

**Electronic Filing - Received, Clerk's Office, August 25, 2008**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
WATER QUALITY STANDARDS AND ) R08-9  
EFFLUENT LIMITATIONS FOR THE ) (Rulemaking – Water)  
CHICAGO AREA WATERWAY SYSTEM )  
AND LOWER DES PLAINES RIVER )  
PROPOSED AMENDMENTS TO 35 ILL. )  
ADM. CODE 301, 302, 303, and 304 )

**NOTICE OF FILING**

TO:

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

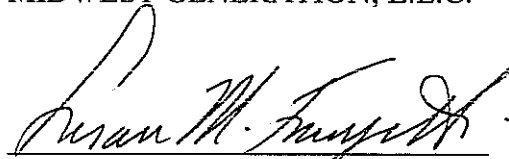
Marie Tipsord, Hearing Officer  
Illinois Pollution Control Board  
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100 West Randolph Street, Suite 11-500  
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Deborah J. Williams, Assistant Counsel  
Stefanie N. Diers, Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Persons included on the attached  
SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the  
Pollution Control Board MIDWEST GENERATION'S QUESTIONS FOR THE  
ENVIRONMENTAL GROUPS' WITNESS LAURA BARGHUSEN (OPENLANDS), a copy of  
which is herewith served upon you.

MIDWEST GENERATION, L.L.C.

  
Susan M. Franzetti

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Date: August 25, 2008

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 25<sup>th</sup> day of August, 2008, I have served electronically the attached MIDWEST GENERATION'S QUESTIONS FOR THE ENVIRONMENTAL GROUPS' WITNESS LAURA BARGHUSEN (OPENLANDS) and NOTICE OF FILING upon the following persons:

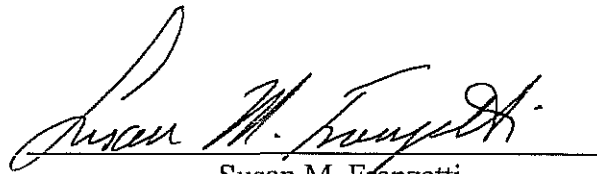
John Therriault, Clerk  
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100 West Randolph Street, Suite 11-500  
Chicago, IL 60601

Marie Tipsord, Hearing Officer  
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and by U.S. Mail, first class postage prepaid, to the following persons:

Deborah J. Williams, Assistant Counsel  
Stefanie N. Diers, Assistant Counsel  
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The participants listed on the attached  
SERVICE LIST.

  
Susan M. Franzetti

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
)  
WATER QUALITY STANDARDS AND )  
EFFLUENT LIMITATIONS FOR THE ) R08-9  
CHICAGO AREA WATERWAY SYSTEM ) (Rulemaking – Water)  
AND THE LOWER DES PLAINES RIVER: )  
PROPOSED AMENDMENTS TO 35 Ill. )  
Adm. Code Parts 301, 302, 303 and 304 )

**MIDWEST GENERATION'S QUESTIONS FOR THE ENVIRONMENTAL GROUPS'  
WITNESS LAURA BARGHUSEN (OPENLANDS)**

Midwest Generation, L.L.C. ("Midwest Generation" or "MWGen"), by and through its attorneys, Nijman Franzetti LLP and Hunton & Williams LLP, submits the following questions based upon the Pre-filed Testimony of Laura Barghusen submitted on behalf of the Environmental Groups, Environmental Law and Policy Center, Natural Resources Defense Council, Prairie Rivers Network, Sierra Club – Illinois Chapter, Friends of the Chicago River, and Openlands. Midwest Generation requests that the Hearing Officer allow follow-up questioning to be posed based on the answers provided.

**QUESTIONS**

1. Please provide the stream size of Jackson Creek and compare it to stream size of the Upper Dresden Pool.
2. On page 6, Section VI.A. of your Pre-Filed Testimony, please identify the Index of Biotic Integrity (IBI) values for Jackson Creek referenced in the 2003 Basin Survey identified in your testimony. Please identify where the IBI data you are referring to by reference to the 2003 Basin Survey is the same as the data contained in the document that has been marked and entered as Exhibit 42 in this rule-making proceeding.
3. Please identify the species that contribute to Jackson Creek having the "highest species diversity" for Des Plaines River tributary stations (versus the lower species diversity of the Upper Dresden Island Pool) as referenced in your Pre-Filed Testimony at page 6, Section VI.A.

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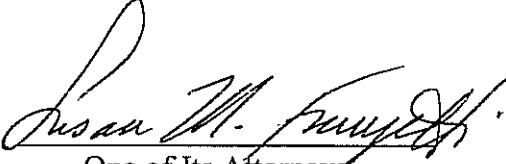
4. On page 6, Section VI.A. of your Pre-Filed Testimony, please explain further what you mean by the statement: "Tributaries recruit species from connecting rivers when local events such as pollution or drought result in a decline in numbers."
5. Is pollution currently causing a decline in species numbers in Jackson Creek? If so, what is the cause(s) or source(s) of that pollution?
6. Have drought conditions caused a decline in aquatic species numbers in Jackson Creek?
7. In the event of a drought in Jackson Creek, will the adverse effects on aquatic life from such drought conditions also be present in the Upper Dresden Pool?
8. Do you know what the extent of the good or high quality aquatic habitat is in Jackson Creek?
9. Please describe generally the gradient, the extent of availability of riffles and the typical substrate composition of Jackson Creek.
10. If you can, please compare the information provided in response to Questions 8 and 9 above to the stream characteristics of, and the amount and extent of good quality aquatic habitat in, the Upper Dresden Island Pool.
11. Do you know what the extent of sedimentation/siltation deposits are in Jackson Creek? If so, can you compare the sediment/siltation conditions in Jackson Creek to those in the Upper Dresden Island Pool?
12. Do CSO events affect the levels of dissolved oxygen in Jackson Creek?
13. Is there barge traffic in Jackson Creek? If so, please describe the level of barge traffic in Jackson Creek?
14. Is Jackson Creek an impounded waterway like the Upper Dresden Island Pool?
15. Explain how improving the water quality of the Upper Dresden Island Pool will "help maintain the higher degree of biological diversity in Jackson Creek into the future," as stated on page 6, Section VI.A. of your Pre-Filed Testimony.
16. Explain how the proposed aquatic life use designation for the Upper Dresden Island Pool will result in "better habitat conditions" in the Pool as referred to in the last paragraph of your testimony on page 7.
17. What fish species are you expecting to "recruit" from the Upper Dresden Island Pool if the proposed water quality standards in this proceeding are adopted that cannot be recruited now?
18. Assuming there are fundamental differences between the characteristics of and availability of good quality habitat as to Jackson Creek and the Upper Dresden Island Pool, do you still



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expect the Upper Dresden Island Pool to serve as a significant recruitment source for fishes, in particular small stream specialist fishes?

Respectfully submitted,  
MIDWEST GENERATION, L.L.C.

By:   
One of Its Attorneys

Dated: August 25, 2008

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