



PUBLIC NOTICE
APPLICATION FOR PERMIT

U.S. Army
Corps of Engineers
Chicago District

Public Notice/Application Number: LRC-2008-308
Comment Period Begins: December 22, 2008
Comment Period Expires: January 26, 2009

JOINT PUBLIC NOTICE

U.S. Army Corps of Engineers
Illinois Environmental Protection Agency
Illinois Department of Natural Resources-
Office of Water Resources

Applicant: Midwest Generation EME, LLC
401 East Greenwood Avenue
Waukegan, IL 60087

Proposed Action: Discharge of fill into 4.9 acres of Lake Michigan for the construction of a new air quality control system at the Waukegan Generating Station (see attached drawings). A detailed description of this proposal is provided on page 2 of this notice.

Location of Proposed Action: In Lake Michigan, north of the City of Waukegan, Lake County, Illinois (SW Quarter of Section 15, Township 45 North, Range 12 East, 3rd P.M.)

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and as shown on the attached drawings. You are invited to provide your comments by January 26, 2009 on the proposed work, which will become part of the record and will be considered in the decision. A permit will be issued or denied under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Written comments should be mailed to:

U.S. Army Corps of Engineers
Chicago District, Regulatory Branch
Attn: LRC-2008-308, Michael Murphy
111 North Canal Street, 6th Floor
Chicago, Illinois 60606-7206

Project Description

The applicant, Midwest Generation, proposes to place fill into approximately 4.9 acres of their existing cooling pond for the construction of a new air quality control system for their existing Waukegan Generating Station (see attached plans). The cooling pond is an extension of Lake Michigan (see location maps) and is considered a navigable water of the United States under the jurisdiction of the Department of the Army. The proposed air quality control system is required to meet air emissions standards promulgated by the Illinois Environmental Protection Agency. The applicant has stated that the new system must be operational by 2013 for them to meet IEPA requirements.

The area to be filled is a part of Lake Michigan that appears to have been modified and excavated to function as a cooling pond and intake area for the Waukegan Generating Station. The Station was initially constructed in the 1920's and the ponds appear on all available maps and aerial photos of the area. The proposed work would require the discharge of fill material into 4.9 acres of the pond area. There would be no discharge into the larger part of Lake Michigan (see attached drawings). The attached drawings include two potential methods of installing the proposed fill pad. Prior to permit issuance the applicant will choose the final method based on their final engineering analysis. The Chicago District has agreed to put both methods on notice as the project does not differ significantly based on the method chosen.

The Chicago District considers Lake Michigan, and by extension the cooling ponds in question, to be a High Quality Aquatic Resource (HQAR). If a permit is issued for the proposed project, the Chicago District will determine what is appropriate and practicable compensatory mitigation and the HQAR status of Lake Michigan will be a factor in that determination. The applicant has preliminarily proposed a number of Lake Michigan centered habitat and water quality initiatives as mitigation for the proposed impacts. The primary component currently proposed is a habitat creation and population relocation for the Common Tern colony currently located at the Great Lakes Naval Training Center. This colony currently experiences significant reproductive failure which appears to be related to chemical contamination in the Great Lakes Naval Training Center harbor. Moving the terns to a new location is expected to alleviate some or all of this reproductive failure. No specific project or location has been proposed but the applicant has entered into discussions with various potential public and private partners to explore all options. The proposed mitigation may also include other habitat and water quality initiatives both in Lake Michigan and in the adjacent near shore area.

Mitigation: If a permit is issued for the proposed project, the Corps will determine what is appropriate and practicable compensatory mitigation in accordance with 33 CFR Part 332. The amount of compensatory mitigation that is required shall be commensurate with the anticipated impacts of the project.

Regulatory Authority: This proposed action will be reviewed according to the provisions of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

Jurisdiction: This application will be reviewed according to the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act due to the proposal to discharge fill material into Lake Michigan, a traditionally navigable water of the United States under the jurisdiction of the Department of the Army.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, if the proposed activity involves the discharge of dredged or fill material into waters of the United States, the evaluation of the impact on the public interest will include application of Section 404(b)(1) guidelines (40 CFR 230) promulgated by the U.S. Environmental Protection Agency.

The Corps of Engineers is soliciting comments from the public, Federal, state and local agencies, Indian tribes, and other interested parties in order to consider and evaluate the potential impacts of the proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality,

and general environmental effects. Comments will be used in the preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. A determination concerning the need for a public hearing will also be based on the comments received.

Preliminary Evaluation of Selected Factors

Water Quality - The applicant has applied to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity.

The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at www.epa.state.il.us/public-notice/. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Watershed Management Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the written comments should be provided to the Corps of Engineers. If you have any questions please contact IEPA at (217) 782-3362.

Department of Natural Resources - The applicant has applied to the Illinois Department of Natural Resources, Division of Water Resources (IDNR-OWR) for a permit pursuant to the State of

Illinois rivers, Lakes and Streams Act (615 ILCS 5, 1994).
Comments concerning the IDNR-OWR permit should be addressed to:

Illinois Department of Natural Resources
Office of Water Resources
36 S. Wabash Avenue, Suite 1415
Chicago, Illinois 60603

with a copy provided to the Corps of Engineers. If you have any questions please contact IDNR at (312) 793-5947.

Endangered and Threatened Species - The Corps of Engineers has determined that the proposed activity would not affect any federally-listed endangered or threatened species or critical habitat for any endangered or threatened species, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act does not appear to be warranted at this time.

Historic Properties/Cultural Resources - Preliminary review indicates that the proposed activity is not likely to adversely affect any historic property which is listed, or eligible for listing, on the National Register of Historic Places.

Environmental Impact Statement - A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Public Hearing - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing. A request for a hearing may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

It should be noted that materials submitted as part of the permit application become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Chicago District Corps of Engineers Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so in writing no later than January 26, 2009. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response

will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Michael Murphy of the Regulatory Branch by telephone at (312) 846-5538, or email at Michael.J.Murphy@usace.army.mil. **It should be noted that comments received via e-mail can only be accepted with the full name and address of the individual commenting.** You can also visit our website at www.lrc.usace.army.mil/co-r for more information on our program.

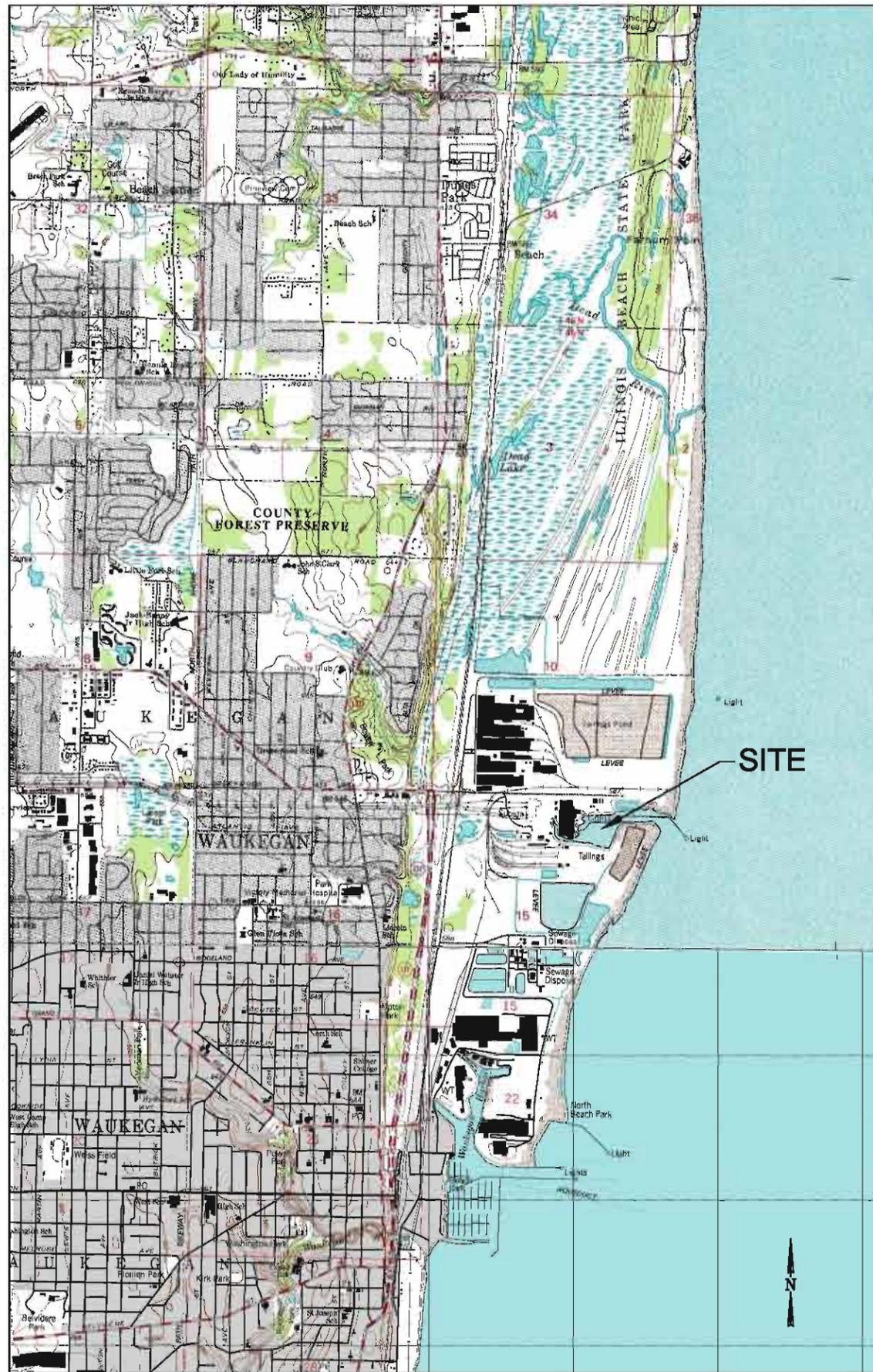
FOR THE DISTRICT COMMANDER:

/Original Signed/

Leesa A. Beal
Chief, East Section
Regulatory Branch

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continuously posted until January 26, 2009.



SOURCE: <http://STORE.USGS.GOV>.
USGS 7.5 MINUTE QUADRANGLE,
ZION, ILL.-WIS., DATED 1993.
WAUKEGAN, ILL., DATED 1998.

SITE LOCATION
NO SCALE



SOURCE:
<http://www.lrc.usace.army.mil>,
CHICAGO DISTRICT SITE MAP.jpg

SITE VICINITY
NO SCALE

	PROJECT NO. 1905/2.2	SITE VICINITY AND LOCATION MAP PERMIT APPLICATION MIDWEST GENERATION WAUKEGAN GENERATING STATION WAUKEGAN, LAKE COUNTY, ILLINOIS
	DRAWN BY: RLH 06/05/08 CHECKED BY: RHW 06/06/08 APPROVED BY: RHW 06/13/08	
		FIGURE NO. 1



PROJECT NO.
1805/2.2
DRAWN BY:
RLH 06/06/08
CHECKED BY:
RHW 06/06/08
APPROVED BY:
RHW 06/13/08

AERIAL PHOTOGRAPH

PERMIT APPLICATION
MIDWEST GENERATION
WAUKEGAN GENERATING STATION
WAUKEGAN, LAKE COUNTY, ILLINOIS

DRAWING NO: 1805-22-B03C
REFERENCE: WGS1-7, pg 5.jpg

FIGURE NO.
3

**SKETCHES OF EXISTING CONDITIONS AND PROPOSED IMPROVEMENTS
WAUKEGAN GENERATING STATION AIR QUALITY CONTROL SYSTEM**

“BEFORE”



**SKETCHES OF EXISTING CONDITIONS AND PROPOSED IMPROVEMENTS
WAUKEGAN GENERATING STATION AIR QUALITY CONTROL SYSTEM**

“AFTER”

