

Commonwealth of Pennsylvania
Department of Environmental Protection
Northwest Regional Office
Waterways and Wetlands Program

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection (“Department”), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the “Dam Safety and Encroachments Act”; Act of October 4, 1978, P.L. 851 (32 P.S. §§679.101 et seq.) known as the “Flood Plain Management Act”; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as “The Clean Streams Law”; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**Homer City Generation, LP
1750 Power Plant Road
Homer City, PA 15748-8009**

giving its consent to **temporarily impact 0.86 acre of PEM wetland, permanently impact 1.6 acres of PEM/PFO wetland areas, and 162.35 feet of UNT Cherry Run having a contributory drainage area of less than 100 acres for the construction of a natural gas fired power plant, including site grading for construction staging and laydown areas, relocation of an existing water treatment plant, and power generation units on the former Homer City Generation coal fired power plant property southwest of Homer City (Indiana, PA Quadrangle N: 40.517958°; W: -79.196697°) in Center and Blacklick Townships, Indiana County. Mitigation for federally jurisdictional wetland impacts is through purchase of credits from First Pennsylvania Resource, L.L.C. (MB9915-0001) at the Laurel Hill Creek Mitigation Bank (MB990556-0001) in Service Area 19. The permittee has meet the compensatory mitigation requirements for non-federally jurisdictional resource impacts through the purchase of credits through the Pennsylvania Integrated Ecological Services, Capacity Enhancement and Support (PIESCES) Program. Temporary wetland impacts are to be protected using temporary wetland pads and restored following construction activities.**

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

This permit is issued in response to an application filed with the Department of Environmental Protection on October 31, 2025, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on March 2, 2026, subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, The Clean Streams Law, the Administrative Code, the Rules & Regulations promulgated thereunder and the following conditions and restrictions. **If the work authorized by this permit is not completed on or before December 31, 2030, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.**

1. The permittee and an individual responsible for the supervision or conduct of the construction work shall complete and sign an Acknowledgement of Appraisal of Permit Conditions certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return the completed and signed form to the Department. The permit will not be effective until the signed copy is received by the Department.
2. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings;
3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary;
4. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby;
5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and term and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department;
6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department;
7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;
8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department of Environmental Protection, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice, remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration;

9. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction;
10. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition;
11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County, or municipal agency;
12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles, and specifications;
13. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application of Transfer of Permit" form;
14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department;
15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620, telephone 814-359-5140;
16. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water;
17. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Southwest Region office at 814-445-8974;
18. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of

the work authorized by this permit, the permittee shall notify the Indiana County Conservation District at 724-471-4751;

19. SPECIAL CONDITIONS

- A. The Department has determined that the Permittee has made arrangements to satisfy their compensatory mitigation requirements for 13.89 wetland credits through the purchase of 13.89 wetland credits from the Pennsylvania In Lieu Fee (PIESCES) Program approved for use in Compensation Service Area 18. Within 60 days from the date of issuance of this permit, the Permittee shall provide a check in the amount of \$152,790.00 made payable to the National Fish and Wildlife Foundation, Memo Line: PA ILF Program to the Department. Failure to provide and successfully deposit of such a check shall violate the terms and conditions of this permit. This failure may result in the modification, suspension, or revocation of this permit, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
- B. The Department has determined that the Permittee has satisfied the compensatory mitigation requirements for 0.26 wetland credits through the purchase of 0.26 wetland credits from the approved compensatory mitigation provider First Pennsylvania Resource, L.L.C. (DEP File No.: MB9915-0001) approved for use in Compensation Service Area 19. Within 60 days from the date of issuance of this permit, Permittee shall provide to the Department proof of transfer of the approved credit amounts and types and First Pennsylvania Resource, L.L.C.'s acceptance of liability to provide the compensatory mitigation requirements. Failure to provide such proof of transfer of credits and First Pennsylvania Resource, L.L.C.'s acceptance of liability of compensatory mitigation requirements shall violate the terms and conditions of this permit. This failure may result in the modification, suspension or revocation of this permit, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
- C. Upon removal of the timber mats from the temporarily impacted wetland areas, the permittee shall have a qualified wetland specialist prepare a site-specific report showing the condition following removal of the timber mats, and a description of the recommended restoration effort proposed. The report and restoration plan shall be submitted to the Department for review and approval prior to commencing restoration activities.
- D. The permittee shall monitor the efficacy of wetland restoration efforts on all temporary wetland impacts approved with this permit for at least five years after the removal of timber mats, unless otherwise approved by the Department in writing. All temporary wetland impacts shall be restored to the original contours and replanted with indigenous plant species.

The permittee shall conduct a minimum of one inspection per year during the growing season.

A written Restoration Monitoring Report shall be prepared for each inspection conducted during the monitoring period and submitted within 30 days to the Department of Environmental Protection, Attention: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

Unless instructed otherwise in writing from the Department, the permittee shall provide the following minimum information in the written Restoration Reports:

- An inventory of the surviving plant species and percent aerial coverage
- An assessment of wetland hydrology as compared to pre-impact conditions
- Photographs of the restored wetlands with plans showing the location and orientation of each photograph
- A written plan to correct any deficiencies identified during the monitoring phase

- E. The permittee shall maintain the structures herein authorized free of flood debris and silt deposits. When removal of silt and debris is necessary, it shall be accomplished in accordance with the Department's "Standards for Channel Cleaning at Bridges and Culverts," a copy of which is attached and made part of this permit.

Future bridge and culvert rehabilitation and maintenance work is subject to the following conditions:

1. No reduction of span, underclearance or waterway opening of the structure will occur.
2. No roadway grade will be altered, other than that required for normal resurfacing.
3. No substantial modification of the structure from its original specifications.
4. When work involves repairs to piers, footers or wingwalls, the construction area should be enclosed wherever possible within a cofferdam of sandbags or other non-polluting material.
5. The placement of riprap, where necessary, shall not constrict the normal channel width nor shall it interfere with any navigation on the stream or migration of fish.

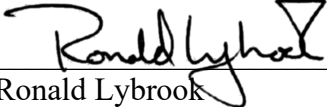
- F. Demolition or excavated materials shall not be deposited in any wetland, watercourse, floodway, floodplain or other body of water without applying for and receiving the written permit of the Department of Environmental Protection.

- G. Water pumped from the construction area shall be diverted into a sediment trap or basin, or into an appropriate vegetated filter area to prevent sediment from being discharged into any waters of the Commonwealth.

- H. This permit does not relieve the permittee of the responsibility to comply with all applicable local codes and ordinances, including floodplain and stormwater management.

- I. The permittee and his agents will be watchful for archaeological artifacts and will assure the ground disturbance activities will cease immediately upon discovery of archaeological artifacts, and immediately notify the DEP Regional Office and the Pennsylvania Historical and Museum Commission at P. O. Box 1026, Harrisburg, PA 17120-10261, telephone 717-783-8947.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Ronald Lybrook
Regional Manager
Waterways and Wetlands Program

Date March 6, 2026