



**WATER OBSTRUCTION & ENCROACHMENT
ENGINEERING RECORD OF DECISION**

Application No. E3206225-004

GENERAL INFORMATION

Project Name: Homer City Generation Power Block
Client Name: Homer City Generation LP Site Name: Homer City Generation LP
Municipality: Black Lick Twp, Center Twp County: Indiana
Application Type: New-Standard New-Small Project Chapter 106 Major Amendment
Does the application require a P.E. Seal and Certification? Yes No Exempt (Federal Entity)

Permit Description: **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.**

Review Comments: The impacts to aquatic resources proposed as a part of this project do not appear to represent an increased risk to life, property or the environment. The impacts to UNT to Cherry Run are waived under 105.12(a)(2) and the fill located in wetlands will not cause an increase in flooding risk. Approval of this permit is recommended.

Recommendation: ISSUANCE DENIAL

USE THIS PARAGRAPH FOR ISSUANCE

With the provided information and the results of this engineering review, it has been determined that the proposed project meets the engineering requirements of Chapter 105 and/or 106. The project is proposed in a manner that will not have a significant effect upon safety or the protection of life, health, property or the environment. This application is therefore recommended for issuance.

Daniel Foust

Engineering Reviewer

Karl M. Gross, P.E.

Engineering Supervisor

February 27, 2026

Date

02/27/2026

Date

REVIEW OF APPLICATIONS

- 105.14(a): *Was the application reviewed to determine the proposed project's effect on health, safety and the environment, in accordance with prevailing practices in the engineering profession?*
 Yes N/A
 Comments: *The wetland and stream impacts proposed as a part of this project do not appear to pose an increased risk to life, property, or the environment.*
- 105.14(b): *Were the following factors used to make a determination of impact?*
- (1) *Potential threats to life or property created by the dam, water obstruction or encroachment.*
 Yes N/A
 Comments: *No threats to life are expected from the proposed project.*
- (2) *Potential threats to safe navigation created by the dam, water obstruction or encroachment.*
 Yes N/A
 Comments: *No navigable waters are proposed to be impacted.*
- (3) *Effect of the dam, water obstruction or encroachment on the property or riparian rights of owners upstream, downstream or adjacent to the project.*
 Yes N/A
 Comments: *The project would not cause adverse effects to adjacent property owners.*
- (4-8) Comments: *See the Environmental Record of Decision*
- (8) *Present conditions and the effects of reasonably foreseeable future development within the affected watershed upstream and downstream of the dam, water obstruction or encroachment.*
 Yes N/A
 Comments: *No impacts to reasonably foreseeable future development are present in the application.*
- (9) *Consistency with State and local floodplain and stormwater management programs, the State Water Plan and, if applicable, the Coastal Zone Management Plan.*
 Yes N/A
 Comments: *The Chapter 102 NPDES permit addresses the peak rate, volume, and water quality of the stormwater discharged from the site, no floodplains are to be impacted as a part of the permit, and no coastal zones are present in the project location.*
- (10-14) Comments: *See the Environmental Record of Decision*
- 105.14(c): *Does the application include operation and maintenance of existing water obstructions and encroachments?*
 Yes No
If yes, were the following factors considered?
- (1) *Potential threats to life, property or safe navigation created by the continuing operation or maintenance of the project.*
 Yes N/A
- (2) *Adverse impact on stream flow, water quality or the environment which might be reduced or mitigated by reasonable changes in the operation of the project.*
 Yes N/A
- (3) *Compliance of the operation and maintenance of the project with applicable laws administered by the Department, the Fish and Boat Commission and river basin commissions created by interstate compact.*
 Yes N/A
- 105.14(d): *The Department may review a permit application for the operation and maintenance of existing projects without regard to the design criteria and construction requirements in Subchapters B—J. If the Department finds that an existing dam, water obstruction or encroachment is unsafe or adversely affects property or the environment, it may consider application of criteria and requirements reasonably necessary to correct the conditions.*
- Has any design criteria and construction requirements in Subchapters B—J been waived?*
 Yes No *If yes, indicate in respective Subchapter.*

GENERAL INFORMATION

Description of activities reviewed under this Subchapter:

To permanently impact 162.35 feet of UNT Cherry Run having a contributory drainage area of less than 100 acres for the replacement of an existing 70ft long culvert pipe.

Drainage Area: 2.35ac

Floodway Determination: FEMA Delineated Assumed 50' Other (Evidence to Contrary to 50' Rule)Hydrologic and Hydraulic Analysis Required? Yes No WaivedExisting Conditions: 70ft long 24in CPP plastic culvert pipeProposed Conditions: 70ft long 24in HDPE culvert pipe with approach grading and inlet/outlet rock protection**APPLICABILITY OF STREAM ENCLOSURE RULES**105.142: *Is the culvert of greater than 100 feet in upstream to downstream length? If so, the culvert shall be considered to be a stream enclosure, subject to Subchapter D.* Yes No N/A

Comments: Culvert length is 70ft.

HYDRAULIC CAPACITY105.161(a)(1): *Will the structure pass flood flows without loss of stability?* Yes No N/A

Comments: The structure is a replacement of an existing structure that is currently stable.

105.161(a)(2): *Will the structure create or constitute a hazard to life or property?* Yes No N/A

Comments: Any backwater from the structure would be minimal due to the small drainage area and would be confined to the applicant's property. The culvert also is wider than the stream channel.

105.161(a)(3): *Will the structure materially alter the natural regimen of the stream?* Yes No N/A

Comments: Structure will replace an existing culvert pipe.

105.161(a)(4): *Will the structure increase velocity or direct flow in a manner which results in erosion of stream beds and banks?* Yes No N/A

Comments: The pipe will be replaced with the same size pipe and would not appear to result in increased velocity. Additionally, upstream and downstream riprap protection is proposed.

105.161(a)(5): *Will the structure significantly increase water surface elevations?* Yes No N/A

Comments: The culvert is wider than the stream channel at the crossing location.

105.161(a)(6): *Is the structure consistent with local flood plain management Programs?* Yes No N/A

Comments: No floodplain is present project area.

105.161(b): *Was the hydrologic analysis used in the determination of flood flows and frequencies, by methods generally accepted in the engineering profession?* Yes No N/A

Comments: H&H requirements are waived.

105.161(c): *Was the following general criteria for design flows used?* Yes No N/A*Check the appropriate box, indicating whether the structure is located in a rural, suburban or urban area.* Rural area—25-year frequency flood flow. Suburban area—50-year frequency flood flow.

Urban area—100-year frequency flood flow.

Comments: Drainage area to the structure is sub-100 acres, therefore under 105.12(a)(2) a detailed analysis would not be required, and the culvert is shown under this ROD due to the fact it is included as an impact with the overall project.

105.161(d): *Was the determination of flood flows for design made with reasonable consideration of development which may alter the runoff characteristics of the watershed during the anticipated life of the structure?*

Yes No N/A

Were the specific design requirements in 105.161(c) varied to fit the conditions at the site or varied to meet the requirements of flood plain management regulations and ordinances?

Yes No N/A

Comments: Due to the sub 100-acre drainage area, the requirements under 105.161 do not apply.

105.161(e): *If the floodway is not delineated on a FEMA map, does the structure pass the 100-year frequency flood with less than a 1.0-foot increase in the natural unobstructed 100-year water surface elevation?*

Yes No N/A

Comments: Due to the sub 100 acre drainage area, this requirement is waived.

If the floodway is delineated on a FEMA map, does the structures pass the 100-year frequency flood with no increase in the 100-year water surface elevation?

Yes No N/A

Has the applicant requested an exception to this criteria and, if so, has the applicant prepared a risk assessment which demonstrates that the structure will not significantly increase the flooding threat to life and property or the environment, and if applicable, is consistent with municipal floodplain management programs adopted under the National Flood Insurance Program and a FEMA Flood Insurance Study?

Yes No N/A

Has the risk assessment been reviewed and determined adequate in demonstrating that the structure will not significantly increase the flooding threat to life and property or the environment?

Yes No N/A

MULTIPLE PIPES AND SPANS

105.162: *Have multiple pipes and multiple span bridges and culverts which may tend to collect debris, contribute to the formation of ice jams and increase head losses been avoided to the maximum practicable extent?*

Yes No N/A

Comments: Only a single pipe is proposed.

Are crossings having a span of less than 15 feet single span, except where conditions make it impractical to effect the crossing without multiple spans?

Yes No N/A

BRIDGE PIERS

105.163(a): *Have bridge piers been kept to a minimum in number and cross-sectional area and have bridge piers been designed to offer the least obstruction to the passage of water and ice, consistent with safety?*

Yes No N/A

105.163(b): *If bridge piers are in channels subject to unstable or super critical flow, has special investigation been performed and are the bridge piers designed as to prevent the creation of excessive backwater and waves downstream of the pier?*

Yes No N/A

BRIDGE ABUTMENTS

105.164(a): *Are bridge abutments set well into the banks in such manner as to assure minimal increase in flood elevations?*

Yes No N/A

105.164(b): *Are bridge abutments aligned with the flow of the stream?*

Yes No N/A

Are wing walls at the upstream side of the bridge? It is at the discretion of DEP to require wing walls to assist in directing flood flows through the bridge opening.

Yes No N/A

HEIGHT OF BRIDGES AND CULVERTS

105.165: *Are bridges and culverts sufficient height and clearance to allow the use of the stream or other body of water in its customary manner?*

Yes No N/A

PLACEMENT OF CULVERTS

105.166(a): *Are culverts aligned with the stream flow?*

Yes No N/A

105.166(b): *Are culverts of sufficient width to minimize narrowing of the stream channel?*

Yes No N/A

Comments: **Culvert is wider than the stream channel.**

105.166(c): *Is the upstream side of culverts protected by wing walls or other structures sufficient to assist in directing flood flows to and through the culvert opening?*

Yes No N/A

Comments: **The culvert is wider than the stream channel therefore no additional structure would be needed to direct flow.**

SUBCHAPTER D - STREAM ENCLOSURES

N/A

SUBCHAPTER E - CHANNEL CHANGES & DREDGING

N/A

SUBCHAPTER F - FILLS, LEVEES, FLOODWALLS & STREAMBANK RETAINING DEVICES

N/A

GENERAL INFORMATION

Description of activities reviewed under this Subchapter:

To permanently impact 1.6 acres of PEM/PFO wetland areas by means of filling these wetland areas.

Hydrologic and Hydraulic Analysis Required? Yes No Waived

Existing Conditions: Multiple PEM/PFO wetland areas throughout the project area.

Proposed Conditions: Fill of approximately 1.6 acres of PEM/PFO wetland for construction of the power generation facilities and associated grading and appurtenant works.

GENERAL CRITERIA

105.271(a)(1): *Will the activity increase flood heights, either on the opposite bank or upstream?*

Yes No N/A

Comments: **Fill to wetland areas would not appear to cause an elevated flood height or increase risk to life or property.**

If yes, have flood easements or flood protection been provided?

Yes No N/A

Comments: **No flood height increase is expected.**

105.271(a)(2): *Will the activity create erosive velocities in the stream where appropriate protection has not been provided?*

Yes No N/A

Comments: **No fill in a stream is proposed.**

105.271(a)(3): *Will the activity cause increase flood damages downstream through a loss of flood plain storage?*

Yes No N/A

Comments: **No floodplain areas will be impacted by the wetland fill proposed.**

105.271(b): *Has the applicant demonstrated that the project is consistent with local floodplain management programs?*

Yes No N/A

Comments: **Floodplain areas are not to be impacted by the project, and notification to the County and affected municipalities is provided in the application.**

WASTE MATERIAL

105.272: *Are waste materials of any type being used in the construction of fills, levees or similar structures, except under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and related rules and regulations?*

Yes No N/A

SLOPES

105.273: *Are slopes of a fills, levees or similar structures steeper than two horizontal to one vertical? unless special circumstances are demonstrated and adequate steps are taken to assure permanent stabilization of the slope.*

Yes No N/A

If yes, have special circumstances been demonstrated and have adequate steps been taken to assure permanent stabilization of the slope?

Yes No N/A

TOP WIDTH OF LEVEES

105.274: *Are top width of a levees greater or equal to 10 feet?*

Yes No N/A

INTERIOR DRAINAGE

105.275: *Are adequate facilities provided to drain the interior area behind the levee or floodwall?*

Yes No N/A

FREEBOARD ALLOWANCES

105.276: *Does the height of a levee or floodwall provide an allowance for freeboard above the design flood of the structure?*

Yes No N/A

SUBCHAPTER G - STREAM CROSSINGS, OUTFALLS, & HEADWALLS N/A

SUBCHAPTER H - DOCKS, WHARVES & BULKHEADS N/A

SUBCHAPTER I – COMMERCIAL DREDGING N/A

SUBCHAPTER J - DISCHARGES OF DREDGED OR FILL MATERIAL N/A

CHAPTER 106 – FLOODPLAIN MANAGEMENT N/A

HYDROLOGY AND HYDRAULICS REVIEW N/A

TEMPORARY ACTIVITIES REVIEW N/A

DISCUSSION AND REVIEW OF TEMPORARY ACTIVITIES

(e.g. Equipment Crossings and Temporary Diversion of Flow)

SPECIAL CONDITIONS N/A

Chapter 105 JPA Standard Special Conditions:

K. 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.

BB. 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.