

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE) R08-9 Subdocket C
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)

NOTICE OF FILING

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

PLEASE TAKE NOTICE that I have today filed with the Illinois Pollution Control Board Midwest Generation's Questions for The District's Witness Jennifer Wasik, copy of which is herewith served upon you.

Dated: October 22, 2010

MIDWEST GENERATION, L.L.C.

By: /s/ Susan M. Franzetti
One of Its Attorneys

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ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF;)
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WATER QUALITY STANDARDS AND) **R08-9 Subdocket C**
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)

**MIDWEST GENERATION'S QUESTIONS FOR
THE DISTRICT'S WITNESS JENNIFER WASIK**

Midwest Generation, L.L.C. ("Midwest Generation" or "MWGen"), by and through its attorneys, Nijman Franzetti LLP, submits the following questions based upon the Pre-filed Testimony of Jennifer Wasik, submitted on behalf of the Metropolitan Water Reclamation District of Greater Chicago (the "District"). Midwest Generation requests that the Hearing Officer allow follow-up questioning to be posed based on the answers provided.

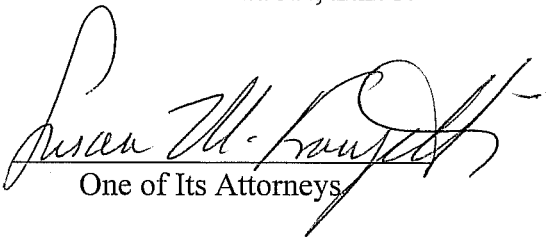
QUESTIONS

1. On pages 8 and 14 of your testimony, regarding the December 2009 rotenone application in Lockport Pool below the electric barriers, given the electric barriers located at the upper end of the "application zone" and the lock located at the lower end, do these conditions make it more difficult for the fish population to recover in this area and if so, please explain why?
 - a. On page 14 of your testimony, you reference certain 2010 fish survey efforts that showed significant reductions in the fish population. You note that during the District's July 2010 fish survey at Lockport, only three fish species were collected compared to ten and eight fish species in 2007 and 2008. What were the three fish species that were collected? In addition to the number of species being significantly reduced, did it appear that the number of fish for the three species that were collected was also reduced?
 - b. Is it likely that it will take a long time, months or years even, before the fish population in this area recovers?

2. On page 10 of your testimony, you indicate that one of the short-term strategies recommended by the ACRCC will be to “concentrate and confine” Asian carp in areas that would be conducive to targeted removal by the use of fish toxicants and netting techniques. Can you explain more specifically what activities are included in this short-term strategy? For example, does it include killing fish after they have been concentrated and confined? Does the use of fish toxicants and netting techniques also have adverse impacts on native fish?
3. On page 11 of your testimony, you refer to technologies that will herd Asian carp and reduce their populations. Can you explain in more detail how these herding technologies will reduce the Asian carp populations? Do you have an opinion as to what effect this “thinning of the herd” will have on other species of fish? In other words, will they be “thinned” also?
4. On page 11 of your testimony, you indicate that the ACRCC is investigating seismic waves to “eradicate Asian carp” and physical methods are being explored “to disrupt Asian carp spawning and egg viability.” What is the likelihood that these activities, if they prove to be successful, will also adversely affect other species of fish?
5. On page 14 of your testimony, you state: “The unprecedented amount of monitoring activities currently taking place in the CAWS are likely to take a toll on the resident fish population.”
 - a. Given that annual fish monitoring has gone on in the past in the CAWS, how is the current monitoring “unprecedented”?
 - b. What is the basis of your opinion that this unprecedented amount of monitoring activities will likely take a toll on the resident fish population?
 - c. At present, has any date been set by which these monitoring efforts will cease?

6. On page 15 of your testimony, you mention that the electrical barriers and the ABS system will cut off the CAWS from downstream native fish populations. Could you explain what “downstream native fish populations” you are referring to? Do you agree that cutting off the CAWS from downstream native fish populations will have an adverse effect on aquatic life?
7. Is it true that most of the actions recommended by the ACRCC to be implemented in the UAA waters to control or prevent the migration of Asian carp will also kill or otherwise harm resident fish populations in the CAWS and the Lower Des Plaines River?
8. Have there been any further developments in the federal district court litigation initiated by certain Great Lakes states against the USACE and the District since the filing of your testimony? If yes, please describe any such developments.

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

By: 
One of Its Attorneys

Dated: October 21, 2010

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Midwest Generation's Questions for The District's Witness Jennifer Wasik were filed electronically on October 22, 2010 with the following:

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and that true copies were mailed by First Class Mail, postage prepaid, on October 22, 2010 to the parties listed on the foregoing Service List.

/s/ Susan M. Franzetti