

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,)
v.)
MIDWEST GENERATION, LLC,)
Respondent.)

PCB No-2013-015
(Enforcement – Water)

**MIDWEST GENERATION, LLC'S SUPPLEMENTAL RESPONSE TO
COMPLAINANTS' SECOND SET OF INTERROGATORIES**

Respondent, Midwest Generation, LLC, ("Midwest Generation"), through its undersigned attorneys, issues its supplemental response to Complainants' Second Set of Interrogatories, ("Requests"), as follows:

GENERAL OBJECTIONS

Each of the Responses is made subject to and incorporates by reference the objections made in Midwest Generation's Responses to Complainants' First Set of Interrogatories, Requests for Documents and Request for Admission provided on September 2, 2014. Additionally, Midwest Generation makes the following objections:

1. Midwest Generation objects to the "Coal ash" definition to the extent that it includes other waste streams resulting from the operation of pollution controls.
2. Midwest Generation objects to the "Coal ash units" definition to the extent that it includes areas in which coal ash is not purposely directed to or placed on and to the extent it includes *de*

minimis collections of coal ash due to the operations of the Station.

3. Midwest Generation objects to the “Joliet 29” definition to the extent it states that the Station is located in Kendall County.

4. Midwest Generation objects to the “Uppermost aquifer” definition as vague, ambiguous and capable of varying interpretations. Additionally, Midwest Generation objects to the definition to the extent it depends upon a coal ash unit to identify any aquifer’s location.

5. Midwest Generation objects to Instruction No. 6 as overly broad and unduly burdensome.

6. Respondent reserves the right to object to the admissibility of any of the documents produced pursuant to the Responses, in whole or in part, at hearing in this action on any grounds including but not limited to materiality, relevance, confidential business information and privilege.

INTERROGATORIES

1. Identify any and all methods, other than visual inspection, that MWG uses to inspect ash pond liners for Damage, weakness or leaks at Joliet 29, Will County, Waukegan and Powerton, and state:

- a. How each method of inspection identifies weakness or damage to liners;
- b. When the use of each method of inspection began at each pond; and
- c. The frequency with which each method of inspection is used at each pond.

ANSWER:

Midwest Generation objects to Interrogatory No. 1 because it is overly broad, unduly burdensome, and seeks material covered by the work product and attorney-client privilege. Additionally, Midwest Generation objects to this interrogatory as requesting information already provided in the responses to the document requests and in the depositions. Without waiving its objections, Midwest Generation states the following:

- a) Joliet 29: The other method to inspect the liners for damage or leaks is the electrical leak location method. The electrical leak location method detects paths through the

geomembrane caused by water or moisture in the leaks. The electrical leak location method was used on the HDPE liners in Ash Ponds 1 & 2 in 2008 and used on the Ash Pond 3 liner in 2013. The electrical leak location method was used when the HDPE lining was installed at Joliet 29 impoundments.

b) Powerton: The other method to inspect the liners at Powerton for damage or leaks is the electrical leak location method. The electrical leak location method detects paths through the geomembrane caused by water or moisture in the leaks. The electrical leak location method was used on the HDPE liner in the Metal Cleaning Basin in 2010 and 2011. The electrical leak location method was used on the HDPE liner in the Ash Bypass Basin in 2010. The electrical leak location method was used on the HDPE liners in the Ash Surge Basin and the Secondary Ash Settling Basin in 2013. The electrical leak location method was used when the HDPE lining was installed at Powerton impoundments.

c) Will County: The other method to inspect the liners at Will County for damage or leaks is the electrical leak location method. The electrical leak location method detects paths through the geomembrane caused by water or moisture in the leaks. The electrical leak location method was used on the HDPE liner in the Ash Pond 3S in 2009. The electrical leak location method was used on the HDPE liner in the Ash Pond 2S in 2013. The electrical leak location method was used when the HDPE lining was installed at Will County impoundments.

d) Waukegan: The other method to inspect the liners at Waukegan for damage or leaks is the electrical leak location method. The electrical leak location method detects paths through the geomembrane caused by water or moisture in the leaks. The electrical leak location method was used on the HDPE liner in the East Basin in 2003 and on the West Basin in 2005. The

electrical leak location method was used when the HDPE lining was installed at Waukegan impoundments.

Additional information can be found at Bates MWG13-15_8155, MWG13-15_8233, MWG13-15_8262, MWG13-15_29832-29837, MWG13-15_29903, MWG13-15_33987, MWG13-15_48645 and pp. 100-101 of the Chris Lux deposition.

Respectfully submitted,

Midwest Generation, LLC

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

June 10, 2015

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the Midwest Generation, LLP Responses to Complainants' Interrogatories and Requests to Admit dated September 2, 2014 and March 31, 2015 and supplemented on June 10, 2015, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that it verily believes the same to be true.

I have personal knowledge of the facts stated herein.

FURTHER AFFIANT SAYETH NOT.



Maria Race