

SIERRA CLUB, ET AL. V. MIDWEST GENERATION, LLC PCB 13-15

RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT

EXHIBIT 1

MAP OF WAUKEGAN STATION ELUC



PREVIOUSLY ESTABLISHED ELUC

RAIL YARD

GENERATING STATION

COAL PILE

PROPERTY BOUNDARY

LAKE MICHIGAN

WEST ASH POND

EAST ASH POND

PROPOSED ELUC EXTENSION

LEGEND



PREVIOUSLY ESTABLISHED ELUC BOUNDARY



PROPOSED ELUC BOUNDARY EXTENSION



ENVIRONMENTAL CONSULTATION & REMEDIATION

K P R G

KPRG and Associates, Inc.

414 Plaza Drive, Suite 106 Westmont, Illinois 60559 Telephone 630-325-1300 Facsimile 630-325-1593

14665 West Lisbon Road, Suite 2B Brookfield, Wisconsin 53005 Telephone 262-781-0475 Facsimile 262-781-0478

PROPOSED ELUC BOUNDARY EXTENSION

WAUKEGAN STATION
WAUKEGAN, ILLINOIS

Scale: 1" = 500'

Date: January 14, 2013

KPRG Project No. 18311.31

EXHIBIT B-4

019-51-515MM

SIERRA CLUB, ET AL. V. MIDWEST GENERATION, LLC PCB 13-15

RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT

EXHIBIT 2

**WAUKEGAN COMPLIANCE COMMITMENT
AGREEMENT**



Electronic Filing - Received, Clerk's Office : 07/19/2016
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217-785-0561

October 24, 2012

CERTIFIED MAIL # 7011 1150 0001 0859 0102
RETURN RECEIPT REQUESTED

John Kennedy
Senior Vice President, Generation
235 Remington, Suite A
Bolingbrook, IL 60440

**Re: Compliance Commitment Acceptance
Violation Notice: W-2012-00056
Midwest Generation, LLC, Waukegan Generating Station; ID Number: 6281**

Dear Mr. Kennedy:

The Illinois Environmental Protection Agency ("Illinois EPA") has approved the Compliance Commitment Agreement ("CCA") for Midwest Generation, LLC, Waukegan Generating Station. Please find enclosed an executed copy of the CCA for your records.

Failure to fully comply with the CCA may, at the sole discretion of the Illinois EPA, result in referral of this matter to the Office of the Attorney General, the State's Attorney or the United States Environmental Protection Agency.

The CCA does not constitute a waiver or modification of the terms and conditions of any license or permit issued by the Illinois EPA or any other unit or department of local, state or federal government or of any local, state or federal statute or regulatory requirement.

Questions regarding this matter should be directed to Andrea Rhodes at 217/785-0561. Written communications should be directed to the Illinois Environmental Protection Agency, Bureau of Water, CAS #19, P.O. Box 19276, Springfield, IL 62794-9276, and all communications shall include reference to your Violation Notice Number W-2012-00056.

Sincerely,

Michael Crumly
Manager, Compliance Assurance Section
Division of Public Water Supplies
Bureau of Water

Attachments

cc: Basil G. Constantelos
Maria Race
Susan M. Franzetti

RECEIVED

OCT 29 2012

BOW ID: W0971900021 CASE ID: 2012-006
4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED

OCT 17 2012

IEPA/CAS

IN THE MATTER OF:)
)
 MIDWEST GENERATION, LLC,)
 WAUKEGAN GENERATING STATION)
 WAUKEGAN, LAKE COUNTY, IL)
 ID NUMBER: 6281)
)
)
)
)

ILLINOIS EPA VN W-2012-00056
BUREAU OF WATER

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement ("CCA") is entered into voluntarily by the Illinois Environmental Protection Agency ("Illinois EPA") and Midwest Generation, LLC, Waukegan Generating Station ("Respondent") (collectively, the "Parties") under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(7)(i).

II. Allegation of Violations

2. Respondent owns and operates Waukegan Generating Station in Waukegan, Lake County, Illinois ("Waukegan Station").
3. Pursuant to Violation Notice ("VN") W-2012-00056 issued on June 11, 2012, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board ("Board") Regulations:
 - a) Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring wells MW-1, MW-2, MW-3, MW-4, and MW-5. Section 12 of the Act, 415 ILCS 5/12, 35 Ill. Adm. Code 620.115, 620.301, 620.401, 620.405, and 620.410.

III. Compliance Activities

4. On September 4, 2012, the Illinois EPA received Respondent's response to VN W-2012-00056, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms, as well as considered whether any additional terms and conditions are necessary to attain compliance with the alleged violations cited in the VN.
5. Respondent agrees to undertake and complete the following actions, which the Illinois EPA has determined are necessary to attain compliance with the allegations contained in VN W-2012-00056:
 - a) The ash ponds at Waukegan Station shall not be used as permanent disposal sites and shall continue to function as treatment ponds to precipitate ash. Ash shall continue to be removed from the ponds on a periodic basis.
 - b) The ash treatment ponds shall be maintained and operated in a manner which protects the integrity of the existing liners. During the removal of ash from the ponds, appropriate procedures shall be followed to protect the integrity of the existing liners, including operating the ash removal equipment in a manner which minimizes the risk of any damage to the liner.
 - c) During the ash removal process, visual inspections of the ponds shall be conducted to identify any signs of a breach in the integrity of the pond liners. In the event that a breach of the pond liners is detected, Midwest Generation shall promptly notify the Illinois EPA and shall implement a corrective action plan for repair or replacement as necessary, of the liner. Upon the Illinois EPA's approval, and the issuance of any necessary construction permit, Midwest Generation will implement the corrective action plan.
 - d) Midwest Generation shall install two additional groundwater monitoring wells on the Waukegan Station property, at locations approved by the Illinois EPA, within 90 days of the effective date of the CCA.
 - e) Midwest Generation shall monitor the two new wells and the existing five groundwater monitoring wells quarterly for constituents in 35 Ill. Adm. Code 620.410(a) and (d), with the exception of radium 226 and 228, and report its findings to the Illinois EPA within 30 days of the end of each quarter. In addition, Midwest Generation shall record and report groundwater elevation and submit a potentiometric surface map with the above quarterly groundwater monitoring report.
 - f) Midwest Generation shall enter into an Environmental Land Use Control (ELUC) to cover the remaining Waukegan Station property to the east that is not already included in the existing ComEd Former Tannery Site ELUC. Midwest Generation shall submit a proposed ELUC to the Illinois EPA for review and approval within 90 days of the effective date of the CCA.

- g) Midwest Generation shall record the ELUC within 30 days of approval of the ELUC by the Illinois EPA.
- i) Once the new monitoring wells have been installed and the ELUC has been approved Midwest Generation may submit either the attached "Illinois EPA Compliance Statement" or another similar writing to satisfy the statement of compliance within one year of the effective date of the CCA.

IV. Terms and Conditions

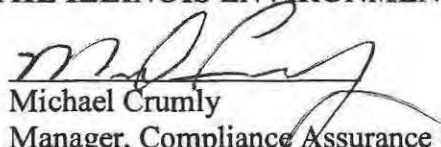
- 6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, 415 ILCS 5/31(a)(10), if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Successful completion of this CCA or an amended CCA shall be a factor to be weighed, in favor of the Respondent, by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations cited in VN W-2012-00056.
- 7. This CCA is solely intended to address the violations alleged in Illinois EPA VN W-2012-00056. The Illinois EPA reserves and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act, 415 ILCS 5/3.315. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations [and Permit, if applicable].
- 8. Pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k), in addition to any other remedy or penalty that may apply, whether civil or criminal, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA.
- 9. This CCA shall apply to and be binding upon the Illinois EPA, and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's Waukegan Station in Waukegan, Lake County, Illinois.

10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.
11. This CCA shall only become effective:
 - a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to Illinois EPA, Bureau of Water, Andrea Rhodes, MC #19, 1021 North Grand Ave East, Springfield, IL 62702. If Respondent fails to execute and submit this CCA within 30 days of receipt, via certified mail, this CCA shall be deemed rejected by operation of law; and
 - b) Upon execution by all Parties.
12. Pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5), this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

AGREED:

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY:

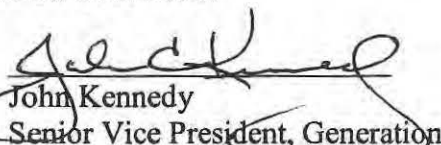

Michael Crumly
Manager, Compliance Assurance Section
Division of Public Water Supplies
Bureau of Water

DATE:

10/24/12

FOR RESPONDENT:

BY:


John Kennedy
Senior Vice President, Generation
Midwest Generation, LLC

DATE:

Oct 15, 2012

SIERRA CLUB, ET AL. V. MIDWEST GENERATION, LLC PCB 13-15

RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT

EXHIBIT 3

MAP OF WILL COUNTY STATION ELUC



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ENVIRONMENTAL CONSULTATION & REMEDIATION

K P R G

KPRG and Associates, Inc.

414 Plaza Drive, Suite 106 Westmont, Illinois 60559 Telephone 630-325-1300 Facsimile 630-325-1593

14665 West Lisbon Road, Suite 28 Brookfield, Wisconsin 53005 Telephone 262-781-0475 Facsimile 262-781-0478

PROPOSED ELUC BOUNDARY

WILL COUNTY STATION
ROMEORVILLE, ILLINOIS

Scale: 1" = 500' | Date: January 14, 2013

KPRG Project No. 18311.41

EXHIBIT B-4

SIERRA CLUB, ET AL. V. MIDWEST GENERATION, LLC PCB 13-15

RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT

EXHIBIT 4

MAP OF WILL COUNTY STATION GMZ



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APPROXIMATE SCALE

ENVIRONMENTAL CONSULTATION & REMEDIATION

K P R G

KPRG and Associates, Inc.

414 Plaza Drive, Suite 106 Westmont, Illinois 60559 Telephone 630-325-1300 Facsimile 630-325-1593

14665 West Lisbon Road, Suite 28 Brookfield, Wisconsin 53005 Telephone 262-781-0475 Facsimile 262-781-0478

PROPOSED GROUNDWATER MANAGEMENT ZONE

**WILL COUNTY STATION
ROMEODVILLE, ILLINOIS**

Scale: 1" = 500' Date: January 11, 2013

KPRG Project No. 18311.41

FIGURE 1

***SIERRA CLUB, ET AL. V. MIDWEST GENERATION, LLC* PCB 13-15
RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT 5

MAP OF JOLIET 29 STATION GMZ



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ENVIRONMENTAL CONSULTATION & REMEDIATION

K P R G KPRG and Associates, Inc.

414 Plaza Drive, Suite 106 Westmont, Illinois 60559 Telephone 630-325-1300 Facsimile 630-325-1593
 14665 West Lisbon Road, Suite 28 Brookfield, Wisconsin 53005 Telephone 262-781-0475 Facsimile 262-781-0478

PROPOSED GROUNDWATER MANAGEMENT ZONE

JOLIET #29 GENERATING STATION
 JOLIET, ILLINOIS

Scale: 1" = 500' Date: January 11, 2013

KPRG Project No. 18311.11 FIGURE 1

0 500'
 APPROXIMATE SCALE



***SIERRA CLUB, ET AL. V. MIDWEST GENERATION, LLC* PCB 13-15
RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT 6

**ENSR PHASE I BORING LOGS FOR THE JOIET 29
STATION**



Project No: 1801-023-110

Log of Borehole B-1

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 to 3		Dark brown clay, very stiff, dry, with fine to medium sand/gravel mix	1	GP	50	13.9	0 - 3 PNAs/BETX/pH/PCBs/ RCRA Metals
3 to 15		End of Borehole Bedrock at 3'					

Drilled By: Fox Drilling Drill Method: Geoprobe Drill Date: 10/8/98	ENSR 740 Pasquinelli Drive Westmont, IL 60559 630-887-1700	Sheet: 1 of 1
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Project No: 1801-023-110

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Log of Borehole B-3

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 to 4		<i>Fill</i> Clay/gravel rust staining to 2.75' Dark brown sandy clay, wet	1	GP	90	1.5	0 - 4 PNAs/BETX/pH/PCBs/ RCRA Metals
4		End of Borehole					
5 to 15							

Drilled By: Fox Drilling
 Drill Method: Geoprobe
 Drill Date: 10/8/98

ENSR
 740 Pasquinelli Drive
 Westmont, IL 60559
 630-887-1700

Sheet: 1 of 1



Project No: 1801-023-110

Log of Borehole B-4

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 to 4		<i>Clay (CL)</i> Brown clay with some sand Soft, wet, odor, brick, gravel from 1.75' to 2.25'	1	GP	50	3.2	0 - 4 PNAs/BETX/pH/PCBs/ RCRA Metals
4 to 15		End of Borehole					

Drilled By: Fox Drilling
 Drill Method: Geoprobe
 Drill Date: 10/8/98
 ENSR
 740 Pasquinelli Drive
 Westmont, IL 60559
 630-887-1700
 Sheet: 1 of 1



Project No: 1801-023-110

Log of Borehole B-6

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0-1		Gravel at surface. Dark brown/gray sand, fine-medium Yellow/orange clay, medium stiff, with gravel	1	GP	80	< 1	0 - 2 PNAs/BETX/pH/PCBs/ RCRA Metals
2		End of Borehole					
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Drilled By: Fox Drilling
 Drill Method: Geoprobe
 Drill Date: 10/8/98

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 740 Pasquinelli Drive
 Westmont, IL 60559
 630-887-1700

Sheet: 1 of 1



Project No: 1801-023-110

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Log of Borehole B-8

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 to 3		<i>Fill</i> Gravel at surface. Sand, fine to medium Clay and gravel fill	1	GP	75	< 1	0 - 3 PNAs/BETX/pH/PCBs/ RCRA Metals
3 to 15		End of Borehole Bedrock at 3'					

Drilled By: Fox Drilling

Drill Method: Geoprobe

Drill Date: 10/8/98

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740 Pasquinelli Drive
Westmont, IL 60559
630-887-1700

Sheet: 1 of 1



Project No: 1801-023-110

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Log of Borehole B-9

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 to 1		<i>Fill</i> Coal to 1.25', 1" gravel seam, Fine to medium sand/gravel mix	1	GP	75	2.6	0 - 3 PNAs/BETX/pH/PCBs/ RCRA Metals
3		End of Borehole Bedrock at 3'					
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Drilled By: Fox Drilling
 Drill Method: Geoprobe
 Drill Date: 10/8/98

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 Westmont, IL 60559
 630-887-1700

Sheet: 1 of 1



Project No: 1801-023-110

Log of Borehole B-10

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0-2		<i>Fill</i> Coal/gravel/clay-black to 1' Brown sand, fine to medium, with gravel	1	GP	90	2.8	0 - 2 PNAs/BETX/pH/PCBs/ RCRA Metals
2		End of Borehole Bedrock at 2'					
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Drilled By: Fox Drilling Drill Method: Geoprobe Drill Date: 10/9/98	ENSR 740 Pasquinelli Drive Westmont, IL 60559 630-887-1700	Sheet: 1 of 1
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Project No: 1801-023-110

Log of Borehole B-11

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 - 2		2" Coal Gravel/Clay/coal mix to 1.5' Brick	1	GP	75	10.7	0 - 2 PNAs/BETX/pH/PCBs/ RCRA Metals
2		End of Borehole					
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Drilled By: Fox Drilling
 Drill Method: Geoprobe
 Drill Date: 10/9/98

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 Westmont, IL 60559
 630-887-1700

Sheet: 1 of 1



Project No: 1801-023-110

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Log of Borehole B-12

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0		Coal	1	GP	80	1.7	PNAs/BETX/pH/PCBs/ RCRA Metals
1		End of Borehole Bedrock at 1'					
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Drilled By: Fox Drilling
 Drill Method: Geoprobe
 Drill Date: 10/9/98

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 Westmont, IL 60559
 630-887-1700

Sheet: 1 of 1



Project No: 1801-023-110

Log of Borehole B-13

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 - 3		<i>Fill</i> Coal/clay/ gravel mix	1	GP	100	120	0 - 3 PNAs/BETX/pH/PCBs/ RCRA Metals
3.1		End of Borehole					
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Drilled By: Fox Drilling

Drill Method: Geoprobe

Drill Date: 10/8/98

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Westmont, IL 60559
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Sheet: 1 of 1



Project No: 1801-023-110

Log of Borehole B-14

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 - 1		Coal/ brick fragments/ coarse sand with small fines and gravel	1	GP	60	< 1	0 - 2 PNAs/BETX/pH/PCBs/ RCRA Metals
2 - 15		End of Borehole Bedrock at 2'					

Drilled By: Fox Drilling

Drill Method: Geoprobe

Drill Date: 10/8/98

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Sheet: 1 of 1



Project No: 1801-023-110

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Log of Borehole B-15

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 - 1		<i>Fill</i> Coal/ brick fragments/ coarse sand	1	GP	75	< 1	0 - 2 PNAs/BETX/pH/PCBs/ RCRA Metals
2		End of Borehole					
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15							

Drilled By: Fox Drilling

Drill Method: Geoprobe

Drill Date: 10/8/98

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Sheet: 1 of 1



Project No: 1801-023-110

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Log of Borehole B-16

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 to 4		<p><i>Fill</i> Coal to 2.75' Brown clay/brick fragments/gravel</p>	1	GP	75	2.4	0 - 4 PNAs/BETX/pH/PCBs/ RCRA Metals
4		End of Borehole					
4 to 15		Bedrock at 4'					

Drilled By: Fox Drilling

Drill Method: Geoprobe

Drill Date: 10/8/98

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Westmont, IL 60559
630-887-1700

Sheet: 1 of 1



Project No: 1801-023-110

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Log of Borehole B-17

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 - 2		Fill Coal/ gravel/clay mix	1	GP	100	1.5	0 - 2 PNAs/BETX/pH/PCBs/ RCRA Metals
2		End of Borehole					
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Drilled By: Fox Drilling
 Drill Method: Geoprobe
 Drill Date: 10/8/98

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 740 Pasquinelli Drive
 Westmont, IL 60559
 630-887-1700

Sheet: 1 of 1



Project No: 1801-023-110

Log of Borehole B-18

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					PNAs/BETX/pH/PCBs/ RCRA Metals
0		Coal	1	GP	50	NA	
1		End of Borehole					
2		Bedrock at 1'					
3							
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5							
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15							

Drilled By: Fox Drilling
 Drill Method: Geoprobe
 Drill Date: 10/8/98

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 740 Pasquinelli Drive
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Sheet: 1 of 1



Project No: 1801-023-110

Log of Borehole B-19

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					PNAs/BETX/pH/PCBs/ RCRA Metals
0		2" Coal 3" gravel 2" yellow-orange, fine sand	1	GP	75	2.3	
1		End of Borehole					
2		Bedrock at 1'					
3							
4							
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15							

Drilled By: Fox Drilling

Drill Method: Geoprobe

Drill Date: 10/9/98

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Westmont, IL 60559
630-887-1700

Sheet: 1 of 1



Project No: 1801-023-110

Log of Borehole B-20

Project: Phase II Investigation

Client: Commonwealth Edison

Location: Joliet#29 Power Station

Geologist: C. Howell

SUBSURFACE PROFILE			SAMPLE				Lab Analysis
Depth	Symbol	Description / Classification	Number	Type	Recovery(%)	PID Reading	
0		Ground Surface					
0 to 1	●●●●●●●●●●	Coal to .5' Clay/ gravel mix to 1'	1	GP	60	2.0	0 - 2 PNAs/BETX/pH/PCBs/ RCRA Metals
2		End of Borehole					
3							
4							
5							
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10							
11							
12							
13							
14							
15							

Drilled By: Fox Drilling
 Drill Method: Geoprobe
 Drill Date: 10/9/98

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Sheet: 1 of 1

***SIERRA CLUB, ET AL. V. MIDWEST GENERATION, LLC* PCB 13-15
RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT**

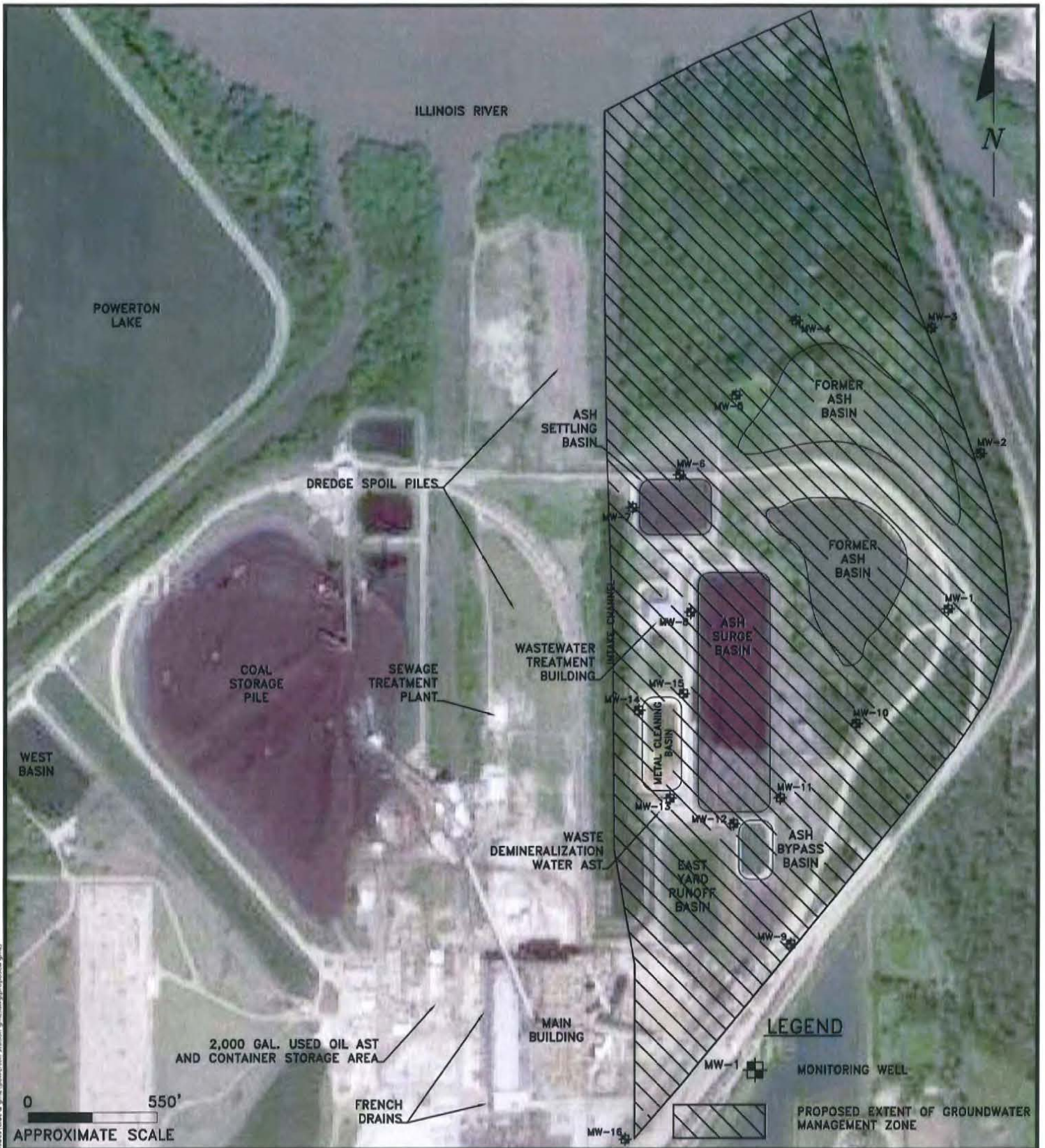
EXHIBIT 7

MAP OF POWERTON STATION ELUC

***SIERRA CLUB, ET AL. V. MIDWEST GENERATION, LLC* PCB 13-15
RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT 8

MAP OF POWERTON STATION GMZ



ENVIRONMENTAL CONSULTATION & REMEDIATION

K P R G

KPRG and Associates, Inc.

414 Plaza Drive, Suite 106 Westmont, Illinois 60559 Telephone 630-325-1300 Facsimile 630-325-1593

14665 West Lisbon Road, Suite 28 Brookfield, Wisconsin 53005 Telephone 262-781-0475 Facsimile 262-781-0478

PROPOSED GROUNDWATER MANAGEMENT ZONE

POWERTON STATION
PEKIN, ILLINOIS

Scale: 1" = 550'

Date: January 17, 2013

KPRG Project No. 18311.21

FIGURE 1

SIERRA CLUB, ET AL. V. MIDWEST GENERATION, LLC PCB 13-15

RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT

EXHIBIT 9

**RELEVANT PAGES OF THE DEPOSITION OF
CHRISTOPHER LUX**

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2

3

4 IN THE MATTER OF:)

5)

6 SIERRA CLUB, ENVIRONMENTAL)

7 LAW AND POLICY CENTER,)

8 PRAIRIE RIVERS NETWORK,)

9 and CITIZENS AGAINST)

10 RUINING THE ENVIRONMENT,)

11) PCB No-2013-015

12) Complainants,) (Enforcement - Water)

13)

14) v.

15)

16 MIDWEST GENERATION, LLC,)

17)

18) Respondent.)

19

20 The discovery deposition of

21 CHRISTOPHER D. LUX, called by the Complainants, for

22 examination, taken pursuant to notice, taken before

23 CARYL L. HARDY, a Notary Public within and for the

24 County of Cook, State of Illinois, and a Certified

 Shorthand Reporter of said state, taken at

 3800 Northpoint Boulevard, Conference Room B,

 Waukegan, Illinois, at the hour of 9:59 a.m., on

 the 19th day of November, A.D., 2014.

1 that you understood the question.

2 And if you need a break, let us know and
3 we can take a break.

4 And then you'll have the opportunity at
5 the end -- or have the opportunity to read over the
6 deposition transcript and correct any mistakes in
7 transcribing what you've said.

8 Do you understand these directions?

9 A. I do.

10 Q. Great.

11 So first I just wanted to turn to your
12 experience. How many years have you worked at
13 NRG -- or for how long have you worked at NRG now?

14 A. Since April 1st this year.

15 Q. And what positions or position have you
16 worked?

17 A. For NRG, it's only been the engineering
18 manager position for Waukegan Station.

19 Q. And then for Midwest Gen, in what
20 position -- or how long did you work at Midwest
21 Gen?

22 A. Midwest Gen I took over in December of
23 1999 and I hired in directly with them at that time
24 and -- up until April of 2014.

1 A. Not to my knowledge.

2 Q. Is this basin ever dredged, are you aware?

3 A. I'm not aware of it being dredged.

4 Q. So are you aware also of a former ash
5 disposal site located at the facility?

6 A. Waukegan Station you're referring to?

7 Q. Yes. Sorry. Waukegan.

8 A. No, I am not.

9 Q. Are you familiar with an ash storage area
10 located at Waukegan?

11 A. What kind of ash are we talking about?

12 Q. Bottom ash.

13 A. Other than the two ash ponds?

14 Q. Yes.

15 A. No. I'm not aware of any other areas.

16 Q. Are you aware of a fly ash storage area at
17 the facility?

18 A. Yes.

19 Q. And is this fly ash storage area an
20 impoundment?

21 A. No.

22 Q. What is this ash storage area?

23 A. Silos.

24 Q. It's a silo.