

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 2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

NOTICE OF FILING

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

Attached Service List

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Respondent, Midwest Generation, LLC’s Motion to Correct Hearing Transcripts, a copy of which is hereby served upon you.

MIDWEST GENERATION, LLC

By: /s/ Jennifer T. Nijman

Dated: March 13, 2018

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing, Certificate of Service and Respondent, Midwest Generation, LLC's Motion to Correct Hearing Transcripts was filed electronically on March 13, 2018 with the following:

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

and that true copies were emailed on March 13, 2018 to the parties listed on the foregoing Service List.

/s/ Jennifer T. Nijman

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**MIDWEST GENERATION, LLC’S MOTION TO CORRECT
HEARING TRANSCRIPTS**

Pursuant to 35 Ill. Adm. Code 101.604, Respondent Midwest Generation, LLC (“MWG”), by its undersigned counsel, submits to the Hearing Officer this motion to correct the transcripts for the January 29, February 1, and February 2, 2018 hearing dates and states as follows:

- 1) On February 6, 2018, the transcript for the January 29, 2018 hearing for the above captioned matter was filed with the Illinois Pollution Control Board Clerk’s Office.
- 2) On February 8, 2018, the transcript for the February 1, 2018 and Feb 2 hearing for the above captioned matter was filed with the Illinois Pollution Control Board Clerk’s Office.
- 3) Pursuant to Hearing Officer’s March 8, 2018 Order, the parties have until March 13, 2018 to file with the Clerk’s Office a motion to correct the transcripts for the January 29, 2018, February 1, 2018 and February 2, 2018 transcripts.
- 4) MWG has noted the following typographical errors in the January 29, 2018, February 1, 2018 and February 2, 2018 hearing transcripts and requests that the Hearing Officer direct the court reporter to make the following corrections and resubmit the corrected transcripts:

January 29, 2018 Hearing Transcript Corrections

Page No.	Line No.	Now Reads	Requested Correction
68	18	“In fact, you are aware that the ECR basis”	“In fact, you are aware that the east ”
139	3	“same as what the coal rigs would require. The”	“same as what the coal regs would require. The”
159	20	“Sure. In 2001 I started as the NDPS”	“Sure. In 2001 I started as the NPDES ”
161	1	“basis for NPDS. If I ever had a question, I would”	“basis for NPDES . If I ever had a question, I would ”
183	19	“the reason I know that is because it was in the NPDS”	“the reason I know that is because it was in the NPDES ”
225	8	“permeable able”	“ permeable ”
230	7	“had put together this plan, and so I had to socialize”	“had put together this plan, and so I had to circulate ”

February 1, 2018 Hearing Transcript Corrections

Page No.	Line No.	Now Reads	Requested Correction
66	11	“notice is front of the agency?”	“notice from the agency?”
67	16	Q: So by 1999, they were no	“Q: So by 1999 they were no
67	21	A. No.	A. No.”
68	21	“asked you lines 14 through ...	“asked you about lines 14 through ...”
79	10	“what he testified to four years ago, which was I”	“what he testified to four years ago, which was “I
79	13	“I don’t know. That is all he said in his”	“I don’t know.” That is all he said in his”
83	10	“of Illinois at Chicago and some postgraduate”	“of Illinois at Chicago and a postgraduate”
85	13	“and regarding those groundwater”	“And regarding the groundwater”
88	7	“your attention to Midwest Generation Exhibit’s”	“your attention to Midwest Generation Exhibits ”
88	16	“Exhibit’s 809, 810, 811 ...”	“ Exhibits 809, 810, 811 ...”
89	18	“Joliet -- Waukegan station?”	– “ the Waukegan station?”
91	2	“pretty much. The main differences that under the”	“pretty much. The main difference is that under the”
96	24	“plotted on a map along the well and we also”	“plotted on a map alongside the well and we also”
98	1	“level elevations on those wells. And ...”	“level elevations for those wells. And ...”

Page No.	Line No.	Now Reads	Requested Correction
100	17	“going to be valuating so that you understand what”	“going to be evaluating so that you understand what”
102	7	“we’ve been held against at that point and was the”	“we’ve been held against at this point and was the”
105	7	“industrialized areas in the state. There is”	“industrialized areas in the state. There were ”
106	1	“correct. However, that – all it is is above the”	“correct. However, that – all it is, is above the”
107	3	“the data so that was already generated, the basis”	“the data that was already generated, the basis”
118	9	“What we stated there is all other”	“What we stated that there is all other”
127	7	“question is what is the degree of that that”	“question is what is the degree to which that”
143	1	“silty clay unit pitches out. So any of the “	“silty clay unit pinches out. So any of the”
143	24	“Due to the pitch out of that silty”	“Due to the pinch out of that silty”
145	18	“Yes, through the fourth quarter of”	“Yes, from the fourth quarter of”
148	13	“Monitoring well 13 wasn’t installed”	“Monitoring well 13 was installed”
154	4	“layer here or there and there were certainly no”	“layer here or there and there was certainly no”
156	17	“equal elevation are ahead of the groundwater in”	“equal elevation or head of the groundwater in”
156	22	“there which takes you from the eastern portion of”	“there which takes you from the western portion of”
168	21	“and homogamous. The data showed no outliers and”	“and homogenous . The ...”
177	8	“specified by the State of Illinois and US EPA to”	“specified by the State of Illinois EPA to”
199	6	“It was --- I believe the use standard”	“It was --- I believe the new standard”
208	21	“the consultants that was working for the”	“the consultants that were working for the”
217	3	“update to provide a little ...”	“ updated to provide a little ...”
217	6	“surface impoundment closure plan in Illinois you”	“ Surface Impoundment Closure Plan in Illinois; you”
217	7	“handled a CCR surface impoundment closure design”	“handled a CCR Surface Impoundment Closure Design ”
217	8	“in Illinois groundwater monitoring systems at”	“in Illinios; Groundwater Monitoring System ”
217	9	“CCR assessment in Ohio and Kentucky you’ve worked”	“CCR Assessment in Ohio and Kentucky; and you’ve worked”
217	14	“beneficial uses”	“ “beneficial uses” ”

Page No.	Line No.	Now Reads	Requested Correction
218	17	“standard guide for the reuse of CCP’s as”	“ Standard Guide for the Reuse of CCP’s as”
219	22	“Section 5 starting from in addition, would you”	“Section 5 starting from “ In addition, ” would you”
220	10	“follow I’ll call it environmental responsible”	“follow I’ll call it environmentally responsible”
222	20	“good scientific principals in”	“good scientific principles in”
225	17	“don’t have a head. It’s basically pour water,”	“don’t have a head. It’s basically pore water,”
226	1	“It doesn’t exist on an inactive land.”	“It doesn’t exist on an inactive landfill. ”
230	2	“I also want you in the federal CCR”	“I also want to ask in the federal CCR”
233	17	“Section 552”	“Section 5.5.2”
238	1	“common amongst the four departments.”	“common amongst the four stations. ”
238	8	“And you got bullets here of the site”	“And you’ve got bullets here of the site”
238	14	“compare the bottom ash..”	“ “ compare the bottom ash...”
238	15	“for each facility, generally what did you do”	“for each facility, ” generally what did you do?”
238	24	“this page is your overview that there is a bullet”	“this page, your Overview slide, there is a bullet”
239	1	“called risk analysis, what did you do there?”	“called Risk Analysis, what did you do there”
239	22	“first common factor you’ve listed is old sites,”	“first common factor you’ve listed is “ Old Sites. ” ”
240	17	“poz-o-pac or other liners 1978, would you explain	“ “ poz-o-pac or other liners 1978, ” would you explain
241	2	“Now, we heard the poz-o-pac. What”	“Now, we heard the term poz-o-pac. What”
242	21	“as a foundation member for the overall life of the”	“as a foundation for the overall life of the”
242-243	24 1	“...next common factor you list is Midwest Gen actions 1999-2013 and if you turn to the”	“ ...next common factor you list is “ Midwest Gen actions 1999-2013, ” and if you turn to the”
243	12	“then they, of course, implement the program over”	“then they, of course, implemented the program over”
243	17	“like you said, in this bullet list because you”	“like I said, in this bullet list because you”
245	2	“proactive. I had worked with lots of clients that”	“proactive. I have worked with lots of clients that”
245	16	“technical memorandum, which there is at least”	“technical memorandum, which there are at least”

Page No.	Line No.	Now Reads	Requested Correction
248	14-17	"Midwest Generation, reference construction documentation transmittal south ash pond two liner replacement Midwest Generation, LLC, Will County generating station"	"Midwest Generation, reference Construction Documentation Transmittal, South Ash Pond 2 Liner Replacement , Midwest Generation, LLC, Will County Generating Station "
251	3	"very early on that they're contractors or	"very early on if there are contractors or"
251	4	"installers that don't have the experience and can"	"installers that don't have the experience they can"
251	15	"subgrade acceptance. That typically what happens"	"subgrade acceptance. Typically what happens"
253	10	"it states that the geomembrane and Geosyntec at"	"it states that the geomembranes and geosynthetics at"
253	15	"Well, this is the buyoff on the"	"Well, this is the buyoff from the"
253	24	"they did a leak testing at south ash pond number"	"they did leak testing...."
254	4	"a Leak Location services that was conducted on the"	"a leak location survey that was conducted on the"
254	12	"geomembrane, there is multiple levels of QCQA"	"geomembrane, there are multiple levels of QCQA"
258	6	"hardly ever used and that's one thing that was"	"hardly ever used. That's one thing that was"
258	13	"do like a final test and so that's one thing that"	"do like a final test. So that's one thing that"
259	2	"test, there is no leaks. So I think now it is"	"test, there are no leaks. So I think now it is"
261	21	"we call Lafarge"	"we called Lafarge"
262	16	"slope, so they know where to stop cutting."	"slope, so they know where to stop dredging. "
268	6	"which is the leachate comes off of the shake test."	"which is the leachate that comes off of the shake test."
270	12	"he instead of using the site specific data he"	" state instead of using the site specific data he"
270	22	"Well, that published data is a color"	"Well, that published data is a general "
275	22	"found, quote, high degree of	"found, high-degree of ..."
276	2	"beneficial reuse."	"beneficial reuse. "
277	7	"is several feet of ash there. It's contained in a"	" are several feet of ash there. It's contained in a"
277	8	"monitoring well's 2, 3, and 4"	"monitoring wells 2, 3, and 4"
278	8	"look at the exposure root and the receptor and"	"look at the exposure route and the receptors. "

Page No.	Line No.	Now Reads	Requested Correction
278	9	“with an ELUC...”	“ With an ELUC...”
278	15	“Good point. There was two surveys”	“Good point. There were two surveys”
279	10	“lower and we looked at those and we looked it”	“lower. We looked at those and we looked at”
279	20	“Quote, an assessment of human and ecological”	“ “an assessment of human and ecological
279	24	“...for risk assessment.”	“...for risk assessment. ” ”
281	6	“slide 11, which is just a brief statement of our”	“slide 11, which is just a brief statement of your ”
283	20	“not match the profiles what was found in the ponds”	“not match the profiles of what was found in the ponds”
284	14	“One is the ENSR report from 1998 identified some”	“One is the ENSR reports from 1998 identified some”
285	9	“---based on my valuation on.”	“—based my evaluation on.”
285	15	“So what is not included, is it fair”	“So what is included, is it fair” –
286	19	“Joliet were – forms the basis of your opinions?”	“Joliet were --- formed the basis of your opinions?”
288	11	“There is so many dates and facts to remember.”	“There are so many dates and facts to remember.”
288	22	“date constructed liners, they all say poz-o-pac”	“ Date Constructed/Liners, ” they all say poz-o-pac”
289	17	“column, I guess, the date relined with HDPE. If”	“column, I guess, the “Date Relined With HDPE.” ”
289	22	“it look beautiful. It is ash pond’s one and two”	“it look beautiful. It is ash ponds one and two”
292	16	“page we were just looking at was for pond’s one”	“page we were just looking at was for ponds one”
295	5	“hydrostatic uplift in your opinion at pond’s one,”	“hydrostatic uplift in your opinion at ponds one”
295	10	“the last column scheduled ash removals, why was”	“the last column, “Scheduled Ash Removal, ” why was”

February 2, 2018 Hearing Transcript Corrections

Page No.	Line No.	Now Reads	Requested Correction
18	11	“we start with the site-specific date, that’s”	“we start with the site-specific data , that’s”
22	10	“at the date also.”	“at the data also.”
22	19	“it’s impacting ground – it’s”	“it’s impacting groundwater – it’s”
23	12	“—I’ll call it a factor.”	“—I’ll call it a vector .”
27	19	“eyeballing, it’s subject.”	“eyeballing, it’s subjective .”
30	15	“back run for boron.”	“back ground for boron.”
33	8	“To really, what Illinois”	“ So really, what Illinois”
55	7	“top of the cushion is a HDB liner.”	“top of the cushion is a HDPE liner.”
62	18	“watering system.”	“ dewatering system.”
64	2	“I’m mot going ...”	“I’m not going ...”
64	3	“affective stratus and total stratus, but it”	“affective stress and total stress , but it”
67	18	“contramap for gravelly sand unit.”	“ contour map for gravelly sand unit.”
68	4	“called a shallow silted clay unit.”	“called a shallow silty clay unit.”
69	20	“of the data speed over a little wider range,”	“of the data spread over a little wider range,”
72	11	“above the Illinois Ground Waste Standard.”	“above the Illinois Groundwater Standard.”
73	15	“discuss assessing a special trend at Powerton.”	“discuss assessing a spatial trend at Powerton.”
73	18	“What is a special trend?”	“What is a spatial trend?”
75	8	“Does this represent the special”	“Does this represent the spatial ”
75	22	“which are the trafficking of the concentrations”	“which are the fluctuations of the concentrations”
78	8	“bit like Illinois EPA expectant for CCR”	“bit like Illinois EPA expects for CCR”
78	20	“strong water pond, for example,”	“ storm water pond, for example,”
88	13	“—CCV sampling.”	“— CCB sampling.”
88	15	“So which ponds was CCV sampling done”	“So which ponds was CCB sampling done”
90	11	“that Len Dunaway”	“that Lynn Dunaway”
91	15	“but for the barrier of concern,”	“but for the area of concern,”
104	18	“the RCRA 9 metal.”	“the RCRA 9 metals .”
104	22	“hazardous waste metal.”	“hazardous waste metals .”
106	4	“professional that managed the”	“ professionals that managed the”
112	10	“the middle of the ponds had a film material”	“the middle of the ponds had a fill material”
112	19	“is 528.5 feet for both ponds.”	“is 582.5 feet for both ponds.”
119	9	“site-specific date at Table 5-5”	“site-specific data at Table 5-5”

Page No.	Line No.	Now Reads	Requested Correction
121	12	“to conduct a spacial analysis?”	“to conduct a spatial analysis?”
122	2	“Monitor Wells 7.4 and”	“Monitor Wells 7, 4 and”
122	4	“they’re upgrading”	“they’re upgradient ”
123	18	“or where we would make”	“or where we could make”
136	18	“as compounds.”	“ ash compounds.”
147	2	“to receive that permeability”	“to achieve that permeability”
147	22	“these bonds are existing. So ...”	“these ponds are existing. So ...”
148	12	“or cement aggregate like a sand.”	“or cement and aggregate like a sand.”
164	20	“that was sampled foe the leach test”	“that was sampled for the leach test”
169	16	“represent that median.”	“represent that medium. ”
169	20	“In engineering, technical engineering”	“In engineering, geotechnical engineering”
170	1	“test this soil sampling in”	“test this soil sample in”
170	4	“properties across that median”	“properties across that medium ”
172	4	“It’s a water lot area.”	“It’s a waterlocked area.”
174	12	“of dates on all of these sites. So there’s”	“of data on all of these sites. So there’s”
174	12	“of dates on all of these sites.”	“of data on all of these sites.”
174	22	“at tons of dates on all of these sites.”	“at tons of data on all of these sites.”
177	2	“there was about 50 or 20 borings.”	“there was about 15 or 20 borings.”
183	9	“the ^^ENSE reports.”	“the ENSR reports.”
185	18	“that some of the boron sag on-site is coming”	“that some of the boron that’s on-site is coming”
195	3	“Go it”	“ Got it”
196	18	“no additive,”	“no additions, ”
225	6	“Is it the time share ---“	“Is it the time series ---“
235	2	“I guess, as I said early”	“I guess, as I said earlier ”
259	23	“or an ^^antonia, we found a range in”	“or antimony , we found a range in”
260	21	“three micrograms per unit,”	“three micrograms per liter, ”
260	23	“three micrograms per unit,”	“three micrograms per liter, ”
262	3	“connotation.”	“ concentration. ”
262	8	“not in the ground.”	“not in the groundwater. ”
266	15	“is a state method”	“is a State method”
267	22	“the state accepts.”	“the State accepts.”
274	17	“,which state”	“,which State ”
282	13	“for me and he reviewed it,”	“for me and I reviewed it,”
283	13	“wells showed s decrease”	“wells showed a decrease”
290	9	“This procedure became much after”	“This procedure came much after”
298	23	“liner with a maximum xxx of no more”	“liner with a maximum permeability of no more”
308	17	“that would classify it as flash.”	“that would classify it as fly ash. ”

Page No.	Line No.	Now Reads	Requested Correction
309	7	“the national Landfill?”	“the ash Landfill?”
309	12	“We did see evidence of slab”	“We did see evidence of slag ”
310	1	“What is the el vacation of the”	“What is the elevation of the”
314	24	“he would look for qualifies and”	“he would look for qualifiers and”
320	12	“that are very old and then can be very old”	“that are very old and they can be very old”
321	16	“this dated because”	“this data because”

WHEREFORE, for the reasons stated above, MWG requests that the Hearing Officer direct the court reporter to correct the January 29, 2018, February 1, 2018 and February 2, 2018 hearing transcripts and resubmit the corrected transcripts.

Respectfully submitted,
Midwest Generation, LLC

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

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