliance commitment agreements...”
36	2-3	“compliance commitment agreements, CCRs,”	“compliance commitment agreements, CCAs ,”
36	4-5	“existing or featured ground water contamination”	“existing or future ground water contamination”

36	9-10	"...the contamination that I was seeing is. "	"...the contamination that I was seeing"
37	13	"she was ran the office"	"she ran the office"
38	7-8	"So, I knew there was contamination at the groundwater site."	"So, I knew there was contamination in the groundwater at the sites. "
38	9-10	"previous consultants reports"	"previous consultant's reports"
38	15	"information in the records "	"information in the record"
39	4-5	"coal ash outside the pond"	"coal ash outside the ponds "
39	12-13	"national elimination system"	"national pollutant discharge elimination system"
39	13-14	"Every point source, since I think public II500 came effect has to have a permit."	"Every point source, since I think public law 92-500 came into effect has to have a permit."
39	15-16	"As for point sources, I don't consider the necessarily the ponds are point sources, but ash outside the ponds might not be a point source."	"As for point sources, I don't consider the, necessarily... the ponds are point sources, but ash outside the ponds might not be a point source."
39	20	"decaying water off the top"	" decanting water off the top"
40	3	"analyze for an NPDES permit"	"analyze for in an NPDES permit"
40	7-10	"Primarily, NDB if regulated to discharge biochemical constituents, as opposed to biological constituents, which produce oxygen in the streams and lakes."	"Primarily, NPDES , if regulated, to discharge of biochemical constituents, as opposed to non-biological constituents, which reduce oxygen in the streams and lakes."
40	19-20	"the data I needed has the boron, manganese, sulfate."	"the data I needed was the boron, manganese, sulfate."
40	20-21	"analyzed for these NPDES."	"analyzed for in these NPDES."
42	13	"And by that I mean conservative constituents which move with the ground water and either sorb bond with the soils or desorb with soils over time, and sorb being constituents, mostly metals, which will sorb and bond to a soil;"	"And by that I mean conservative constituents which move with the ground water and neither sorb onto the soils or desorb with soils over time, and sorbing constituents, mostly metals, which will sorb onto to the soil;"
42	20	"conservative traces"	"conservative tracers "
42	23-24	"but more likely it is metal, such as molybdenum, lithium, gomide, potassium..."	"but more likely it is metals , such as molybdenum, lithium, bromide , potassium..."
43	10-11	"...impacts from goal combustion product leaching,"	"...impacts from coal combustion product leaching,"
43	19	"The first sentence says boron sulfate are recognized..."	"The first sentence says boron and sulfate are recognized..."
44	3-4	"boron sulfate"	"boron and sulfate"
45	15-17	"...compares the risks for leaching from coal combustion product landfills that is leaching from coal	"...compares the risks for leaching from coal combustion product landfills, that is leaching from coal

		landfills, and impoundments which risks for leaching from municipal solid waste landfill facilities.”	ash landfills and impoundments, with risks for leaching from municipal solid waste landfill facilities.”
46	17-23	“The first bullet is leachate samples, “Collected in the field, not laboratory, but in the field, from landfills and impoundments were selected as data for the entry report, and laboratory generated leachate samples that were obtained by either displacement meets or by leaching tests were not included.””	“The first bullet is “ leachate samples, collected in the field, ” not laboratory, but in the field, “ from landfills and impoundments were selected” as data for the EPRI report, and “ laboratory-generated leachate samples ” that were “ obtained by either displacement methods or by leaching tests were not included.””
47	9, 16, 17, 23	“leechate”	“leachate”
48	2	“...slightly acid filed.”	“...slightly acidified. ”
48	4	“liquid solids ratios”	“liquid-solid ratios”
48	5,8,17,23	“leechate”	“leachate”
48	21, 22, 23	“MGD”	“FGD”
48	21-22	“flu gas and desulfurization solids”	“flue gas desulfurization solids”
49	3,4	“MGD”	“FGD”
49	7	“leechate”	“leachate”
49	14	“page D1”	“table D1”
51	6,7	“leechate”	“leachate”
51	23-24	“I didn’t include the whole filing as an applicable standard.”	“I didn’t include the whole filing as an exhibit. ”
52	23	“leechate”	“leachate”
53	19	“multiple concerned sample results”	“multiple confirmed sample results”
54	11-14	“The mobility of other I or C contaminants, NCCW, as being attenuated due to such process as oxidation and reduction cad-ion and ion exchange.”	“The mobility of other IOC contaminants in CCW is as being attenuated due to such processes as oxidation and reduction/cation-anion exchange.”
54	15	“Can you explain what that means presented? ”	“Can you explain what that means?”
54	24	“Sorry to interpret you.”	“Sorry to interrupt you.”
55	1	“It’s being attenuated to such processes...”	“It’s being attenuated due to such processes...”
55	5	“...arsenic, led, zinc...”	“...arsenic, lead, zinc...”
55	7-8	“...oxidized to a different valent state that is iron. ¶ FE becomes FE03, or something like that,”	“...oxidized to a different valence state, that is, iron, Fe, becomes FeO3, or something like that,”
55	12, 15	“cad ion”	“cation”
55	18-19	“Okay, that’s an absorption/desorption issue right there. So, like, iron with sorb bond	“Okay, that’s an adsorption /desorption issue right there. So, like, iron will sorb onto

		and particles, it's to sorb bond to soil particles."	particles, it will sorb onto to soil particles."
55	21	"manganese, boron sulfate for sure,"	"manganese, boron and sulfate for sure,"
56	13	"The sentences you were just describing is..."	"The sentence you were just describing is..."
56	18	"cad ion"	" cation "
56	19-20	"Is that your professional understanding how the ground water chemistry would work?"	"Is that your professional understanding of how the ground water chemistry would work?"
57	2,13	"boron sulfate"	"boron and sulfate"
57	18-20	"Sure, because sulfate and boron have high mobility; that is, they move with the groundwater. ¶ Then they appear..."	"Sure, because sulfate and boron have high mobility , that is, they move with the groundwater , then they appear..."
59	8-9	"...if they occur to get in high concentrations..."	"...if they occur together in high concentrations..."
59-60	59:24-60:1	"...concentrations are, say, upgrading, downgrading or anything,"	"...concentrations are, say, upgradient, downgradient or anything"
60	7-9	"Can those other coal ash concentration curves constituents also contaminant the ground water?"	"Can those other coal ash constituents also contaminate the ground water?"
61	4-5	"It's in front of the drawing tables first and then drawings or maps."	"It's in front of the drawings ; tables first and then drawings or maps."
61	8-9	"summary of meeting concentrations"	"summary of median concentrations"
61	18	"what we would call sand gravel rock"	"what we would call sand and gravel aquifer "
61	23	"So, at two different conditions..."	"So, two different conditions..."
62	1	"...the medium background concentrations"	"...the median background concentrations"
62	6-8	"This is a map from one of the ground watering sources we looked at."	"This is a map from one of the ground water reports we looked at."
62	19	"...upgrading from the Illinois River."	"... upgradient from the Illinois River."
62	24	"...up grading well?"	"... upgradient well?"
63	2-5	"One is IEPA, as well as Midwest Gen, agreed that that was a background well with concentrations of boron, Manganese and sulfate would represent background."	"One is IEPA, as well as Midwest Gen, agreed that that was a background well with concentrations of boron, Manganese and sulfate that would represent background."
63	9	"boron sulfate"	"boron and sulfate"
63	11-12	"...the median of all the data I had very close."	"...the median of all the data I had was very close."

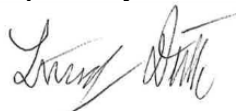
65	6	"Are you familiar with this lever?"	"Are you familiar with this letter ?"
65	11-12	"Is this something that formed your opinions?"	"Is this something that informed your opinions?"
65	15	"Because this is a letter from JPRC,"	"Because this is a letter from KPRG ,"
65	17-19	"...which I think talks about what is an up-gradient and monitoring well."	"...which I think talks about what is an up-gradient monitoring well."
66	4	"existing IEPA approved ground watering network"	"existing IEPA-approved ground water network"
67	2	"Yes, the three ponds are boarded on the south..."	"Yes, the three ponds are bordered on the south..."
69	5-6	"At the bottom we have univariant statistics median means,"	"At the bottom we have univariate statistics, medians , means,"
69	12	"Broron sulfate"	" boron and sulfate"
69	16	"sand gravel applicants"	" sand and gravel aquifer "
69	17	"switch for boron is 1.2 milligrams per liter,"	" which for boron is 1.2 milligrams per liter,"
70	6,8	"leechate"	" leachate "
70	17	"boron sulfate"	"boron and sulfate"
71	16-18	"...the difference between total undissolved is the total recoverable might have some sediment in the sample,"	"...the difference between total and dissolved is the total recoverable might have some sediment in the sample,"
73	11	"boron sulfate"	"boron and sulfate"
73	13-15	"It would appear that for boron, the time trend of concentrations is downward sulfate is kind of a wash."	"It would appear that for boron, the time trend of concentrations is downward ; sulfate is kind of a wash."
74	16-19	"MW-6 boron below the Class I Standard, higher than background, decreasing in sulfate. Neither increasing, nor decreasing, but always above the background and below the Illinois standard."	" MW-6 , boron below the Class I Standard, higher than background, decreasing, and sulfate neither increasing, nor decreasing, but always above the background and below the Illinois standard."
74	20-21	"MW-7, decreasing boron flat and neither increasing, nor decreasing, in sulfate."	"MW-7, decreasing boron ; flat and neither increasing, nor decreasing, in sulfate."
74	21-23	"MW-8, boron at times appears to be in more recently right at background."	"MW-8, boron at times appears to be, and more recently , right at background."
75	12-17	"MW-11, boron is neither increasing nor decreasing, but has been above the Illinois State Ground Water Standard of 2 early on, and always above background and MW-11 sulfate. The same, neither increasing	"MW-11, boron is neither increasing nor decreasing, but has been above the Illinois State Ground Water Standard of 2 early on, and always above background ; and MW-11 sulfate , the same, neither increasing nor

		nor decreasing above background, below the state standard, Class 1 State Standard.”	decreasing, above background, below the state standard, Class 1 State Standard.”
76	2	“boron sulfate”	“boron and sulfate”
79	8-9	“when the water levels and the river raise.”	“when the water levels in the river rise .”
79	18	“So, having quarterly data is typical to assess whether or not - - what’s the actual extent of ground water surface/water interaction.”	“So, having quarterly data it’s difficult to assess whether or not - - what’s the actual extent of ground water surface water interaction.”
81	22,23	“boron sulfate”	“boron and sulfate”
82	9-10	“boron sulfate”	“boron and sulfate”
89	8-9	“So the question I had was: How I would rephrase this in another way.”	“So the question I had was how I would rephrase this in another way.”
89	16	“would that be acceptable substitute?”	“would that be an acceptable substitute?”
91	6-7	“Can you explain how this table forms your opinion on that?”	“Can you explain how this table informs your opinion on that?”
91	19	“This is just a number on the county table.”	“This is just a number on the counting table.”
94	9	“I saw a fill on the top,”	“I saw fill on the top,”
96	8-9	“That means anything that is blue highlighted wasn’t include in the median means and saying...”	“That means anything that is blue highlighted wasn’t included in the median, means it’s saying...”
98	11	“My second defamation of contamination...”	“My second definition of contamination...”
101	11-12	“and then decreasing in concentrations down to background,”	“and then decreasing concentrations down to background,”
105	11-12	“It has now dribbled out.”	“It has now levelled out.”
106	11-17	“13, 14, and 15 are all around the metal cleaning basin, and those wells show persistently high, and in some cases increasing boron and sulfate high . And that their concentrations of boron are nearly always above the state standard of 2 at 13, near 2 at we, and slightly less than 2 at 15.”	“13, 14, and 15 are all around the metal cleaning basin, and those wells show persistently high, and in some cases increasing boron and sulfate. And that the concentrations of boron are nearly always above the state standard of 2 at 13, near 2 at 14 , and slightly less than 2 at 15.”
108	18	“Can those affect your conclusions of that well?”	“ Did those affect your conclusions of that well?”
111	18	“...having des déjà vu again.”	“...having déjà vu again.”
112	2	“I’m sorry, in place of the unit, which immediately underlies the fill at the site,”	“I’m sorry, in the silty clay unit, which immediately underlies the fill at the site,”
116	19-20	“you could have high par pressures,”	“you could have high pore pressures,”

119	12	"If you understand that, I'm asking."	"If you understand what I'm asking."
122	17-18	"Patrick Engineering had some drawings around the site."	"Patrick Engineering had some borings around the site."
123	7	"Well, the boring log shows typically the strategy which things were drilled,"	"Well, the boring log shows typically the stratigraphy in which things were drilled,"
125	11	"So, we would spec to see gravel,"	"So, we would expect to see gravel,"
126	22-23	"There is water that stays in the pours held by gravity."	"There is water that stays in the pores held by gravity."
127	7-8	"...the boring logs you've been talking about all week."	"...the boring logs we've been talking about all week."
129	6	"...elevated bore on the sulfate"	"...elevated boron and sulfate"
130	21-22	"or, I mean, are non-sorbing the soluble in groundwater."	"or, I mean, are non- sorbing, soluble in groundwater."
130-131	130:24-131:1	"...the contention table."	"...the contentious table."
134	19-20	"You know, the ground water or the geology site, according to Patrick, is kind of a jumble..."	"You know, the ground water or the geology of the site, according to Patrick, is kind of a jumble..."
135	6-7	"In other words, it would flow towards this area of the lake is used as cooling water."	"In other words, it would flow towards this area of the lake that is used as cooling water."
135	17	"In directions in response to typography."	"In directions in response to topography. "
136	19-20	"...the concentration was totally recoverable."	"...the concentration was total recoverable."
142	8-14	"ELUC well 11, which has, again, concentrations of boron typically above 2, but apparently in the last few quarters has been decreasing sulfate, which is below the 400 milligrams per liter state standard,"	"ELUC well 11, which has, again, concentrations of boron typically above 2, but apparently in the last few quarters has been decreasing; sulfate, which is below the 400 milligrams per liter state standard,"
144	14	"boron on south bay"	" boron and sulfate "
144	19	"downgrading to wells 1, 2, 3, 4."	" downgradient to wells 1, 2, 3, 4."

WHEREFORE, for the reasons stated above, Complainants request that the Hearing Officer correct the October 26, 2017 transcript.

Respectfully submitted,



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Attorney for CARE

Dated: November 22, 2017 (original)
November 29, 2017 (amended)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF FILING** and **COMPLAINANTS' MOTION TO CORRECT THE OCTOBER 26, 2017 (AFTERNOON) HEARING TRANSCRIPT** was served electronically to all parties of record listed below, on November 29, 2017.

Respectfully submitted,



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