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STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
WATER QUALITY STANDARDS AND)	
EFFLUENT LIMITATIONS FOR THE)	R08-09
CHICAGO AREA WATERWAY SYSTEM)	(Rulemaking – Water)
AND THE LOWER DES PLAINES RIVER:)	Subdocket C and D
PROPOSED AMENDMENTS TO 35 Ill.)	
Adm. Code Parts 301, 302, 303 and 304)	

NOTICE OF FILING

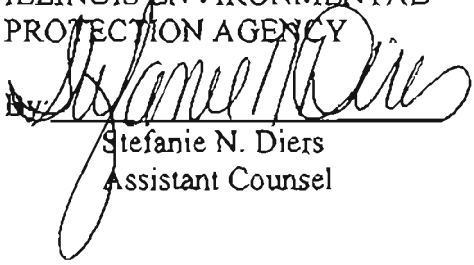
To: John Therriault, Clerk
 Marie Tipsord, Hearing Officer
 James R. Thompson Center
 Illinois Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution
 Control Board ILLINOIS EPA'S PRE-FILED QUESTIONS FOR MWRDGC'S

WITNESS JENNIFER WASIK a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



Stefanie N. Diers
Assistant Counsel

Dated: October 22, 2010
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 (217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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Pollution Control Board

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)

R08-09 (Sub-docket C and D)
(Rulemaking – Water)

Illinois EPA's Pre-Filed Questions for Metropolitan Water Reclamation District of Greater Chicago Witness Jennifer Wasik

The Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorneys, hereby submits its Pre-Filed Questions for the Metropolitan Water Reclamation District of Greater Chicago ("MWRDGC") witness Jennifer Wasik for the November 8, 9 and 10, 2010 hearings in the above-captioned matter. Illinois EPA reserves the right to ask additional follow-up questions as necessary.

1. On page 11 of your testimony, you state that ammonia was mainly being considered to produce toxic zones in the CAWS to prevent fish passage. Has chlorine been considered to produce a toxic zone? Why was chlorine eliminated?

2. Is another suggested strategy for potentially controlling the spread of Asian Carp the reduction of nutrient levels from the MWRDGC plant effluents? If nutrients in MWRDGC's discharges were reduced as part of a strategy to help control Asian Carp, might such improved nutrient conditions enhance the biological potential of the waters receiving these discharges in the CAWS and Lower Des Plaines River as well as downstream?

3. On page 14 of your pre-filed testimony you state that "...there is very little habitat in the CAWS that would be considered suitable for potential fish spawning."

a. Which CAWS fish species are you referring to?

b. Do you believe that the fish species found in the CAWS do not spawn in the CAWS?

c. Does every fish species known to live in the CAWS need the same type of habitat in order to spawn? If so, what is this single required habitat type? If not, for which CAWS fish species is there "very little" spawning habitat?

d. In general, how much suitable spawning habitat is actually needed for a fish species to maintain a population in a waterbody?

e. Do you believe that a relatively small amount of spawning habitat can be enough to support a population of some fish species that require such habitat? Why or why not?

4. You also testify on page 14 that "We collected fish on July 23, 2010 in the Lockport Pool where rotenone had been applied in December, 2009. Only three fish species were collected compared to ten and eight fish species collected in 2007 and 2008, respectively (Attachment 8)."

a. Is it your testimony that the December 2009 rotenone treatment is the likely cause of only three fish species being captured by MWRDGC sampling in July 2010? What do you base this on?

b. Isn't it true that MWRDGC fish samples from CSSC at Lockport (Exhibit 48) indicate only two species present in year 2001 and only four species present in year 2004?

c. Did MWRDGC fish samples indicate that from six to nine species were present in each year, for the years 2002, 2003, and 2005?

d. What caused these discrepancies in number of species among these years of MWRDGC fish sampling in CSSC near Lockport?

e. MWRDGC fish-sampling data (Exhibit 48) also indicates that in CSSC at Cicero Avenue, the number of fish species captured varied from six species in 2005, to seven species in 2003, to eight species in 2002, to nine species in 2001, to eleven species in 2004? What caused these differences (of up to five species) in the number of species captured by MWRDGC at this same location through time?

f. What evidence is there that rotenone treatments have impacted the fish species in the Calumet System?

5. Has any of the information obtained through your experience with the Asian Carp rapid response efforts caused you to question the effectiveness of MWRDGC's on-going fish sampling programs? What changes are being considered by MWRDGC to ensure that its sampling program is identifying the fish species actually present in the CAWS?

6. On page 15 of your pre-filed testimony you state: "These barriers limit the source of fish into the CAWS, which limits the ability of the CAWS to support a growing fish community."

a. Can aquatic life be actively re-introduced into waterbodies by humans to replenish former populations that have been negatively impacted?

b. Have the fisheries management agencies that participated in the Asian Carp rapid response activities expressed a commitment to restocking native species?

c. Explain what impact these barriers will have on the fish communities in the Calumet System?

d. Is it your opinion that these invasive species barriers will impact other parts of the CAWS outside the CSSC? Explain the basis for your opinion.

7. On page 15 of your pre-filed testimony you also state that "Without diversion at the Wilmette Pumping Station, the 4.5 mile stretch between Wilmette and the North Side WRP would be completely stagnant except for flow from stormwater and combined sewer overflows."

a. Do all possible ways of moving water from Lake Michigan into the CAWS involve an equal risk of Asian carps getting into Lake Michigan via this movement of water? Why or why not?

b. Please describe methods being investigated that would allow diversion of Lake Michigan water into the CAWS without allowing passage of Asian carps.

c. Will MWRDGC be required to phase out these discretionary diversions at the Wilmette Pumping Station regardless of the outcome of the long term invasive species control measures selected?

d. Won't MWRDGC need to address stagnation issues in conjunction with supplemental aeration or flow augmentation as discretionary diversions are

decreased regardless of the outcome of this proceeding or the long term invasive species prevention efforts?

8. You testify that "The waterway would be subject to low dissolved oxygen levels, be a breeding ground for mosquitoes and a visible public nuisance." See page 16. Currently, are some waters in CAWS stagnant at times? If so, are these CAWS waters currently subject to periods of stagnation a breeding ground for mosquitoes and a visible public nuisance?

9. Attachment 2 to your testimony is the "Monitoring and Rapid Response Plan for Asian Carp in the Upper Illinois River and Chicago Area Waterway System" and your testimony states that this document is from the Spring of 2010.

a. Is this plan currently under review or in the process of being updated? Are you aware of any specific changes that are being made?

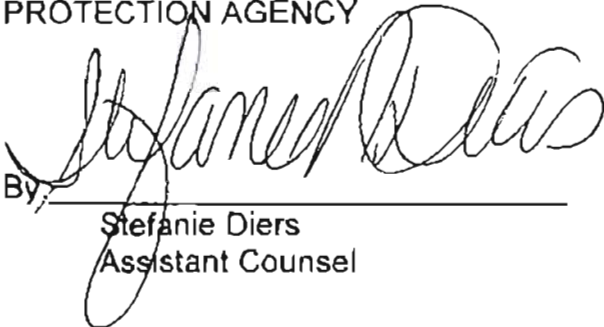
b. What is the basis for your statement on page 9 of your pre-filed testimony that "This level of fishing effort is likely to continue into the future..."?

10. You state on page 15 that "I have personally removed both dead and injured fish from trammel nets that were set for only 24 hours in the CAWS." Which species of fish did you personally remove from these nets?

11. Do you agree that it is premature to make any scientific conclusions regarding long term impacts on resident fish populations of the efforts to prevent the spread of Asian Carp?

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Stefanie Diers
Assistant Counsel

Dated: October 22, 2010

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COUNTY OF SANGAMON)
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SS

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached ILLINOIS EPA'S PRE-FILED QUESTIONS FOR MWRDGC'S WITNESS JENNIFER WASIK upon the person to whom it is directed by placing it in an envelope addressed to:

John Therriault, Clerk
Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

SEE ATTACHED SERVICE LIST

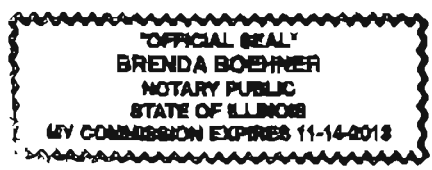
and mailing it First Class Mail from Springfield, Illinois on October 22, 2010, with sufficient postage affixed.

Meredith Kelley

SUBSCRIBED AND SWORN TO BEFORE ME

This 22 day of October 2010

Brenda Boehner
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER