

Homer City Generation LP

Homer City Generation Power Block

Water Obstruction and Encroachment Permit No. E3206225-004

COMMENT RESPONSE DOCUMENT

I. Project Description

On October 31, 2025, Homer City Generation LP (“Applicant”) submitted Application No. E3206225-004 to the Pennsylvania Department of Environmental Protection (“DEP”) for a Water Obstruction and Encroachment Permit for the Homer City Generation Block project (“Application”). The Applicant proposed to impact a total of 2.459 acres of 12 wetland areas and 162.35 linear 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 located on the former Homer City Generation coal fired power plant property. The Applicant proposed mitigation for resource impacts with the purchase of mitigation bank credits. Mitigation for federally jurisdictional wetland impacts will utilize credits reserved at the Paden Creek Mitigation Bank. Mitigation for impacts to non-federally jurisdictional resources is proposed to be offset through Pennsylvania’s PIESCES in-lieu fee program. Temporary wetland impacts are to be protected using temporary wetland pads and restored, as needed, following construction activities.

The Application is subject to review by DEP under the authority of the Pennsylvania Dam Safety and Encroachments Act (“Act”) and its regulations with the purpose of:

1. Protect the health, safety, and welfare of the people and property;
2. Protect the natural resources, environmental rights, and values secured by the Pennsylvania Constitution and conserve the water quality, natural regime, and carrying capacity of watercourses; and
3. Assure proper planning, design, construction, maintenance, and monitoring of water obstructions and encroachments, in order to prevent unreasonable interference with water flow and to protect navigation.

DEP conducted a completeness review of the Application, which is the first step in a series of DEP reviews, and determined that it contained sufficient detail to enable a technical review and was accepted for that purpose. Notice of the Application was made in the Pennsylvania Bulletin on November 29, 2025, and the Application was made available for review by the public pursuant to Section 8 of the Act.

All comments received on the Application during this period were taken into consideration during DEP’s review of the Application. All comments, regardless of the method by which they were submitted, are treated with equal consideration and included in this Comment and Response

Document. A list of the commentators, including names and affiliations (if any), is provided in Section II of this Comment and Response Document. Each individual who submitted a comment is assigned a Commenter ID number.

It's important to note that earth disturbance activity and impacts to water bodies and watercourses associated with the development of the Homer City Generation Power Block project require two separate DEP authorizations. One authorization from DEP for impacts to water bodies and watercourses, which is the subject of the Application. A second authorization from DEP or a delegated County Conservation District for stormwater discharges associated with construction activities for the project.

Homer City Generation LP has obtained coverage under the General NPDES Permit for Discharges Associated with Construction Activities (PAG02) for the Homer City Generation Power Block project. Coverage under PAG02 includes approval of a site-specific Erosion and Sediment Control Plan and Post Construction Stormwater Management Plan to manage stormwater runoff during and after construction activities consistent with the requirements of the Clean Streams Law and 25 Pa. Code §§ 92 and 102.

Concurrent with this Application, Homer City Generation LP made application to modify its coverage under PAG02 to expand earth disturbance activity for the Homer City Generation Power Block project. Homer City Generation LP's application to modify its coverage under PAG02 was found to be complete and technically adequate, consistent with the requirements of the Clean Streams Law and 25 Pa. Code §§ 92 and 102.

Many of the comments on the Application involved concerns with stormwater management and runoff from the Homer City Generation Power Block project. Homer City Generation LP has obtained coverage under PAG02, whereby it adequately demonstrated consistency with the requirements of 25 Pa. Code § 102. Generally, consistency with the requirements of 25 Pa. Code § 102 adequately demonstrates compliance with 25 Pa. Code §105.14-*Review of applications*. The comments concerning stormwater management and runoff submitted on this Application were reviewed and evaluated for consistency with 25 Pa. Code §105.14.

The public can read DEP's Record of Decision on the Application on the DEP's Community Information Page for the Project: [Homer City Generation Site Redevelopment | Department of Environmental Protection | Commonwealth of Pennsylvania](#).

II. List of Commenters:

1. Three Rivers Waterkeeper
2. Concerned Residents of Western PA
3. Clean Air Council
4. PennFuture
5. Mountain Watershed Association
6. James Lafontaine
7. Janis Long
8. Richard Lynch

9. Lynda Santos
10. Allen Audrey
11. Laurie Lafontaine
12. Bob Sagely
13. Amos King
14. Amanda Oaks

III. Comments and Responses

The issues raised by the public can be broken down into general categories. Each of these categories has been listed in the Comment and Response Document with the comments identified and DEP's response.

A. General Concern

Comment # 1: *Commenter purports that the "Homer city development" is detrimental to the community economy, environment, and health, and expressed opposition to the project. (9)*

Response: DEP acknowledges the commenter's opposition to the project. DEP has the responsibility to review applications for permits submitted by applicants under the Act, to conduct its review pursuant to the Act, the regulations, Article I, Section 27 of the Pennsylvania Constitution, and applicable technical guidance and standards, and to make a final decision on permit applications consistent with the Act. DEP's decision to issue or deny a permit for the construction of a water obstruction or encroachment, such as that found in the Application, is based on consideration of all aspects of the Application for consistency with applicable state and federal regulatory requirements, in coordination with DEP programs. Due consideration was given as part of DEP's review to verify that the permit will conserve and maintain Pennsylvania's public natural resources within the context of the Dam Safety and Encroachments Act and 25 Pa. Code § 105 and consistent with Article I, Section 27 of the Pennsylvania Constitution.

B. Application Regulatory Review

Comment # 2: *Commenters requested that DEP deem the Application administratively incomplete, citing reasons as to why the Application is administratively incomplete. (1, 2, 3, 4, 5, 14, 15)*

Response: DEP conducted a completeness review of the Application, which is the first step in a series of reviews, and determined that it contained sufficient detail to enable DEP to conduct a technical review. The Application was accepted for that purpose on November 14, 2025. The items cited by the commenters as administratively incomplete were evaluated as part of DEP's technical review of the Application and are addressed in Comments 3 through 13, below.

Comment # 3: *Commenters submit that the project overview and site context described in the Application do not represent the large-scale redevelopment of a decommissioned coal-fired power plant site with known hydrologic constraints and legacy contamination risks, and treat*

wetland and stream impacts as small, isolated disturbances rather than as part of a connected and already-stressed aquatic system. (1, 2, 3, 4, 5, 14, 15)

Response: Pursuant to 25 Pa. Code § 105.14, DEP reviewed the Application and supplementary information provided by the Applicant for effects on the regimen and ecology of the wetlands and watercourses, the effects of reasonably foreseeable future development within the affected watershed, secondary impacts associated with the activity, and the cumulative impact of the project and other potential and existing projects on wetland resources. DEP determined that the impacts are primarily to wetlands in poor to marginal condition with prior environmental stressors, and the project will not have a significant adverse impact on the wetlands or cumulative effects that result in a major impairment of this Commonwealth's wetlands.

Comment # 4: *Commenters submit that the extent and character of wetland impacts described in the Application, particularly Wetland W-20 and Wetland W-21, which are identified as "temporary" laydown areas, could result in permanent soil compaction, altered hydrology, vegetation loss, and long-term functional degradation indistinguishable from permanent fill. Commenters contend that the Application does not include restoration plans, success criteria, monitoring requirements, or enforceable conditions to ensure that these wetlands will be returned to pre-construction condition, as required under Chapter 105. (1, 2, 3, 4, 5, 14, 15)*

Response: DEP identified that the Application did not adequately address restoration methods for temporary wetland impacts and requested the Applicant to provide a detailed discussion of each proposed temporary wetland impact and a clear assessment standard for restoration of the conditions of each wetland to be restored. The Applicant updated the Application to include a plan to restore impacts to Wetlands W-20 and W-21 to their preconstruction conditions, as identified in the Wetland Investigation Report. The applicant proposes to individually evaluate Wetlands W-20 and W-21 post-construction and depending on their condition, wetlands needing restoration will be scarified, seeded, and mulched to achieve pre-construction condition. Vegetation growth will be monitored until the restored areas have reached a uniform 70-percent vegetative cover. The Department has included an enforceable Special Condition in the Water Obstruction and Encroachment Permit requiring post construction monitoring of the temporary wetland impacts and demonstrating that the wetlands have been restored to preexisting conditions.

Comment # 5: *Commenters submit that the Application proposes impacts to a forested wetland, but does not include a wetland functional assessment, documentation of tree removal or canopy impacts, or justification for applying mitigation approaches that appear comparable to those proposed for emergent wetlands. The commenters contend that, absent this information, the application does not adequately demonstrate compliance with Chapter 105's requirement to avoid a net loss of wetland function, not merely wetland acreage. (1, 2, 3, 4, 5, 14, 15)*

Response: The Applicant proposed a permanent impact to a 0.08-acre palustrine forested wetland identified as W-26b, and the Application included a complete wetland functional assessment. Compensatory mitigation is provided through the PIESCES in-lieu fee program, calculated with the appropriate standards and criteria.

Comment # 6: *Commenters submit that the Application does not include a comprehensive evaluation of how permanent impacts to approximately 162 linear feet of Stream S-02 (whether direct or indirect) will affect aquatic habitat, organism passage, thermal regime, or downstream water quality. Commenters contend that any permanent impacts to streams warrant heightened scrutiny, including a clear demonstration of avoidance and minimization. (1, 2, 3, 4, 5, 14, 15)*

Response: DEP identified that the Application did not adequately define the contributory drainage to Stream S-02 and requested the Applicant to provide additional information. The Applicant responded and provided supporting documentation that the drainage area is 2.35 acres. Stream S-02 is under the jurisdiction of both DEP and the US Army Corps of Engineers (USACE). Pursuant to 25 Pa. Code §105.12(a)(2), the requirements for a permit are waived for a water obstruction in a stream or a floodway with a drainage area of 100 acres or less. DEP determined that the impacts proposed to Stream S-02 are waived activities. On December 19, 2025, the USACE authorized federal approval of the proposed impacts to Stream S-02 under the State Programmatic General Permit 6 (SPGP-6).

Comment # 7: *Commenters raise concern that the Application does not adequately address compensatory mitigation for proposed wetland impacts and may be substantially under-mitigated, and may not demonstrate compliance with Chapter 105 requirements to ensure no net loss of wetland function. Commenters attest that more than 2.4 acres of wetlands are proposed for impact, but the Application documents the purchase of only 0.26 wetland mitigation credits from the Paden Creek Mitigation Bank, corresponding solely to Wetland W-38A. The remaining wetland impacts are attributed to mitigation through “PIESCES,” yet no documentation, mitigation ratios, service area analysis, or functional replacement information for this mitigation is included in the permit application. (1, 2, 3, 4, 5, 14, 15)*

Response: The USACE completed a jurisdictional determination of the wetlands at the project site and determined that Wetland W-38a is “waters of the US” and regulated under federal jurisdiction. The remaining wetlands on the project site are “waters of the State” and regulated under state jurisdiction. Impacts to wetlands, therefore, require a federal or state permit depending on the jurisdiction. A permittee is required to provide either permittee-responsible mitigation (on-site or project-specific) or compensatory mitigation (purchase of wetland bank credits) for those impacts. The USACE/ USEPA 2008 Final Rule for Compensatory Mitigation (33 CFR Part 332) prioritizes the use of wetland bank credits over permittee-responsible mitigation due to the long-term success of the mitigation projects, the level of accountability and stewardship regulators place upon mitigation bank sponsors, and the long-term benefits to the ecosystem that banks provide through resource preservation. DEP similarly created the PA PIESCES Program to provide compensatory mitigation for wetland impacts where on-site replacement of wetlands is not feasible or would provide similar wetland functions and values.

The Applicant explored the option of offsetting wetland impacts by purchasing wetland bank credits within the primary service area of the project, but found none available. The Applicant then proposed compensatory mitigation to Wetland W-38a by purchasing 0.26 PEM wetland bank credits at a 1:1 acre ratio in a secondary service area from the Paden Creek Mitigation Bank

in Crawford County, PA. The USACE requested that the Applicant utilize available wetland bank credits from a secondary service area bank closer to the project area. The Applicant proposed purchasing 0.26 PEM credits at a 1:1 acre ratio from the Laurel Hill Creek Mitigation Bank in Somerset County, PA. On December 19, 2025, the USACE authorized federal approval of the proposed impacts to Wetland W-38a under the State Programmatic General Permit 6 (SPGP-6).

The remaining wetlands within the project area are waters of the Commonwealth regulated by DEP. The Applicant proposed compensatory mitigation of the remaining wetlands by purchasing wetland credits from PA's PIESCES in-lieu fee program. The PIESCES program utilizes function-based compensation calculated using site-specific criteria. DEP verified that fees were calculated using the appropriate standards and criteria.

Comment # 8: *Commenters contend that the Application does not provide justification and demonstration of functional equivalence for compensatory mitigation using mitigation bank credits located within a secondary service area. (1, 2, 3, 4, 5, 14, 15)*

Response: Wetland W-38a is considered waters of the US, as determined by a jurisdictional determination completed by the USACE, and is subject to federal jurisdiction and federal permitting. The Applicant explored purchasing wetland bank credits within the primary service area of the project, but found none available. On December 19, 2025, the USACE authorized federal approval for impacts to Wetland W-38a under the State Programmatic General Permit 6 (SPGP-6) with the condition that the Applicant purchase 0.26 PEM credits at a 1:1 acre ratio from the Laurel Hill Creek Mitigation Bank in Somerset County, PA.

Comment # 9: *Commenters question the siting of the water treatment facility identified in the Application because multiple wetlands are proposed to be impacted, which raises significant hydrologic and water quality concerns. Commenters purport that these wetlands form a connected hydrologic mosaic in a lower-elevation portion of the site that functions as a seepage and stormwater collection zone downslope of historic ash disposal areas and the former powerhouse footprint, and these wetland impacts will have secondary and cumulative impacts to Cherry Run. Further, commenters identify that the Application does include limited floodplain and crossing-specific analyses for certain project components, but it does not include hydrologic modeling evaluating pre- and post-construction wetland hydroperiods, shallow groundwater interactions, or potential drawdown and dewatering effects associated with excavation for the water treatment facility and related infrastructure. (1, 2, 3, 4, 5, 14, 15)*

Response: DEP identified that the Alternatives Analyses in the Application did not adequately address the layouts of the generation units and water treatment plant to demonstrate that there were no practicable alternative configurations that would further minimize impacts to aquatic resources. DEP requested the Applicant to provide additional information. On January 30, 2026, the Applicant provided DEP with a revised Alternatives Analysis that identified locations of alternative siting considerations with a table clearly showing impact reduction. The revised Alternatives Analysis demonstrated that remediation and redevelopment on the existing site would involve fewer impacts than new development in areas without existing infrastructure.

Comment # 10: *Commenters identify that the siting of the water treatment facility depicted in the Application is located within several hundred feet of Cherry Run, placing it directly on the drainage gradient toward a protected Cold Water Fishes stream. Commenters purport that erosion and sediment releases associated with construction, or operational upsets, could result in pollutant transport from disturbed wetland areas to downstream waters. Further, commenters identify that erosion and sediment controls and stormwater management are referenced in the Application as being addressed through NPDES permitting, the Chapter 105 Application; however, does not include publicly accessible stormwater management plans or post-construction runoff analyses sufficient to demonstrate that project grading, slope modification, and impervious surface expansion will not exacerbate downstream flooding, erosion, or water quality degradation, which raises concerns meeting the requirement of the Clean Streams Law to prohibit discharges that degrade waters of the Commonwealth. (1, 2, 3, 4, 5, 14, 15)*

Response: Homer City Generation has obtained coverage under PAG02, which included approval of a site-specific Erosion and Sediment Control Plan and a Post Construction Stormwater Management Plan to manage stormwater runoff during and after construction activities consistent with the requirements of 25 Pa. Code Section 102. Consistency with the requirements of 25 Pa. Code Section 102 adequately demonstrates continued compliance with 25 Pa. Code §105.14(b)(1) (Environmental Assessment and Alternatives Analysis) and §105.21(a)(2) (Permit Issuance Criteria).

Comment # 11: *Commenters purport that the Application does not include soil or groundwater characterization tied to areas of wetland or stream disturbance, nor does it describe handling protocols, monitoring requirements, or contingency measures to prevent contaminated material from being placed in wetlands, floodplains, or drainage pathways. Commenters state this omission in the Application undermines confidence that water quality protections required under the Clean Streams Law and Chapter 105 will be met. (1, 2, 3, 4, 5, 14, 15)*

Response: Homer City Generation has obtained coverage under PAG02 authorizing stormwater discharges associated with earth disturbance activity at the site. In the application for coverage under PAG02, Homer City provided a Pre-Development Site Characterization Report that included soil and groundwater characterization consistent with the requirements of PAG02. The associated Erosion and Sediment Control Plan defines handling protocols required to minimize sediment runoff and pollution to waters of the Commonwealth, pursuant to 25 Pa. Codes §102.4(b).

Comment # 12: *Commenters contend that the Application warrants clarification on threatened and endangered species because PNDI review correspondence identifies potential impacts to Indiana bat, tricolored bat, and monarch butterfly habitat in reference to potential forest disturbance. Commenters point out that portions of the Application state that tree removal is not anticipated, but does acknowledge vegetation clearing, trimming, and herbicide application, and the Application therefore should include enforceable seasonal restrictions, habitat assessments, or species-specific avoidance and minimization measures typically required to ensure compliance with PNDI clearance conditions. (1, 2, 3, 4, 5, 14, 15)*

Response: The Applicant provided a PNDI Receipt that identified a potential impact to a federally listed threatened and endangered species. The Applicant consulted with the US Fish and Wildlife Service (USFWS), which determined that there were no concerns with Indiana bats in the project area and no further review was required. The USFWS also reported that the tricolored bat and the monarch butterfly are not federally listed threatened or endangered species, and no further action was required. The Applicant provided a copy of its correspondence with the USFWS on October 31, 2025.

Comment # 13: *Commenters request that the applicant provide, at a minimum: a complete cumulative impact analysis; a defensible alternatives analysis demonstrating avoidance and minimization of aquatic resource impacts; a comprehensive and enforceable compensatory mitigation plan addressing all wetland and stream impacts; hydrologic modeling and wetland hydroperiod analysis for the Water Treatment Facility; soil and groundwater characterization addressing legacy coal-related contamination; full justification for any impacts to Cold Water Fishes streams; complete stormwater, erosion, and floodplain analyses; and clear, enforceable threatened and endangered species protection measures. (1, 2, 3, 4, 5, 14, 15)*

Response: DEP has reviewed all Application materials and revised documents and determined that the project, as proposed, is consistent with applicable state and federal constitutional, statutory, and regulatory requirements required pursuant to the Dam Safety and Encroachments Act and 25 Pa. Code § 105.

Comment # 14: *Comments state that since this project is within the Blacklick Creek Watershed, it is desirable to mitigate [wetlands] within this watershed or at least within Indiana County. (6, 7, 12)*

Response: Please see responses to Comments # 7 and # 8, above.

C. Public Participation

Comment # 15: *Commenters formally requested that DEP schedule a public hearing to allow affected residents and local stakeholders to ask questions, provide testimony, and assess the adequacy of proposed avoidance, minimization, and mitigation measures for impacts to waters of the Commonwealth. (1, 2, 3, 4, 5, 8, 10, 13, 14, 15)*

Response: Section 8 of the Act stipulates that DEP may, at its discretion, hold a public hearing on any application for the purpose of gathering information. DEP determined that the Comment/Response process provides an adequate method to gather information from the public. Not only does the Comment/Response process enable DEP to gather information, it also enables DEP to respond more thoroughly to such information.

DEP posted notification of the Application in the Pennsylvania Bulletin, as required by the Act, and posted the Application on its website under the Northwest Community Information page, Homer City Generation tab. DEP has provided the public with access to the Application and opportunities to ask DEP questions about the proposal. With the information obtained from public comments, DEP determined that a public hearing was not necessary for this Application.

IV. Final Determination

The Application has been evaluated in accordance with, but not limited to, the Dam Safety and Encroachments Act, The Clean Streams Law, 25 Pa. Code Sections 102 and 105, Article I, Section 27 of the Pennsylvania Constitution, and applicable technical standards to minimize impacts to water resources. A Water Obstruction and Encroachment Permit is issued after the Department determines that the Application and supporting plans and documents, including the Erosion and Sediment Control Plan, meet the regulations and requirements of 25 Pa. Code Chapters 102 and 105. The Department has concluded that the project, as proposed, will not cause unreasonable degradation, depletion, or diminution of Pennsylvania's public natural resources. Approval of impacts to wetlands under the jurisdiction of the U.S. Army Corps of Engineers requires federal review and approval outside of the purview of DEP.