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OCT 25 2010

STATE OF ILLINOIS
Pollution Control Board

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)	

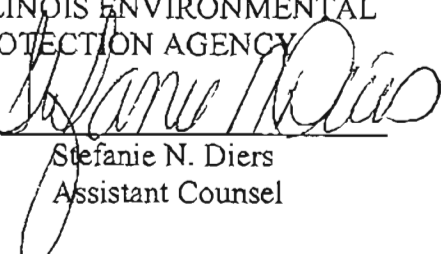
NOTICE OF FILING

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 MIDWEST GENERATION WITNESSES JULIA WOZNIAK AND GREG SEEGERT a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Stefanie N. Diers
Assistant Counsel

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

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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CHICAGO AREA WATERWAY SYSTEM) (Rulemaking – Water)
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)

Illinois EPA's Pre-Filed Questions for Midwest Generation Witnesses
Julia Wozniak and Greg Seegert

The Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorneys, hereby submits its Pre-Filed Questions for the Midwest Generation witnesses Julia Wozniak and Greg Seegert 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.

Questions for Julia Wozniak

1. On page 5 of your pre-filed testimony you state: "At the request of the supervising authorities, Will County Station also altered normal plant operations during the rotenone application period to help facilitate the effective application and dispersal of rotenone in the waterway." Explain how this was accomplished and why it was done.

2. Will the bio-acoustic bubble barrier system have an impact on dissolved oxygen levels in the Upper Dresden Island Pool?

3. Has a final selection for the location of the ABS system been made by the U.S. Army Corps of Engineers?

4. What impact will an ABS system at the Brandon Rock Lock and Dam have on Hickory Creek?

5. Will Midwest Generation be compensated by the federal government if the ABS system is located on Midwest Generation owned property?

6. Has the Corps of Engineers installed supplemental cooling to keep the electrical barriers running effectively?

7. Please explain the basis for the following statements from page 24 of your pre-filed testimony:

a. "the USACE, USCG and IDNR have accepted the need to sacrifice the full use of the CAWS, as well as the UDIP, in order to better protect the Great Lakes and Mississippi River ecosystems."

b. "They have also recently reiterated their commitment to ensure the protection of commercial navigation, even at the expense of secondary contact recreational uses in the CAWs."

8. Please explain the basis for the following statement on page 25 of your testimony: "any attempt to upgrade the existing uses of the canal system to enhance the ability of aquatic life to use the CSSC as a 'highway' between areas of better habitat appear to be in direct conflict with recent federal government decisions and directives

that are aimed at preventing aquatic migration through the CSSC and limiting recreational use due to the risks presented.”

a. What federal government decisions and directives are you referring to?

b. Are the limits on recreational use you describe permanent or temporary?

9. You state that the Brandon Road tailwater would be isolated from the rest of the Lower Des Plaines River.

a. Explain how and when it would be isolated?

b. Would this isolation occur during periods of spawning?

10. The following references in your pre-filed testimony are not available to the public at the websites referenced because they are password protected sources. Provide the information relied on in your testimony from the following internet sources for the Record:

a. <http://www.piersystem.com/go/doc/1295/312782/> (Issued 8/18/2009)(Page 12 of pre-filed testimony);

b. <http://uscg.fishbarrierinfo.com/go/doctype/1295/16324> (page 14 of pre-filed testimony);

c. <http://www.piersystem.com/go/doc/1295/431975/> (page 15 of pre-filed testimony);

- d. <http://www.piersystem.com/qo/doc/1295/539735/> (page 19 of pre-filed testimony).

Questions for Greg Seegert

1. What is your experience with invasive species?
2. When was the first time you personally observed Asian Carp in the Upper Dresden Island Pool?
3. Are you involved in any groups established to evaluate Asian Carp in the Upper Dresden Island Pool?
4. On page 2 of your pre-filed testimony you state, "Attainment of the Clean Water Acts' aquatic life standards clearly will no longer be achievable once Asian Carp become established in the Upper Dresden Island Pool." Is Clean Water Act attainment not possible in any waters that have been populated by Asian Carp?
5. What is meant by "established population"? (See page 2 of Pre-filed testimony).
6. What field data did you review referenced on page 3 of your pre-filed testimony?
7. In your opinion, does sediment have any impact on the Asian Carp in the CAWS and Lower Des Plaines River?

8. How would Asian Carp move from Marseilles Pool to Upper Dresden Island Pool? (See page 5 of the pre-filed testimony)? What is the distance between these two pools?

9. In your opinion, how much time are we looking at before Asian Carp are an established population in the Upper Dresden Island Pool? (See page 7 of Pre-filed testimony).

10. Why is the tailwater area below the Brandon Pool a suitable spawning habitat for Asian Carp? Are there other areas in the Lower Des Plaines River that would be as suitable?

11. Why is it more difficult to sample Asian Carp with electrofishing? (See page 7 of the Pre-filed testimony).

12. If we are seeing one Asian Carp in December 2009 in Lockport below the electric barriers as you mention on pages 7 and 8 of your pre-filed testimony, what are we anticipating the actual numbers to be for this species?

13. Why is the collection of a bighead carp full of eggs in the Upper Dresden Island Pool a clear indication that this species comes into breeding conditions in this area? (See page 8 of the Pre-filed testimony).

14. Why will artificial and natural barriers not keep the Asian Carp from entering the Upper Dresden Island Pool? (See page 9 of the Pre-filed testimony).

15. What ecological damage to you anticipate in the Upper Dresden Island Pool due to Asian Carp?

16. If temperature in Upper Dresden Island Pool were reduced and nutrient levels in Upper Dresden Island Pool were reduced would there be less plankton growth? (See page 9 of the Pre-filed testimony).

17. On page 10 of your pre-filed testimony you state, "EA field crews have seen reduced fish abundance and diversity in the section of the lower Lockport Pool that was rotenoned ..." When did EA go out after the rotenone took place?

18. In your opinion, how long does it take a fish population to replenish themselves after there has been rotenone applied to the waterway?

19. What fish population has been reduced since the 2009 rotenone was applied?

20. In your opinion, what number of Asian Carp would one need to see the adverse effects you speak of in your pre-filed testimony?

21. Would Asian Carp thrive in the warm waters of the Lower Des Plaines river?

22. On page 10 of your pre-filed testimony you state, "I agree with the ARCC's determination that Asian Carp will cause considerable ecological damage in the UDIP." Please specify what information that justifies your interpretation that the ARCC made such a definitive determination about the Upper Dresden Island Pool?

23. On page 19 of your pre-filed testimony you state that basin separation will cut off Lake Michigan Water, which will result in negative changes; yet the changes may be fairly small. How do you know there will be any changes should separation occur?

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY


By: _____
Stefanie Diers
Assistant Counsel

Dated: October 22, 2010

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STATE OF ILLINOIS
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 MIDWEST GENERATION WITNESSES JULIA WOZNIAK AND GREG SEEGERT upon the person to whom it is directed by placing it 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

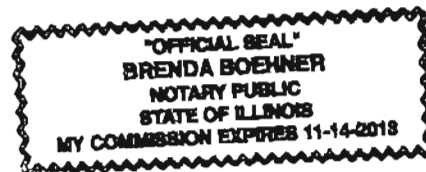
and mailing it First Class Mail from Springfield, Illinois on October 22, 2010, with sufficient postage affixed.

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

