

IEPA Log No.: **C-0159-08**
CoE appl. #: **2008-444**

Public Notice Beginning Date: **August 29, 2008**
Public Notice Ending Date: **September 29, 2008**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Facility Evaluation Unit
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Midwest Generation, 13082 East Manito Road, Pekin, IL 61554

Discharge Location: Sections 8 and 9, T24N, R5W of the 3rd P.M. in Tazewell County within Pekin

Name of Receiving Water: Old Intake Channel

Project Description: Construction of a rail spur.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Thaddeus Faught at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
Midwest Generation – Old Intake Channel – Tazewell County
IEPA Log No. C-0159-08
COE Log No. 2008-444
Contact: Alyson Grady; 217/558-2012
August 29, 2008

The applicant has applied for 401 water quality certification for the construction of an embankment and culvert crossing over the Old Intake Channel at the Powerton Generating Station located in Sections 8 and 9, Township 24 North, Range 5 West, Tazewell County, Illinois. The proposed project will construct a new railroad spur at the Powerton Generating Station in order to allow future construction of the required air emission control equipment. The rail loop will require the construction of a crossing over the old intake channel. The project may impact up to 300 feet of the Old Intake Channel. A culvert pipe designed for the embankment and rail loads will be placed in the embankment to maintain hydraulic connection between the north and south portions of the channel. Clean fill material will be used to construct the embankment.

Identification and Characterization of the Affected Water Body.

The Old Intake Channel has a zero 7Q10 flow and is a General Use water. The channel has not been evaluated by the Illinois EPA Surface Water Monitoring Unit. This channel is not considered an enhanced waterbody segment for dissolved oxygen protection. The channel is not listed in the Agency's 1993 Biological Stream Characterization (BSC) report. The channel is not listed as a biologically significant waterbody in the Illinois Natural History Survey publication Biologically Significant Illinois Streams. The Old Intake Channel is a man-made channel constructed to obtain cooling water from the Illinois River for the power plant's operations. Since construction of new power units and a cooling water lake (Powerton Lake) in the early 1970's, the Old Intake Channel is no longer used as a cooling water source. Currently, the Old Intake Channel received treated effluent from the plant's wastewater treatment plant (WWTP). However, as part of the project, the WWTP discharge will be relocated north of the proposed embankment. The applicant has already received approval to relocate this outfall in their NPDES permit.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The embankment construction activities may cause a temporary increase in suspended solids. Habitat will be disturbed in the vicinity of the construction area. Aquatic life uses of this portion of the channel will be negatively impacted, but in time will recover.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary. Erosion control measures will be utilized to minimize the increase.

Purpose and Anticipated Benefits of the Proposed Activity.

The embankment construction activities are necessary to construct a new rail spur within the power plant facility in order to continue to receive deliveries of coal for the plant's operation. The existing rail spur access will be eliminated as part of the construction for the new air pollution control equipment.

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

The construction of the bridge replacement activities will follow guidelines set forth by the Agency and USACE. Erosion control measures will need to be utilized to minimize any increase in suspended solids and prevent any additional impacts. The existing rail access to the plant's coal stockpile will be eliminated by the construction of the new air pollution control equipment. The location of the power plant and new scrubbers require that the new rail spur cross the Old Intake Channel to access the coal dumper and coal stockpile. Relocating the coal stockpile is not a feasible alternative due to the considerable cost and time required to adjust the plant facilities and operations. Additionally, rail delivery of coal is the most operationally efficient means of delivering the coal to the plant. The least intrusive alternative would be to not allow this construction resulting in no construction of the new crossing. This is not an acceptable alternative given that this is a useful project and will continue to provide the coal deliveries to the power plant which serves the community.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities

In a letter from Karen Miller dated July 29, 2008, IDNR stated that an initial report submitted through the EcoCAT website indicated the potential presence of protected resources in the vicinity of the project location. Upon further review, IDNR concluded that adverse impacts to the protected resources are unlikely. Consultation is terminated.

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time the assessment was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving stream will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the community at large by continuing to provide rail delivery of coal to the existing power generating station. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.