

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter:)	
)	
MIDWEST GENERATION, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 2018-058
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent,)	

NOTICE OF FILING

TO: Don Brown, Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

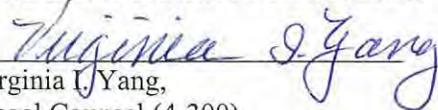
(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **APPEARANCE FOR VIRGINIA I. YANG**, on behalf of the Illinois Department of Natural Resources, an Interested Party, and the **RESPONSE TO THE RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, a copy of which are herewith served upon you.

Respectfully submitted,

ILLINOIS DEPARTMENT OF NATURAL RESOURCES,

Dated: April 2, 2018

By: 
 Virginia I. Yang,
 Legal Counsel (4-300)
 James R. Thompson Center
 Chicago, Illinois 60601
Virginia.yang@illinois.gov

Illinois Department of Natural Resources
Office of Legal Affairs
One Natural Resources Way
Springfield, Illinois 62702-1271
217-782-1809 (general)
312-793-1012 (direct)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

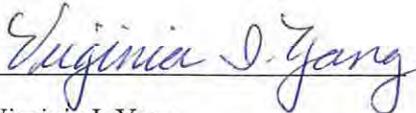
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MIDWEST GENERATION, LLC,)
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Petitioner,)
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v.) PCB 2018-058
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent,)

APPEARANCE

The undersigned hereby enters her appearance as attorney on behalf of the Illinois Department of Natural Resources, an Interested Party, in the above-titled proceedings.

Respectfully submitted,
Illinois Department of Natural Resources

Dated: April 2, 2018

By: 

Virginia I. Yang,
Legal Counsel (4-300)
James R. Thompson Center
Chicago, Illinois 60601
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RESPONSE OF THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES

NOW COMES the Illinois Department of Natural Resources (IDNR), an Interested Party to the above referenced proceedings, by and through one of its Attorneys, Virginia I. Yang, and submits the following Response to the Petition to Approve Alternative Thermal Effluent Limitation (Response) filed with the Illinois Pollution Control Board (Board) on January 16, 2018 by Midwest Generation, LLC (MWG), pursuant to 35 Ill. Adm. Code 106.1100 et seq. (Part 106, Subpart K).

INTRODUCTION

On January 16, 2018, MWG filed its Petition requesting the Board to approve alternative thermal effluent limitations for its discharge to the Chicago Sanitary Ship Canal from its Will County Generating Station (Petition).

Section 316(a) of the Federal Clean Water Act, 33 U.S.C. 1326, allows for an owner or operator to demonstrate that the thermal effluent limitation for the facility's heated effluent are more stringent than necessary to "assure the propagation of balanced, indigenous populations of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made." The Board incorporated this Federal Clean Water Act provision into 35 Ill. Adm. Code 304.141(c) which allows the Board to determine that alternative requirements may apply to thermal discharges. MWG filed the Petition pursuant to the Board's procedures for requesting alternative thermal relief under Part 106, Subpart K to demonstrate that the effluent limitations for the facility's heated effluent are more stringent than necessary and to request alternative thermal limitation.

On March 12, 2018, the Illinois Environmental Protection Agency (Agency) filed its Recommendation (Recommendation) in response to the MWG Petition for approval of an alternative thermal effluent limitation. The Agency's Recommendation stated that pursuant to Section 106.1145, the Board grant the alternative thermal effluent limitations for the MWG Will County Generating Station.

RESPONSE TO AGENCY'S RECOMMENDATION

In Response to the Agency's Recommendation, the IDNR notes that the Agency's Recommendation must state "whether the Agency communicated with or received comments from DNR (i.e., Illinois Department of Natural Resources) and the contents of those communications" pursuant to Section 106.1145(b)(6). The IDNR also notes that pursuant to Sections 106.1130(e) and 106.1120, the contents of the Petition must include the results of studies conducted under a detailed plan of study. And as further detailed under Section 106.1130(e)(4), the results of the studies conducted under the Detailed Plan of Study (DPS) must include "criteria or methodology used to assess whether a balanced indigenous community of shellfish, fish and wildlife will be maintained in the receiving water and the protection of threatened and endangered species."

Pursuant to Section 106.1145(b)(6) and 106.1120(e), IDNR provided two substantive comments regarding the DPS and the Petition to MWG and to the Agency as follows: a) criteria and methodology used to assess whether a balanced indigenous community of shellfish, fish and wildlife will be maintained in the receiving waters (i.e., the Chicago Sanitary and Ship Canal), and b) the protection of threatened and endangered species.

Criteria for Study of Balanced Indigenous Community

The first substantive comment by IDNR concerned the criteria and methodology used for the proposed DPS to assess the maintenance of a "balanced indigenous community of shellfish, fish and wildlife (BIC)" pursuant to Sections 106.1130 (e)(4), Part 106, Subpart K. IDNR conducted its review discussions with MWG, in conjunction with the Agency, by providing several substantive technical comments on the proposed DPS beginning in early December, 2015. (See Exhibit 1 of Response.) IDNR concluded its review and indicated its approval of the DPS by email to IEPA and MWG, dated June 9, 2016.

IDNR was not aware of MWG's subsequent requests to the Agency in December, 2016 seeking to modify the approved DPS. MWG's modification requests apparently concerned the use of annual fish

data for 2015 and 2016, in lieu of 2017, and one year of Habitat Evaluation Index (QHEI) data instead of two years. (See Section 3 of Recommendation.)

Without further information concerning these modification requests, IDNR is unable to confirm any conclusions on the merits of the Agency's approval of the requests or their potential impacts, if any, on the BIC assessment contemplated by Section 106.1130(e)(4).

Protection of Threatened and Endangered Species

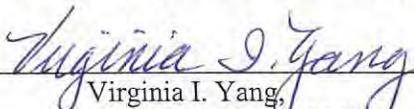
IDNR's second substantive comment addressed the protection of threatened and endangered species pursuant to Section 106.1130(e)(4) of Part 106, Subpart K. IDNR database records indicated that the state-listed Banded killifish (*Fundulus diaphonus*) was found in the vicinity of the project. However, the IDNR determined that adverse impacts on the Banded killifish were unlikely. This finding was documented in the IDNR "Endangered Species Consultation" letter, dated March 1, 2018, that was issued pursuant to the *Illinois Endangered Species Protection Act* (520 ILCS 10/11), and Title 17 *Illinois Administrative Code* Part 1075. IDNR concurs with the Agency's Recommendation on the issue of protection of threatened and endangered species. (See Exhibit 2 of this Response.)

WHEREFORE, Illinois Department of Natural Resources respectfully submits its Response to the Agency's Recommendation for the MWG Petition to Approve Alternative Thermal Effluent Limitations as currently filed with the Illinois Pollution Control Board.

Respectfully submitted,

Illinois Department of Natural Resources

DATED: April 2, 2018

By: 
Virginia I. Yang,
Legal Counsel (4-300)
James R. Thompson Center
Chicago, Illinois 60601
Virginia.yang@illinois.gov

Illinois Department of Natural Resources
Office of Legal Affairs
One Natural Resources Way
Springfield, Illinois 62702-1271
216-782-1809 (general)
312-793-1012 (direct)

Electronic Filing: Received, Clerk's Office 4/2/2018

From: [Grider, Nathan](#)
To: [Rozic, Nathan J](#)
Cc: [Twait, Scott](#); [LeCrone, Darin](#); [Koch, Brian](#); [Rabins, Jaime](#); [Pescitelli, Steve](#); [Wozniak, Julia](#); [Vondruska, Joe](#); [Shealey, Sharene](#); [Grider, Nathan](#)
Subject: RE: Detailed Study Plan for Alternative Thermal Limits - Will Co. Station - IL0002208
Date: Thursday, June 09, 2016 1:13:46 PM
Attachments: [IDNR Response for Will County Station, 316\(a\), 5-6-16 Combined, IDNR Response \(2\).pdf](#)

Hi Nathan,

The Department's response concerning your response to our comments dated march 7, 2016 is attached. We have no further concerns and look forward to the study results and opportunity for further comment in the 316(a) process.

Thank you

Nathan Grider

Biologist

Impact Assessment Section

Illinois Department of Natural Resources

One Natural Resources Way

Springfield, IL 62702

(217) 524-0501

Fax: 217-524-4177

nathan.grider@illinois.gov

From: Rozic, Nathan J [<mailto:Nathan.Rozic@nrg.com>]
Sent: Friday, May 13, 2016 6:46 AM
To: Grider, Nathan; Shealey, Sharene
Cc: Twait, Scott; LeCrone, Darin; Koch, Brian; Rabins, Jaime; Pescitelli, Steve; Wozniak, Julia; Vondruska, Joe
Subject: RE: Detailed Study Plan for Alternative Thermal Limits - Will Co. Station - IL0002208

Good morning Nathan.

As requested during our April 19, 2016 follow-up conference call, please find attached Midwest Generation, LLC's response to the Department's March 7, 2016 comments regarding the Detailed Study Plan to Support Alternative Thermal Limits for the Will County Generating Station.

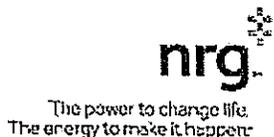
Please let us know if you'd also like a hardcopy mailed to you.

We look forward to your formal response to allow us to finalize our Detailed Study Plan over the

IDNR EXHIBIT 1

next couple of weeks.

Thank you.



Nate Rozic
Environmental Manager
NRG Energy Southpointe Operations Center
121 Champion Way
Suite 300
Canonsburg, PA 15317
Office: 724-597-8630
Mobile: 724-554-6208
Email: nathan.rozic@nrg.com

From: Grider, Nathan [mailto:Nathan.Grider@Illinois.gov]
Sent: Monday, March 07, 2016 3:11 PM
To: Shealey, Sharene
Cc: Twait, Scott; Rozic, Nathan J; Grider, Nathan; LeCrone, Darin; Koch, Brian; Rabins, Jaime; Pescitelli, Steve
Subject: RE: Detailed Study Plan for Alternative Thermal Limits - Will Co. Station - IL0002208

Hello Sharene,

The Department provides the following comments regarding the "Detailed Study Plan to Support Alternative Thermal Limits" for the Will County Generating Station.

1. Recent survey efforts by the Illinois Natural History Survey have identified state-endangered Blanding's turtle (*Emydoidea blandingii*) in the vicinity of the Will County generating Station. The Department recommends you contact Dr. Mike Dreslik (dreslik@illinois.edu) with the Illinois Natural History Survey to obtain the survey report and evaluate potential impacts to this species in your study plan. Field surveys should be conducted as necessary to support your findings. The principal investigator should obtain the proper permits to conduct survey efforts for state-listed species. Please contact the Department if you have further questions regarding this request.
2. While the Department agrees that no significant mussel populations are known to exist in the CSSC due to poor habitat quality, we also recognize that there has been little, if any, mussel survey efforts in the CSSC in recent history. Further, there is some evidence of freshwater mussel recovery in the Lower Des Plains River with the notable results of a 2014 mussel survey effort by EA Engineering. In that study, 24 species were found with one third being juvenile. Two state-threatened species, black sandshell (*Ligumia recta*) and purple wartyback (*Cyclonaias tuberculata*) were also collected. The number of mussels collected in all was 2,421! Given this information and a lack of recent data from the CSSC, the

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Department requests a brailing survey for mussels in the study area to support the conclusion that mussel populations are not present. We do not think that a survey using divers is necessary in this location at this time unless the brailing results necessitate further effort. Please send a brailing survey proposal for review and concurrence on methods before initiating the field effort.

Thank you for the opportunity to comment. Please contact me if you have further questions. We look forward to further coordination.

Nathan Grider
Biologist
Impact Assessment Section
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
(217) 524-0501
Fax: 217-524-4177
nathan.grider@illinois.gov

From: Shealey, Sharene [<mailto:Sharene.Shealey@nrg.com>]
Sent: Monday, February 29, 2016 8:39 AM
To: LeCrone, Darin; Koch, Brian; Rabins, Jaime; Pescitelli, Steve; Grider, Nathan
Cc: Twait, Scott; Rozic, Nathan J
Subject: RE: Detailed Study Plan for Alternative Thermal Limits - Will Co. Station - IL0002208

Dear Darin, Brian, and Jaime:

Hard copies of the referenced detailed study plans for Will County Generating Station were delivered to the Agency on December 4, 2015. In accordance with 35 IAC Section 106.1120(f), we are looking forward to your approval or recommended revisions of our plan by Thursday, March 3, 2016.

If you would like to discuss anything or have any questions, please don't hesitate to contact me on my cell phone at 724-255-3220. If you would like to have a call prior to next Monday, please give me available times and I will set something up.

Thank you,
Sharene



Sharene Shealey
Environmental Manager
Will County Generating Station
529 E. 135th Street, Romeoville, IL 60466
(815) 372-4625 (office); (724) 255-3220 (cell)

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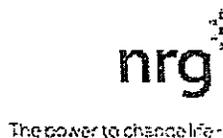
From: Shealey, Sharene
Sent: Friday, December 04, 2015 4:10 PM
To: darin.lecrone@illinois.gov; brian.koch@illinois.gov; jaime.rabins@illinois.gov; steve.pescitelli@illinois.gov; nathan.grider@illinois.gov
Cc: scott.twait@illinois.gov; Rozic, Nathan J (Nathan.Rozic@nrg.com); jvondruska@eaest.com; sf@nijmanfranzetti.com
Subject: Detailed Study Plan for Alternative Thermal Limits - Will Co. Station - IL0002208

Dear Darin, Brian, Jaime, Steve and Nathan:

Please find attached the Detailed Study Plan to Support Alternative Thermal Limits for Will County Generating Station, NPDES Permit No. IL0002208. Two hard copies were mailed to Scott's attention for delivery today (12/4/15). Additionally, a hard copy was mailed to the attention of Mark Ackerman of USEPA for delivery Monday.

We look forward to your favorable review and will contact both IEPA and IDNR to follow-up in early 2016. If you have any questions in the meantime, please don't hesitate to contact me.

Thank you,



Sharene Shealey
Environmental Manager
Will County Generating Station
529 E. 135th Street, Romeoville, IL 60466
(815) 372-4625 (office); (724) 255-3220 (cell)

The following information is being submitted in response to the Illinois Department of Natural Resources (IDNR) comments on the Midwest Generation, LLC (MWGen) Will County Generating Station 316(a) Detailed Study Plan (DSP)—received via email on 7 March 2016 and discussed during a conference call held on 19 April 2016.

IDNR Comment:

The Department provides the following comments regarding the “Detailed Study Plan to Support Alternative Thermal Limits” for the Will County Generating Station.

1. Recent survey efforts by the Illinois Natural History Survey have identified state-endangered Blanding’s turtle (*Emydoidea blandingii*) in the vicinity of the Will County generating Station. The Department recommends you contact Dr. Mike Dreslik (dreslik@illinois.edu) with the Illinois Natural History Survey to obtain the survey report and evaluate potential impacts to this species in your study plan. Field surveys should be conducted as necessary to support your findings. The principal investigator should obtain the proper permits to conduct survey efforts for state-listed species. Please contact the Department if you have further questions regarding this request.

MWGen Response:

- MWGen was involved with turtle habitat assessment efforts as part of the process to develop a multi-species Habitat Conservation Plan (HCP) for the Des Plaines River Valley from 2006-2012, with the primary objective of protecting Hine’s emerald dragonfly and its designated Critical Habitat. Other species considered included the Blanding’s turtle.
- The HCP team worked closely with the Illinois Nature Preserves Commission (INPC), the Forest Preserve District of Will County (FPDWC), and turtle researchers to obtain information regarding Blanding’s turtle habitat in the vicinity of the Will County Generating Station (Will County Station). (See Attachment 1: 2008 MWGen Blanding’s Turtle Habitat Ranking Map)
- No Blanding’s turtles have ever been observed directly on Will County Station property, but there are both historical and current data that shows that the turtles do inhabit portions of the lower Des Plaines River Valley.
- Per IDNR’s suggestion, the most recent turtle survey performed by the Illinois Natural History Survey (INHS) on Hanson Material Service (HMS) property to the south of the MWGen Will County Station was obtained and reviewed. The 2015 survey, which included both visual encounters and trapping, documented the presence of both Blanding’s habitat and individuals on the HMS ComEd, River North and Middle Parcels (See Attachment 2: Figure from p. 22 of Feng and Dreslik 2015).
- Based on the Blanding’s habitat preference and life history, there is no evidence or reason to believe that the turtle would utilize the Chicago Sanitary and Ship Canal (CSSC) in any way. In the vicinity of the station, the canal is lined with vertical limestone walls that extend anywhere from 6-12’ (or more) above the water’s surface, depending upon flow and flood control operations. There is little to no natural shoreline development or vegetation that would be considered even remotely marginal habitat for the Blanding’s turtle.

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- Given that the Blanding's is largely a wetlands species (using uplands for nesting and foraging), there should be no interaction between the turtle and the Will County Station thermal discharge, which is confined to the Chicago Sanitary and Ship Canal.

With consideration of the above information, Midwest Generation does not believe that Blanding's turtle surveys are necessary as part of the Will County 316(a) study plan.

OUTCOME:

Based on the information provided on 19 April 2016 conference call, we understand that IDNR has agreed that no additional turtle surveys are required for the Will County 316(a) Study Plan. As a state-listed, semi-aquatic species located near the 316(a) study area, the Blanding's turtle will be qualitatively covered in the final 316(a) demonstration document.

IDNR Comment

2. While the Department agrees that no significant mussel populations are known to exist in the CSSC due to poor habitat quality, we also recognize that there has been little, if any, mussel survey efforts in the CSSC in recent history. Further, there is some evidence of freshwater mussel recovery in the Lower Des Plaines River with the notable results of a 2014 mussel survey effort by EA Engineering. In that study, 24 species were found with one third being juvenile. Two state-threatened species, black sandshell (*Ligumia recta*) and purple wartyback (*Cyclonaias tuberculata*) were also collected. The number of mussels collected in all was 2,421! Given this information and a lack of recent data from the CSSC, the Department requests a brailling survey for mussels in the study area to support the conclusion that mussel populations are not present. We do not think that a survey using divers is necessary in this location at this time unless the brailling results necessitate further effort. Please send a brailling survey proposal for review and concurrence on methods before initiating the field effort.

MWGen Response:

- The intent of the 316(a) studies is to determine whether the Will County thermal discharge is currently having, or is expected to have, any significant adverse impacts on the aquatic community of the CSSC. Since prior studies have shown that the thermal plume is surficial in nature, and that a zone of passage is maintained for aquatic life [See Attachments 3a, 3b, and 3c: Excerpts from 2011 Will County Thermal Study—EA 2012b], there is no expectation that any benthic organisms would be negatively impacted, whether or not any mussel species may be present.
 - The draft DSP was developed in accordance with the 1977 USEPA 316(a) Interagency Guidance Document (p.26-27, regarding Information Requirements at USEPA 1977), which states:

“(T)he applicant should recognize that the level of effort is based on the area impacted and that sampling of the benthic component of the shellfish /

macroinvertebrate fauna would be minimal in the case of a site having sufficient depth that the plume does not reach the bottom. (Emphasis added)

- With current and expected future single-unit operation, the Will County Station thermal plume can be expected to have an even lesser impact on the waterway than when the original thermal plume studies were completed (under two-unit operation). Additional thermal monitoring and modeling to be performed as part of the current Detailed Study Plan will provide additional information in this regard.
- The referenced 2014 mussel survey results were from an area well downstream of the CSSC (23 River Miles), at the confluence of the Des Plaines and Kankakee Rivers, which form the headwaters of the Illinois River. The Kankakee River is a known source of mussel species, which is evidenced by the large assemblage found in the EA 2014 study where sampling locations were concentrated within the confluence area and downstream. There is no known source stream for mussels in the CSSC near Will County Station.
- Downstream evidence of mussel recovery must be looked at in conjunction with the availability of suitable habitat, which does exist near the Dresden Nuclear Station, but is extremely limited upstream, especially in the CSSC.
- The INHS (Price et al. 2012) performed a recent study (2009-2011) of the Lake Michigan and Des Plaines River tributaries to determine the presence of freshwater mussels. One of the locations (Site 10, IEPA Site G-11) was in the upper Des Plaines River, approximately two miles upstream of the confluence of the Des Plaines River and the CSSC, where potential mussel habitat is clearly superior to that present in the adjacent CSSC (See Attachment 4). However, at INHS Site 10, only dead and relic shells of three common mussel species were collected (Giant Floater: *Pyganodon grandis*, Paper Pondshell: *Utterbackia imbecillis* and Fat Mucket: *Lampsilis siliquoidea*). The MCI Community Index Score at this location was zero. Given that no live mussels were found in the upper Des Plaines River, they would not be expected to be present in the CSSC where habitat is comparatively poor.
- The Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) regularly performs biological, habitat, and sediment surveys throughout the waterways under its jurisdiction. The most recent published study from 2010 includes sampling at two locations in proximity to Will County Station (MWRDGC 2014 and EA 2012a—See excerpts in Attachments 5a and 5b, respectively):

MWRDGC Location 48- Stephen St.: This location is on the CSSC (41° 41.127'N 87° 58.862'W). The exact sampling area is 1.1 miles upstream of Stephen St. (10' from the west bank and at mid-channel), which is approximately five miles upstream of Will County Station.

MWRD Location 92- Lockport (16th St.): This location is on the CSSC (41° 34' 59.2"N 88° 04' 8.7"W). The sampling point is 75' upstream of the former Division St. Bridge location (20' from the west bank and at mid-channel), which is approximately 3.5 miles downstream of Will County Station.

Near-shore and mid-channel ponar samples were attempted at these stations during 2010. Ponar samples were not collected at the Stephen St. location on the CSSC because it lacked adequate sediment. Heavy barge traffic likely scoured the bottom of this constructed limestone channel. This location is similar to the remainder of the CSSC in this area, due to its vertical-walled configuration and continued heavy barge traffic. At Location 92, *Corbicula fluminea* was the only mussel species found in the both petite ponar and Hester Dendy samples). The only other mussel species found at the Stephen St. site (Location 48) in 2010, through Hester Dendy sampling, were *Corbicula fluminea*, *Dreissena bugensis*, and *Pisidium* sp.—all either non-indigenous/invasive or common species that would be expected to be found in this artificial waterway, given its sparse habitat, heavy barge traffic, and erratic flow regime. Thus, as discussed in the Detailed Study Plan (DSP) (EA 2015), as well as in the 19 April conference call, there is little if any suitable habitat for native mussel colonization in the CSSC near or downstream of the Will County Station.

- MWRDGC (2014) studied 11 benthic stations on the southern portion of the Chicago River System (including the Chicago River, South Branch of the Chicago River, Bubbly Creek, and the CSSC). The few mussel species found in this entire portion of the waterway consisted primarily of non-native and/or invasive species. The non-indigenous mottled fingernail clam (*Eupera cubensis*) was found in Hester-Dendy samples from the Cicero Avenue, Route 83, and Stephen St. locations on the CSSC, beginning in 2006. *E. cubensis* is native to the southern United States coastal plain and was also found at the Harlem Avenue, Route 83, and Lockport locations in the CSSC during 2006 (EA 2010).
- From a historical perspective, macroinvertebrate identifications performed by EA for the MWRDGC and Illinois EPA in 2000 (unpublished information—See Attachment 6), which covered a large portion of the Upper Illinois Waterway, encountered only three mussel species: *Corbicula fluminea*, *Musculium transversum*, and *Dreissena polymorpha*. Comparison of these data with the more recent 2010 data from MWRDGC (2014) (See Attachment 5a—Table 3) shows that there is a continued sparsity of mussel species in the system, even after 10 years, which supports the case that this altered system is not conducive to native mussel colonization, even given the documented water quality improvements and increased numbers and types of fish species that have occurred over this time period.
- These findings are also supported by the information obtained from other sources, as summarized in Section 5 of the Will County Station DSP (EA 2015; see Attachment 7).
- The most recent sediment sampling by the MWRDGC in 2011 also continues to show pervasive contamination of the upper reaches of the waterway, including the Lockport and Brandon Pools (MWRDGC 2012). Noticeably higher levels of cadmium, chromium, copper, lead, mercury, and zinc were found in the upper pools, compared to the lower Dresden Pool (See Attachment 8—Table 8 excerpt from MWRDGC [2012]). As such, contaminated sediments also limit the potential for any significant native mussel populations in the waterway adjacent to Will County Station.
- Adding to the extremely marginal habitat availability in the CSSC, the entire waterway from the Asian Carp Electric Barrier (just upstream of Will County Station), downstream to the Lockport Lock and Dam (a total distance of approximately 7 River Miles) was rotenoned in late 2009. While rotenone is considered a targeted piscicide, there have been documented impacts to

benthic gill-breathing organisms. The more recent study findings from MWRDGC (2010) and INHS/Price et al. (2009-2011) provide supporting information to demonstrate that there has been no significant colonization of native mussels in the in the waterways or tributaries near or downstream of Will County Station.

- From the Detailed Study Plan, Section 5. P. 13:

“Given these conditions, the constraints on sampling methods and equipment related to Asian Carp control operations and activities, safety during sampling of this reach of the CSSC, and the relatively permanent and irreversible degradation of physical aquatic habitat, it was agreed at the 4 November 2015 meeting with Illinois EPA that the collection of fish data as part of the ongoing sampling program in the UIW would be adequate to characterize aquatic community conditions in the vicinity of the Will County Station. It was further agreed that additional sampling of fish or other biotic categories will be impractical and is not expected to yield representative information. For these reasons, such additional sampling will not be required to support the §316(a) Demonstration for the Will County Station. “ IEPA has subsequently provided approval of the DSP (letter dated 3 March 2016).

All of the above information further supports MWGen’s position that additional sampling for mussels is not warranted in the CSSC as part of the Will County Station 316(a) Study Plan. A discussion regarding expected impact on benthic organisms, including mussels, will be included as part of the overall 316(a) demonstration, in accordance with the USEPA 1977 Guidance Document requirements.



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

March 1, 2018

Mr. Scott Twait
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

RE: MWGen - Will County - 316(a) petition {18-02-59}]
Endangered Species Consultation Program
EcoCAT Review #1808073

Dear Mr. Twait:

The Department has received your submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075. Additionally, the Department may offer advice and recommendations for species covered under the *Fish & Aquatic Life Code* [515 ILCS 5, *et seq.*]; the *Illinois Wildlife Code* [520 ILCS 5, *et seq.*]; and the *Herptiles-Herps Act* [510 ILCS 69].

The proposed action consists of the submittal of the 316(a) Petition for *MWGen - Will County Power Station NPDES Permit for Thermal Variance Alternative Thermal Effluent Limitations Pursuant to Section 316(a) of the Clean Water Act 35 Ill. Adm. Code Part 106, Subpart K*.

EcoCAT has indicated records for the state-listed **banded killifish** (*Fundulus diaphanus*) in the vicinity of the project. However, the Department has determined adverse impacts are unlikely. After a review of the petition, the Department concurs with the petitioner that a balanced indigenous community of shellfish, fish and wildlife will be maintained in the receiving waters (Chicago Sanitary and Ship Canal) and that threatened and endangered species will be protected.

Consultation on the part of the Department is closed, unless the IEPA or MWGen desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the project being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are unexpectedly encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations.

IDNR EXHIBIT 2

Please contact me with any questions about this review.

Sincerely,

A handwritten signature in black ink that reads "Bradley Hayes". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Bradley Hayes
Resource Planner
Impact Assessment Section
Department of Natural Resources
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cc. Susan M. Franzetti
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CERTIFICATE OF SERVICE

I, Virginia I. Yang, Legal Counsel for the Illinois Department of Natural Resources, herein certify that I have served a copy of the foregoing Notice of Filing, Appearance for Virginia I. Yang, and the Response of the Illinois Department of Natural Resources, via electronic mail upon:

Dan Brown
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street (11-500)
Chicago, Illinois 60601
Dan.Brown@illinois.gov

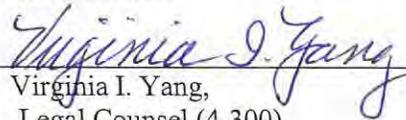
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Respectfully submitted,

ILLINOIS DEPARTMENT OF NATURAL
RESOURCES

DATED: April 2, 2018

By: 
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