

Homer City Generation LP

HCPP Pipeline

NPDES Permit No. PAD320011

COMMENT RESPONSE DOCUMENT

June 18, 2026

I. Project Description

On September 25, 2025, Homer City Generation LP (“Applicant”) submitted application No. PAD320011 (“Application”) to the Pennsylvania Department of Environmental Protection (“DEP”) for a National Pollutant Discharge Elimination System Permit (“NPDES”) for stormwater discharges associated with the construction of the Homer City Generation HCPP Pipeline project. The Applicant proposed to construct approximately 5.8 miles 30-inch steel gas distribution pipeline and approximately 0.4 miles of overhead power line within a 70-foot to 125-foot wide area, create temporary workspace areas to support construction, to construct an approximate 0.9-acre permanent gravel Metering and Regulation (M&R) and Interconnect Facility with permanent gravel access roads, construct a 900 square foot gravel pad and access road for an electric tap, and to install stormwater controls. The project site is 104.9 acres with proposed earth disturbance of 104.9 acres within agricultural, industrial and wooded lands.

The Application is subject to review by DEP under the authority of the Pennsylvania Clean Streams Law (“Act”) and its regulations [25 Pa. Code Chapters 92a and 102].

A completeness review of the Application was conducted, which is the first step in a series of DEP reviews, and the Application contained sufficient detail to enable a technical review and was accepted for that purpose.

DEP then completed a technical review of the application and prepared a *draft* NPDES Permit for the project, which was published in the Pa. Bulletin for a 30-day comment period on February 7, 2026. The comment period closed on March 9, 2026. During this time DEP received written comments on the Application and requests for a public hearing. A public hearing was held on May 12, 2026, where DEP accepted oral testimony on the Application.

The development of the Homer City Generation HCPP Pipeline requires two separate DEP authorizations. One authorization by DEP pursuant to 25 Pa. Code Chapters 92a and 102 for stormwater discharges associated with construction activities, which is the subject of the Application. A second authorization by DEP was required for associated impacts to water bodies and watercourses under 25 Pa. Code Chapter 105. Homer City Generation LP has obtained coverage under DEP’s General Water Obstruction and Encroachment Permits (GP053206125-

007 and GP083206125-005) for impacts associated with utility line crossings and temporary road crossings.

All comments received on the Application during the public comment period and testimony presented at the public hearing were taken into consideration during DEP's review of the Application. All comments and testimony, 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 and testifiers, including names and affiliations (if any), is provided in Section II of this Comment and Response Document. Each individual who submitted a comment or testimony is assigned a Commenter ID number.

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 (<https://www.pa.gov/agencies/dep/dep-regions/northwest-regional-office/homer-city-generation-redevelopment#accordion-38932bd234-item-54f49407ef>).

II. List of Commenters:

1. Heather Hulton VanTassel, PhD,
Three Rivers Waterkeeper
2. Amanda Zaner, Three Rivers
Waterkeeper
3. Concerned Residents of Western PA
4. Lawrence Hafetz, Esq., Clean Air
Council
5. Jessica O'Neil, PennFuture
6. Kat Marquez, PennFuture
7. Ashley Funk, Mountain Watershed
Association
8. Dylan Basescu, ProtectPT
9. Carolyn Trimarchi
10. Lynda Sheklow
11. Sara King
12. Sara Stewart
13. Tamara Whited
14. Susan Comfort
15. Dana Driscoll
16. Jessica Jopp
17. Jay Ting Walker
Clean Air Council
18. Kathy Eckenrode
19. Jane Kaminski
20. Amanda Oaks
21. Leigh Hendrix
22. Garnet Fryling
23. Shaffer Fryling Douglas
24. Jennica Giroux
25. Colleen Donovan
26. Sally Simpson
27. Kurt Limbach
28. Lynda Santos
29. Rebecca Myers
30. Colleen O'Neil
31. Damian Kordell
32. Bailey Nace
33. Darcy Trunzo
34. John Dudash
35. Elsa Limbach
36. Jim Struzzi
37. Roman Porterfield
38. Larry Blalock
39. Reed Ludwig
40. Cloe Drew
41. Anna Goldman

III. Comments and Responses

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

A. General Comments

Comment # 1: *Commenters requested a public hearing on the Application. (1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13)*

Response: Pursuant to 25 Pa. Code Chapter 92a, DEP held a public hearing on the Application at the Indiana Theatre on May 12, 2026, from 5:00 PM to 7:00 PM. At the public hearing, DEP accepted and recorded oral testimony from citizens on the application for consideration in making a final permit decision. All oral testimony provided was given equal weight to those comments submitted to DEP in writing.

Comment # 2: *Commenter expressed support for the project. (34)*

Response: DEP acknowledges the commenter's support of 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, 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 stormwater discharges associated with construction activity, 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 Act and its regulations [25 Pa. Code Chapters 92a and 102], and consistent with Article I, Section 27 of the Pennsylvania Constitution.

Comment # 3: *Commenters express opposition to the project. (1, 2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35, 36, 37, 38, 41)*

Response: DEP acknowledges the commenters' 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, 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 stormwater discharges associated with construction activity, 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 Act and its regulations [25 Pa. Code Chapters 92a and 102], and consistent with Article I, Section 27 of the Pennsylvania Constitution.

Comment # 4: *Commenters proposed that the project be delayed. (23, 39)*

Response: See response to Comment # 3, above.

Comment # 5: *Commenter requested a second public hearing. (29)*

Response: DEP has provided the public with access to the Application and opportunities to ask DEP questions about the proposal and provide comments and testimony on the Application. DEP has decided that a second public hearing will not be held regarding this Application.

Comment # 6: *Commenters asked what kind of oversight will DEP have on the project? (25, 33, 34)*

Response: DEP, in coordination with the Indiana County Conservation District under a delegation agreement with DEP, is capable of properly monitoring the project subject to this Application. Delegated county conservation district staff are on site, at a minimum, within the first 30 days of construction and once every other month during construction. Inspections will occur more frequently when activities occur near sensitive resources. The inspections include visual observations and documentation of the right-of-way and the erosion and sediment control best management practices.

DEP oversees and monitors permit compliance closely by following the project through completion via inspections conducted by both the DEP and the Indiana County Conservation District, weekly inspections conducted by a permittee, and responding to public complaints. DEP can require a permittee to take appropriate corrective measures to address deficiencies should they arise. DEP will take enforcement action, as necessary and under the provisions of the Act, for violations that may occur.

NPDES Permittees have certain self-monitoring requirements. The approved Erosion and Sediment Control Plan associated with the NPDES Permit includes a maintenance program that provides for ongoing monitoring, operation, and maintenance of erosion and sediment controls. This includes inspections conducted by a trained professional and documenting the condition of sediment controls on a weekly basis and within 24 hours after each stormwater event throughout the duration of the earth disturbance activity. Erosion and sediment controls are to be repaired and replaced to ensure effective operation in accordance with narrative performance-based effluent limitations identified in Erosion and Sediment Control Plan and other application materials. Moreover, a permittee will employ at least one inspector responsible for monitoring and ensuring compliance with all mitigation measures required by the NPDES Permit.

All earth disturbance must be stabilized before the NPDES Permit can be terminated. A permittee is required to provide post-construction and monitoring reports for restored resources for five years, and it has the responsibility, through the life of the pipeline, to ensure it is adequately maintained such that waters of the Commonwealth are protected from pollution associated with operation of the pipeline.

Comment # 7: *Commenters expressed concern that the project purportedly is supported by a \$5 million Redevelopment Assistance Capital Program (RACP) awarded by the Pennsylvania Office of the Budget. (9, 15)*

Response: DEP is not involved in the evaluation or awarding of this funding.

B. Public Safety

Comment # 8: *Commenter states that local municipal officials have indicated that because this line is very high-pressure, it introduces significant safety concerns. (11)*

Response: Pipeline design and construction standards and pipeline safety are not within DEP's purview under the Act and regulations that direct DEP's review of the Application. DEP presented this comment to the Applicant. The Applicant responded that the HCPP Pipeline will be developed and operated in accordance with the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration's (PHMSA) pipeline safety regulations under 49 CFR Parts 186-189. PHMSA's regulations are the primary safety framework governing the design, construction, testing, commissioning, operation, and maintenance of the pipeline and can be found at <https://www.phmsa.dot.gov/regulations> www.phmsa.dot.gov/regulations. The Applicant also responded that it is required to coordinate with the Pennsylvania Public Utility Commission on inspection and oversight functions under PHMSA certification authority. Operational compliance programs, including Operator Qualification, integrity management, emergency response, damage prevention, and public awareness programs, will be established prior to the line being placed into service.

Comment # 9: *Commenter expressed concern with the potential for mine subsidence in the project area and the safety of the pipeline, and asked what the specific inspection frequency is for the pipeline built over unstable mine voids. (37)*

Response: As part of the permitting process, the Applicant conducted a thorough review of historic abandoned mine data in the vicinity of the pipeline project and based on this analysis, the Applicant does not anticipate that any subsidence will occur. The Department agrees with the Applicant's conclusion.

Comment # 10: *Commenter questioned if the project proposes danger to users and kayakers on Blacklick Creek. (29)*

Response: The pipeline crossing of Blacklick Creek is proposed as subsurface horizontal directional drilling and is not expected to impact recreational uses. The GP053206125-007 and GP083206125-005 Permit authorization and plans details for stream crossings associated with the HCPP Pipeline can be found at [eFACTS on the Web](https://www.ahs.dep.pa.gov/eFACTSWeb/searchResults_singleAuth.aspx?AuthID=1543166) (https://www.ahs.dep.pa.gov/eFACTSWeb/searchResults_singleAuth.aspx?AuthID=1543166).

Comment # 11: *Commenter asked if there will be a local system in place to alert residents in case of any dangerous air or water conditions. (21)*

Response: NPDES Permits require immediate reporting of any incident causing or threatening pollution of a toxic substance or another substance discharged, which would endanger downstream users of the water receiving the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property. A permittee must immediately notify DEP by telephone of the location and nature of the danger. Verbal notification to DEP is required as soon as possible, but no later than four (4) hours after the permittee becomes aware of the incident causing or threatening pollution. A permittee must also immediately notify known downstream users of the waters of the Commonwealth to which the substance was discharged if notice is reasonably possible. Notice must include the location and nature of the danger. A permittee must immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, must remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law. Incidents that create a threat to the public or environment are channeled to the Indiana County Emergency Management Agency for appropriate emergency response.

C. Environmental Justice

Comment # 12: *Commenters contends that the proposed pipeline project runs through an Environmental Justice Community, as defined by PA DEP, so increased public participation for this project is especially important. (9, 11, 13, 14, 16, 33)*

Response: DEP acknowledges that the Application does involve a project proposal within an Environmental Justice (EJ) area. However, NPDES Permit applications are not subject to DEP's Environmental Justice Policy for enhanced public participation according to that policy. Nevertheless, DEP participated in a community meeting related to the Homer City Generation Site Redevelopment Project in July 2025, held at Indiana University of Pennsylvania, which is within 5 miles of the planned Project. DEP shared the meeting information with the PA Department of Community & Economic Development, the Indiana County Commissioners, Indiana County Conservation District, Homer City Borough, White Township, Blacklick Township, Evergreen Conservancy, and Burrell Township parks and recreation. The format was an informational question-and-answer meeting to provide the public with direct access to DEP technical experts to ask questions. DEP also posted the Application on its website under the Northwest Community Information page, Homer City Generation tab.

DEP published the *draft* NPDES Permit in the Pennsylvania Bulletin for a 30-day comment period and held a public hearing on the Application at the Indiana Theatre on May 12, 2026, from 5:00 PM to 7:00 PM, where DEP accepted oral testimony from citizens on the application for consideration in making a final permit decision. DEP has provided the public with access to the Application and opportunities to ask DEP questions about the proposal and provide testimony on the Application.

DEP's Regional Environmental Justice Coordinator (OEJ) stays in contact with concerned community members about this Application and all aspects of the overall project.

All previous meeting attendees and concerned parties have been given the OEJ coordinator's contact information, as well as DEP tools such as eFACTS, eComment, eNotice, and the the Environmental Justice Outreach Self Enroll Form to receive specific updates and to stay engaged with the Homer City Generation project. Individuals that would like to enroll for outreach and engagement opportunities with the Office of Environmental Justice can complete the form online at <https://pacedcitpowerapps.powerappsportal.us/services/Environmental-Justice-Outreach-Self-Enroll/>.

Comment # 13 *Commenters contest that there has been no meaningful outreach to the public about the project, there is lack of transparency, and the public has been given little information about decisions associated with the project. (16, 18, 19, 20, 21, 27, 28, 29, 33, 39)*

Response: DEP provided public notification of the *draft* NPDES Permit for the project pursuant to the Act and 25 Pa. Code Chapter 92a. The *draft* NPDES Permit was published in the Pa. Bulletin for a 30-day comment period on February 7, 2026, and the comment period closed on March 9, 2026. During this time DEP received written comments on the Application and the *draft* NPDES Permit, and requests for a public hearing. A public hearing was held on May 12, 2026, where DEP accepted oral testimony on the Application. DEP also posted the Application on its website under the Northwest Community Information page, Homer City Generation tab. DEP also held a public hearing on the Application at the Indiana Theatre on May 12, 2026, from 5:00 PM to 7:00 PM, where DEP accepted oral testimony from citizens on the Application for consideration in making a final permit decision. DEP has provided the public with access to the Application and the *draft* NPDES Permit, and opportunities to ask DEP questions about the proposal and provide testimony on the Application.

The OEJ stays in contact with concerned community members about this permit application and all aspects of the overall project. All previous meeting attendees and concerned parties have been given the OEJ coordinator's contact information as well as DEP tools, such as eFACTS, eComment, eNotice, and the self-enroll form to stay engaged with this ongoing project.

Comment # 14 : *Commenters state that the review of the Application was "fast tracked." (16, 19, 20, 21, 27, 28, 29, 33, 36, 37)*

Response: The Application was received on September 25, 2025. A completeness review of the Application was conducted and on November 10, 2025, and it was determined that it contained sufficient detail to enable a technical review. DEP and the Indiana County Conservation District then completed a technical review of the application and prepared a *draft* NPDES Permit on February 7, 2026. DEP accepted written and oral comments on the Application at a public hearing on May 12, 2026. The comments and testimony are considered by DEP when making a final permit decision. The review of the application was completed according to the requirements of the Act, 25 Pa. Code Chapters 92a and 102, and DEP's Standard Operating Procedure-Review of Individual NPDES Permit Applications Stormwater Discharges Associated with Construction Activities (SOP No. BCW-PMT-043).

D. Pennsylvania Constitution Article I, Section 27

Comment # 15: *Commenters purport that the project is detrimental and a burden to the local economy, the community, the environment, social progress, and health of the citizens. (2, 6, 13, 14, 16, 17, 19, 18, 20, 21, 22, 24, 26, 28, 34, 35, 36, 37, 39)*

Response: DEP has considered the environmental impacts of this project in accordance with the agency's statutory authority and constitutional responsibilities. DEP's review of the Application is consistent with applicable statutory and regulatory requirements. All identified environmental impacts associated with the HCPP Pipeline project have been sufficiently minimized, many of the impacts are temporary in nature, and all impacts are being mitigated for, or addressed through, onsite restoration and post construction stormwater management practices. After a thorough and iterative evaluation of the proposed project the subject of this Application, DEP has determined that per the *draft* NPDES Permit , including the special conditions included in the NPDES Permit and Chapter 105 General Permits, this project will not cause unreasonable degradation, diminution, depletion, or deterioration of the environment.

Comment # 16: *Commenters asked, "how is legacy pollution being handled by DEP?" (6, 14, 16, 17, 19, 22)*

Response: It is unclear if the commenter is concerned with the potential of the project to disrupt and expose existing legacy contamination from the construction of the HCPP Pipeline, or a potential for the project to create a future legacy of pollution. This response will address DEP's evaluation of both. DEP is aware that the project area defined in the Application has had previous fossil fuel resource extraction activity and is subject to legacy coal refuse material and acid mine drainage. As part of the Application, the Applicant conducted a site assessment and identified that areas of the project are proposed within or near previously strip-mined locations having potential acid producing rock (APR) material. The Applicant has proposed avoidance and mitigations measure to minimize impacts from working in or around these areas that the Department has found to be acceptable measures. The details of the avoidance and mitigation measures are addressed in the response to Comment 43, below.

Regarding the potential for future pollution from the construction of the HCPP Pipeline, DEP's review of the Application and final permit decision is consistent with applicable statutory and regulatory requirements. All project impacts associated with the construction of the HCPP Pipeline have been sufficiently minimized, many of the impacts are temporary in nature, and all impacts are being mitigated for, or addressed through, onsite restoration and post construction stormwater management practices. After a thorough and iterative evaluation of the proposed project subject to this Application, DEP has determined that per the *draft* NPDES Permit , including the special conditions included in the NPDES Permit and Chapter 105 General Permits, this project will not cause unreasonable degradation, diminution, depletion, or deterioration of the environment. The measures proposed by the Applicant and DEP's evaluation for the protection of groundwater, surface water, and impacts to streams and wetlands are noted in the responses to comments in Categories E, G, and I, below.

Comment # 17: *Commenters purports that the Application does not address impacts on tourism and to those who use the natural resource, which violates the PA Constitution. (19, 26, 27, 29)*

Response: DEP has determined that per the *draft* NPDES Permit, including the special conditions included in the NPDES Permit and Chapter 105 General Permits, this project will not cause unreasonable degradation, diminution, depletion, or deterioration of the environment, and statewide water uses defined in 25 Pa. Code Chapter 93.4 will be protected.

Comment # 18: *Multiple commenters expressed concern that a comprehensive impact study or environmental assessment was not done for the project to evaluate impacts to streams, aquatic habitat, water usage, wildlife habitat, air quality, and noise levels, which is in violation of the PA Constitution and therefore, the Application should be dismissed. (11, 16, 18, 36, 41)*

Response: DEP reviewed the Application and considered the environmental impacts in accordance with the agency's constitutional obligations under Article I, Section 27, statutory authority under The Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27, Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety, and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science. The environmental assessment has been conducted by the Department for all general permits, categories of structures and activities listed in 25 Pa. Code § 105.12(a)(1)-(10) and (12)-(15) (relating to waiver of permit requirements). The environmental assessment has also been conducted for the structures or activities listed in 25 Pa. Code § 105.12(b) or for which water quality certification has been granted for a Nationwide permit regulating the structure or activity and the environmental assessment requirements have been deemed satisfied [Title 25 Pa Code Chapter 105.15 (d)]. After a thorough and iterative evaluation of the Application, DEP has determined that Applicant has met the requirements to obtain a permit and the project, as proposed, will not cause unreasonable degradation, diminution, depletion or deterioration of the environment.

Comment # 19: *Commenters asserts that the project will increase CO₂ emissions and impact climate change. Further, the project does not take into consideration the PA Climate Action Plan in opposition of the PA Constitution. (3, 11, 18)*

Response: DEP acknowledges the commenter's concern regarding greenhouse gas (GHG) emissions. The Application is for approval of stormwater discharges associated with the construction of the HCPP Pipeline. A permit issued for the project subject to this Application does not regulate GHG emissions. Comments concerning air emissions were addressed in DEP's Comment Response Document to the [Air Quality Plan Approval #32-00457A](https://files.dep.state.pa.us/RegionalResources/NWRO/NWROPortalFiles/Homer-City/Air/Final-AQ-Plan-Approval/Final%20Comment%20Response%20Document%2020251118.pdf) (<https://files.dep.state.pa.us/RegionalResources/NWRO/NWROPortalFiles/Homer-City/Air/Final-AQ-Plan-Approval/Final%20Comment%20Response%20Document%2020251118.pdf>).

Comment # 20: *Commenters state opposition to the use of fracked-gas component of the plan and requested results of an associated environmental impact study on the environmental*

and health consequences of using fracked-gas, and what procedures will be in place for the impending enormous burden. (14, 16)

Response: DEP acknowledges the commenter's concern regarding potential health impacts. The Application is for approval of stormwater discharges associated with the construction of the HCPP Pipeline. A permit issued for the project subject to this Application does not regulate the specific natural gas source.

Comment # 21: *Commenter contests that DEP has the obligation to cease any attempts to destroy rights under the PA Constitution. (37)*

Response: DEP has an obligation to protect the public's rights to clean water, air, and land under Article 1, Section 27 of the Pennsylvania Constitution. DEP has considered the environmental impacts of this project in accordance with the agency's statutory authority and constitutional responsibilities, and has determined that per the *draft* NPDES Permit, including the special conditions included in the permits, this project will not cause unreasonable degradation, diminution, depletion or deterioration of the environment.

Comment # 22; *Commenters states that the "piecemeal" project does not show cumulative impacts to the watershed. (11, 19, 36, 37, 39)*

Response: It is unclear if the commenters are referring to cumulative impacts to the watershed from the Homer City Redevelopment Project as a whole, or from the construction and associated water resource crossings of the HCPP Pipeline project.

For the former interpretation of the comment, DEP has the responsibility to review applications presented before it, and to conduct its review pursuant to the governing acts and laws. DEP's review of the Application was based on consideration of all aspects of the application materials for consistency with applicable state and federal regulatory requirements and 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 Pennsylvania Clean Streams Law and its regulations [25 Pa. Code Chapters 92a, 93, 96, 102 and 105], and consistent with Article I, Section 27 of the Pennsylvania Constitution.

In response to the latter interpretation of the comment, DEP reviewed applications for water resource crossings associated with the construction of the HCPP Pipeline and determined that project plans and designs were completed in accordance with Chapter 105 regulations and are protective of the water resources. DEP acknowledged coverage for the regulated water resource crossings under General Permits GP053206125-007 and GP083206125-005. Permit coverage authorization and plan details for the water resource crossings can be found at [eFACTS on the Web](https://www.ahs.dep.pa.gov/eFACTSWeb/searchResults_singleAuth.aspx?AuthID=1543166) (https://www.ahs.dep.pa.gov/eFACTSWeb/searchResults_singleAuth.aspx?AuthID=1543166). Further details on DEPs evaluation of the water resource crossing are addressed in response to comments in Category I, below.

Comment # 23: Commenters asked, “who exactly will benefit from the project?” (20, 37, 39)

Response: The Application is for approval of stormwater discharges associated with the construction of the HCPP Pipeline. The review of the application does not include evaluating benefits to a person or entity.

Comment # 24: Commenters requested that someone from DEP quantify how many extra deaths a year, how much extra cancer, and how much emphysema is expected from the Homer City Project. (11, 27, 33)

Response: DEP reviewed the Application and considered the environmental impacts in accordance with the agency’s constitutional obligations under Article I, Section 27, statutory authority under The Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27, Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety, and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science. Health-based impacts related to air emissions were considered in the [DEP’s Air Quality Plan Approval \(https://www.pa.gov/agencies/dep/dep-regions/northwest-regional-office/homer-city-generation-redevelopment#accordion-e3b32607ce-item-05f59d4967\)](https://www.pa.gov/agencies/dep/dep-regions/northwest-regional-office/homer-city-generation-redevelopment#accordion-e3b32607ce-item-05f59d4967) and questions related to this issue were addressed in DEP’s Comment Response Document to the [Air Quality Plan Approval #32-00457A \(https://files.dep.state.pa.us/RegionalResources/NWRO/NWROPortalFiles/Homer-City/Air/Final-AQ-Plan-Approval/Final%20Comment%20Response%20Document%2020251118.pdf\)](https://files.dep.state.pa.us/RegionalResources/NWRO/NWROPortalFiles/Homer-City/Air/Final-AQ-Plan-Approval/Final%20Comment%20Response%20Document%2020251118.pdf). [https://www.pa.gov/agencies/dep/dep-regions/northwest-regional-office/homer-city-generation-redevelopment#accordion-e3b32607ce-item-05f59d4967https://www.pa.gov/agencies/dep/dep-regions/northwest-regional-office/homer-city-generation-redevelopment#accordion-e3b32607ce-item-05f59d4967https://files.dep.state.pa.us/RegionalResources/NWRO/NWROPortalFiles/Homer-City/Air/Final-AQ-Plan-Approval/Final Comment Response Document 20251118.pdf](https://www.pa.gov/agencies/dep/dep-regions/northwest-regional-office/homer-city-generation-redevelopment#accordion-e3b32607ce-item-05f59d4967https://www.pa.gov/agencies/dep/dep-regions/northwest-regional-office/homer-city-generation-redevelopment#accordion-e3b32607ce-item-05f59d4967https://files.dep.state.pa.us/RegionalResources/NWRO/NWROPortalFiles/Homer-City/Air/Final-AQ-Plan-Approval/Final%20Comment%20Response%20Document%2020251118.pdf)

Comment # 25: Commenter is concerned with the human health impacts from disturbing abandoned mines. (28)

Response: See response to Comment # 24, above.

Comment # 26: Commenters asked about data center development, emissions from data centers, and the water requirements for the operation of data center, adding that the proposed plant and data centers pose a significant threat to the health of all citizens. (16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 31, 36, 30)

Response: The Application reviewed by DEP is for stormwater discharges associated with the construction of the HCPP Pipeline and does not authorize the construction or operation of any data centers or the power generation plant. While Homer City Development has publicly identified the potential for development of data centers in adjacent areas, no specific use of

adjacent areas have been confirmed. Accordingly, DEP cannot speculate as to any sources of additional contamination or the potential for environmental or human health impacts related to data centers. However, as development progresses, DEP will be able to address impacts, if any, through its regulatory authority.

E. Impacts to Groundwater and Water Supplies

Comment # 27: *Commenters expressed concern that pipeline construction and trenching risks opening up new pathways for acid mine drainage to find a way into streams and groundwater. (4, 6, 9)*

Response: DEP evaluated the potential for the construction and installation of the HCPP Pipeline to alter groundwater movement and impact streams and groundwater. The Erosion and Sediment Control Plan associated with the Application calls for trench plugs to be included in certain upland areas, and at the edges of streams and wetlands, and within wetlands, at specific distances to prevent changes in hydrology. Areas having potential acid producing rock (APR) material are addressed in response to Comment # 43, below. No impacts to groundwater are expected or authorized by DEP.

Comment # 28: *Commenters expressed great concern about the county neighbors' private water supply. (11, 25)*

Response: Addressed in response to Comment # 30, below.

Comment # 29: *Commenters asked if pre and post drilling and testing of private water wells within 2000 feet of HDD path will be required. (30, 37)*

Response: Addressed in response to Comment # 30, below.

Comment # 30: *Commenters asked what steps will be taken to ensure our streams and private water supplies are protected from future harm and if ongoing monitoring of well water and water supplies will be required after construction. (16, 18, 20, 22, 24, 36)*

Response: DEP evaluated whether the proposed activities subject to this Application would cause or contribute to a violation of an applicable state water quality standard, and if it will cause or contribute to pollution of groundwater or surface water resources or diminution of the resources sufficient to interfere with their uses during its review of the Application.

DEP's evaluation of potential impacts to streams is addressed in responses to Comments ## 32, 34, 35, and 36, below.

DEP has evaluated potential impacts to water supply wells. There are no public water supply wells within a Zone I Wellhead Protection Area (100 to 400-foot radius) of the project area. DEP requested that the Applicant identify private water supply wells within 500 feet buffer of the HCPP Pipeline. The Applicant used the PA Groundwater Information System to map water

wells, and one private water supply well was identified within the 500 feet buffer area. The installation of the HCPP Pipeline at this location is proposed to be trench-cut and installed at a relatively shallow depth. Once the HCPP Pipeline is installed, the Applicant has proposed to backfill the excavation and restore the land to original grade and contours and provide a vegetated cover. DEP has determined that the installation of the HCPP Pipeline and practices to be employed by the Applicant are acceptable to minimize impacts to water supply wells. Monitoring of well water and water supplies after construction of the HCPP Pipeline is not required by NPDES Permits.

F. Water Use

Comment # 31: *Commenters are concerned about the amount of water needed to support the project and potential impacts to drinking water and agricultural use, particularly under the purported increasing drought stress. (14, 16, 17, 18, 20, 22)*

Response: NPDES Permits for the discharge of stormwater associated with the construction activities, which is the subject of the Application, does not authorize the withdrawal of surface water or groundwater.

G. Water Quality Protection

Comment # 32: *Commenters note that stormwater discharges from the proposed project will enter Muddy Run, Blacklick Creek, and unnamed tributaries, which are all designated for Cold Water Fishes (CWF) under 25 Pa. Code Chapter 93.2 and are listed as impaired for siltation under Section 303(d) of the Clean Water Act, and contest that DEP must fulfill its obligation to satisfy its independent obligations to protect and maintain existing [water] uses and prevent further degradation by requiring enhanced protective measures beyond the minimum technology-based standards set, and must impose enforceable conditions sufficient to ensure that water quality standards are maintained, and that sediment, thermal, and hydrologic impacts are prevented to the maximum extent practicable. (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 20, 29, 31)*

Response: DEP evaluated whether the proposed activities subject to this Application would cause or contribute to a violation of an applicable state water quality standard and whether the project will cause or contribute to pollution of surface water resources or diminution of the resources sufficient to interfere with their uses during its review of the Application. The Applicant proposes the installation of Anti-degradation Best Available Combination of Technologies (ABACT) Erosion and Sediment (E&S) best management practices (BMPs) per the DEP E&S Manual and consistent with Chapter 93 requirements for siltation impaired watersheds. Through the use of the ABACT E&S BMPs, as well as construction practices, site restoration practices, and Post Construction Stormwater Management (PCSM) stormwater control measures (SCM) described further in responses to Comments 33, 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, and 47 below, the project is expected to maintain and protect the existing quality of the receiving waters with no measurable degradation of water quality or impairment of existing uses.

Comment # 33: *Commenters suggest that the permit should incorporate site-specific conditions such as turbidity monitoring and action thresholds during instream work, requirements for immediate stabilization of disturbed slopes and trench lines, enhanced riparian buffer protections at stream crossings, restrictions on thermal impacts to coldwater fisheries, and post-construction monitoring to verify that altered drainage patterns or trench dewatering do not increase downstream erosion or sediment loading. (1, 2, 3, 4, 5, 7, 8)*

Response: See response to Comment 32, above.

Comment # 34 *Commenters assert that vegetation clearing could result in increased stream temperatures affecting Cold Water Fishery uses. (1, 3, 4, 5, 6, 7, 8)*

Response: DEP evaluated whether the proposed activities subject to this Application would cause or contribute to a violation of an applicable state water quality standard and whether the project will cause or contribute to pollution of surface water resources or diminution of the resources sufficient to interfere with their uses during its review of the Application. The majority of the project area will not have permanent changes in land cover. Measures to limit the extent and duration of disturbance through phased construction sequencing, application of temporary vegetative practices, and application of permanent vegetation as soon as practicable will minimize thermal impacts resulting from temporary vegetation disturbance. Furthermore, runoff will generally discharge to vegetated surfaces prior to reaching surface waters providing a cooling effect. In addition, existing tree canopies and riparian buffers will be maintained to the extent practicable minimizing surface exposure to direct sunlight in these areas.

PCSM SCMs are proposed in areas where permanent land cover will be altered and promote infiltration of collected runoff, and discharge runoff that does not infiltrate to well vegetated surfaces prior to reaching surface waters. The project is expected to maintain and protect the existing quality of the receiving waters with no measurable degradation of water quality or impairment of existing uses.

Comment # 35: *Commenters report that the proposed project occurs in a watershed with a history of impacts from abandoned mine drainage and siltation and expressed concern about the potential impacts to local waterways. (11, 12, 13, 14, 22, 30)*

Response: DEP concurs that the proposed project lies within watersheds that have historical impacts from abandoned mine drainage and siltation. The Applicant proposes to discharge stormwater runoff from the proposed project to Muddy Run, Blacklick Creek, and unnamed tributaries, which are listed as impaired for siltation under Section 303(d) of the Clean Water Act. The Applicant proposes the installation of ABACT E&S BMPs per the E&S Manual and consistent with Chapter 93 requirements for siltation impaired watersheds to maintain and protect the existing quality of the receiving waters. Through the use of the ABACT E&S BMPs, as well as construction practices, site restoration practices, and PCSM SCMs, the project is not expected to result in measurable degradation of water quality or impairment of existing uses. Areas of the project are also proposed within or near previously strip-mined locations having potential acid producing rock (APR) material. Sampling results provided by the Applicant identified one trenching/excavation location (TP-9) as having APR material. The Applicant

developed an APR Management Plan in accordance with the Department's Fact Sheet on encountering APR during construction activities, which DEP found acceptable. APR management measures proposed by the Applicant are noted in the response to Comment # 15, above.

Comment # 36: *Commenters asked if DEP will monitor the pipeline regularly after it has been constructed for spills, and requested that DEP set up a permanent fund paid by the Applicant to address the cleanup of any future spills. (15, 20, 22)*

Response: DEP and the Indiana County Conservation District will monitor the construction activities associated with the project as proposed in the Application as described in the response to Comment 6, above. NPDES Permits or the Act do not provide for the establishment of a fund encumbered by the Applicant or DEP.

Comment # 37: *Commenters asked how will DEP ensure that streams and private water supplies are not impacted during horizontal directional drilling and inadvertent returns. (14, 22, 30, 37)*

Response: DEP recognizes that horizontal directional drilling (HDD) can, and has, resulted in inadvertent returns of bentonite clay slurry used as a drilling lubricant. Bentonite is non-toxic; however, it has the potential to impact aquatic habitats and wildlife if discharged to waterways in significant quantities. The Applicant has developed an Inadvertent Return Contingency Plan to minimize the potential for an inadvertent return associated with HDD activities for the HCPP Pipeline Project. The plan includes physical and management practices to minimize the potential extent of impacts from an inadvertent return, continuous monitoring of operations, early detection, reporting requirements, and remediation. DEP finds the Applicant's plan acceptable to minimize the potential for an inadvertent return associated with HDD activities for the HCPP Pipeline Project.

As noted in the response to comment # 30, above, DEP has determined that the installation of the HCPP Pipeline and practices to be employed by the Applicant are acceptable to minimize impacts to water supply wells.

The NPDES Permit will include specific construction, monitoring, remediation, and reporting requirements for HDD activities.

H. Technical Adequacy of the Application

Comment # 38: *Commenters contests that the Application fails to address why it's necessary or even explain the exact makeup of "cement modified backfill" for stream crossings, but rather merely says that trenches will be backfilled with "suitable material", where cement modified soil is a mixture of soil, water, and cement. The commenter purports that cement modified soils are not usually used in pervious areas, such as stream embankments, and their use will create impervious surfaces in forested areas along streams and degraded natural areas.*

The commenter identifies the crossing of stream 67 where cement modified backfill is proposed directly adjacent to wetland 36A and stream 66, and raised concern that cement could likely erode into the wetland and stream and potentially destroy it.

The commenter identifies the proposed use of cement modified backfill directly on the bank of stream 25, and raised concern that cement could erode directly into this stream.

The commenter identifies the proposed use of cement modified backfill on both sides of stream 48, and raised concern that cement could erode this intermittent stream, which is noted as a particularly sensitive body of water body deserving additional protection from DEP, not cement on both sides.

The commenter requests that DEP require the applicant to detail previous uses of cement modified backfill in pipeline construction and specifically provide images of construction projects along, or crossing, waterways where cement modified soil was used, and to detail the exact mix used and where mixing will occur in the Erosion and Sedimentation Control Plan. (7, 9, 17)

Response: DEP presented these comments to the Applicant and the following response was provided: “As discussed in the Naturally Occurring Geologic Condition Assessment (Geohazard) Report and noted on the E&S drawings, cement-modified backfill is proposed in limited, site-specific locations to improve soil strength in trench backfill and restored temporary laybacks on slopes 2-foot horizontal to 1-foot vertical (2H:1V) and steeper or where existing geotechnical instability (e.g., soil creep) was visually observed.

Pursuant to Details G7 and G8, portland cement will be applied at a ratio of 6-percent of the backfill material, by weight, to achieve a minimum unconfined compressive strength of 50 pounds per square inch (psi) and a minimum Factor of Safety (FOS) of 1.5 in the backfill zone. The use of a relatively small proportion of cement as a soil modifier is intended to improve the engineering properties of the soil, not make a hardened mass (e.g., soil cement). In addition, 18 inches of native material and 6 inches of topsoil are proposed over the top of the cement modified soils. As such, creation of impervious surfaces as a result of improving soil strength with cement is not anticipated.

Cement-modified backfill will not be utilized within streams or within the associated streambanks. The use of cement to strengthen soil will be limited to the areas noted on the plans, which are upgradient of streams/streambanks. Where the cement-modified backfill is proposed within floodways, the contractor will blend the soil with the portland cement outside of the floodway and then haul the blended modified soil back into the floodway for reclamation. Based on the above, HCG anticipates the use of cement-modified soil as a geohazard mitigation measure in the limited, site-specific locations which it is proposed will not negatively impact soil permeability or water quality of nearby streams.”

DEP has determined that the proposed use of cement-modified backfill is acceptable and appropriate.

Comment # 39: *Commenters state that the Application relies on points of analysis (POA)-level stormwater worksheets showing peak rate and volume management and contest that while individual POAs may demonstrate reduced post-construction peak flow rates on paper, the Application does not provide watershed-scale routing analysis that would demonstrate no cumulative downstream impact, climate-adjusted precipitation sensitivity modeling, post-construction infiltration verification testing, or long-term monitoring commitments with any adaptive triggers. (1, 3, 4, 5, 7, 8)*

Response: DEP presented these comments to the Applicant and the following response was provided: “The Project has been designed in accordance with 25 Pa. Code § 102.8 to manage stormwater runoff and maintain post-construction hydrologic conditions. The majority of the project will be restored to approximate pre-construction contour and cover condition or meadow-good condition. Portions of the Project that will not be restored to pre-construction or meadow-good cover condition will be managed by PCSM SCMs. The SCMs have been designed to manage the volume, rate, and quality of runoff in accordance with the regulatory requirements, as demonstrated in the analyses provided in HCG’s Project Application.” DEP has determined that the use of points of analysis (POA)-level stormwater worksheets is consistent with DEP’s Post Construction Stormwater Management Manual and appropriate as used in the Application.

Comment # 40: *Commenters state that the use of NOAA Atlas 14 precipitation values for post construction stormwater management design may underestimate future storm intensity trends and flood risk. (1, 3, 4, 5, 7, 8).*

Response: DEP’s Post Construction Stormwater Management Manual recommends the use of NOAA Atlas 14 precipitation data for stormwater volume management and rate control design. The Applicant’s use of this data is consistent with DEP’s accepted design standards.

Comment # 41: *Commenters contest that the use of infiltration feasibility assumptions used in the post construction stormwater management design should be supported by site-specific field testing, and suggest that without in-situ testing, post construction stormwater controls may fail to perform as modeled. (1, 3, 4, 5, 7, 8)*

Response: Site specific infiltration testing was performed at the location of proposed infiltration SCMs. Provisions for confirmation infiltration testing are incorporated into the PCSM plans and permit conditions.

Comment # 42: *Commenters suggest that where infiltration credits are claimed for the development of the post construction stormwater management design, DEP should require verification that soil conditions support design assumptions and also require post construction stormwater verification measures and climate resilience analysis. (1, 3, 4, 5, 7, 8)*

Response: Site specific infiltration testing was performed at the location of proposed infiltration SCMs. Provisions for confirmation infiltration testing are incorporated into the PCSM plans and permit conditions.

Comment # 43: *Commenters raised concerns regarding the management of acid-producing materials identified in the Application and monitoring provisions. Commenters note that the APR Management Plan identifies sulfur exceedances in at least two test pits and proposes in-trench lime blending with a two-foot cap of non-APR material, however, the Application does not include a construction-phase surface water monitoring plan with numeric action levels a commitment to long-term downgradient monitoring. Commenters assert that the disturbance of sulfur-bearing materials requires clear, enforceable monitoring and contingency safeguards. (1, 3, 4, 5, 7, 8)*

Response: The Applicant provided DEP with its sampling plan and test results for trenching/excavation areas having potential acid producing rock (APR) material. The results identified one location (TP-9) as having potential APR material. The Applicant developed an APR Management Plan in accordance with the Department's Fact Sheet on encountering APR during construction activities that includes: identification and segregation of potential APR materials; mixing potential APR with neutralizing materials, such as lime; placement of neutralized APR material back into the pipeline trench to create a buffer from other potential APR materials; and placement of a 2-foot thick minimum cap of non-APR material on top of the neutralized APR material. The Applicant proposes APR management measures in the vicinity of TP-9 (between approximate Stations 141+00 and 147+00) to be implemented during construction. DEP finds the APR Management Plan to be acceptable to minimize the potential for AMD discharges or AMD related impacts and does not necessitate the need or validity for a construction-phase surface water monitoring plan and long-term downgradient monitoring.

Comment # 44: *Commenters purport that the Module 3 Anti-Degradation Analysis largely relies on BMP [best management practices] checklists and individual POA [point of analysis] worksheets rather than a watershed-scale evaluation, and assert that pursuant to 25 Pa. Code § 93.4c(b), DEP must ensure that water quality necessary to support existing uses is maintained and suggest that water quality-based effluent limitations (WQBELs) may be required where necessary to protect such designated uses. (1, 3, 4, 5, 7, 8)*

Response: The Application includes an anti-degradation analysis consistent with Chapter 93 requirements. The proposed construction impacts are temporary and localized, and implementation of E&S BMPs and PCSM SCMs are anticipated to maintain water quality. As such, the Project is not expected to result in cumulative impacts that would impair existing uses of receiving waters.

Regarding the use of *WQBELs to protect designated uses*, under EPA's 40 CFR § 122.44(k) regulation (incorporated by DEP at 25 Pa. Code § 92a.44), BMPs are appropriate to control or abate the discharge of pollutants when numeric limits are infeasible. Numeric limits are generally infeasible for stormwater discharges because 25 Pa. Code Chapter 96 requires protection of surface waters at the Q7-10 flow, which does not occur during storm events.

Comment # 45: *Commenters state that the project proposes clearing and permanent maintenance of a pipeline right-of-way, yet it does not include a thermal modeling, an evaluation of groundwater interception and baseflow alteration associated with trenching, a thermal impacts analysis, or post-construction temperature monitoring plan. Comments purport that*

without thermal analysis, the application would not demonstrate compliance with Pennsylvania water quality standards. (1, 2, 3, 4, 5, 7, 8)

Response: The majority of the project disturbance is temporary in nature and is designed as a site restoration plan. Thermal impacts are not anticipated from areas of the project where site restoration will occur, therefore the Department does not believe that thermal modeling or post-construction temperature monitoring would be required. For portions of the project where permanent impervious area is proposed, the application includes PCSM SCMs and thermal impact analysis. Infiltration SCMs are deemed sufficient to demonstrate adequate management of the net increase in 2-year, 24-hour volume generated by the project and would not result in thermal impacts.

Comment # 46: *Commenters state that the Application does not appear to include a sediment load analysis or a cumulative turbidity impact assessment that evaluates consistency with applicable TMDLs. Comments purport that without a sediment load modeling, the application would not demonstrate compliance with Pennsylvania water quality standards. (1, 3, 4, 5, 7, 8)*

Response: Sediment load analysis is not required for portions of the project that are considered site restoration. For the area of permanent impervious area where PCSM SCMs are proposed, the use of DEP's Post-Construction Stormwater Management Spreadsheet is deemed sufficient for sediment load analysis.

Comment # 47: *Commenters report that the Geohazard Assessment recommends cement-modified backfill and trench drainage systems for work in or near areas of shallow bedrock, steep slopes, and areas of historic strip mining and subsidence risk, however, it does not demonstrate that these measures will avoid creating new subsurface flow paths, concentrating discharges into downstream tributaries, or affecting floodplain storage measures. Commenters suggest that trenching and drainage systems could alter groundwater flow and downstream hydrology and assert that Chapter 102 requires that potential downstream impacts be evaluated and mitigated to prevent accelerated erosion and sedimentation. (1, 3, 4, 5, 7, 8)*

Response: DEP presented these comments to the Applicant and the following response was provided: The proposed pipeline construction does incorporate the use of trench plugs designed in accordance with the Department's E&S Manual. Trench drainage is proposed as a geohazard mitigation measure to convey potential water from the trench alongside slopes, in sags, on steep slopes and/or in landslide prone soil areas to the surface. The implementation of trench drainage within these areas is intended to promote long-term slope stability by removing water that would potentially collect within the trench and seep out at low points/sags (on side slopes) and at trench plugs on steeper slopes. Though minimal flow is anticipated, each drain outlet is designed with a slope of approximately 1 to 2-percent and will discharge through an embedded riprap outlet for energy dissipation and erosion protection.

During construction, native trench backfill material and compaction methods will be utilized, and surface conditions restored to proximate pre-construction contour and cover condition. Further, the trench drainage for geohazard mitigation purposes is fitted with drain outlets spaced to

distribute subsurface drainage within the same general watershed. As such, natural drainage patterns are proposed to be maintained to the extent practicable and impacts to groundwater flow or downstream hydrology are not anticipated. DEP finds the Applicant's proposal to be acceptable for geohazard mitigation and minimizes potential downstream impacts to prevent accelerated erosion and sedimentation.

Comment # 48: *Commenter purports that property owners through which the pipeline will be installed were not notified of the proposed project by DEP or the Applicant, and asked if the Applicant or DEP sent individual notices to those affected property owners? (28)*

Response: The Applicant obtained right-of-way lease agreements with each owner of property through which the HCPP Pipeline will be installed. DEP does not send notices to the affected property owners, and NPDES Permits do not convey any property rights, or any exclusive privilege pursuant to 25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR 122.41(g).

Comment # 49: *Commenter noted that the Applicant answered the Question on the IPaC Project Questionnaire, "does the action area contain any caves...mines that could provide habitat for hibernating bats" as "No", but believes there are mines in the area and tree clearing restrictions to protect pups is not sufficient and does not protect bats from construction, blasting, and drilling through abandoned mines. (29)*

Response: The Applicant consulted with U.S. Fish and Wildlife Service on potential impacts to federally listed threatened and endangered species listed on the PNDI Receipt, and the results of a site specific bat study conducted by the Applicant. The U.S. Fish and Wildlife Service made a "not likely to adversely affect" determination for 24.9 acres of tree cutting conducted within October 16 to March 31, the inactive period of federally listed bats.

Comment # 50: *Commenters purport that there was no mention of "other" endangered species in the Application, while the "Environmental Review" list includes 51 threatened and Endangered species, special concern species, and rare and significant ecological features in Indiana County. Commenters questioned why only two species of bats were identified in the Application when the commenters' use of the USFWS IPaC Tool identified 4 endangered species, 2 protected species, and 14 migratory birds. (27, 35, 36, 37)*

Response: The Applicant completed the Pennsylvania Department of Conservation and Natural Resources screening tool for the proposed project area and provided a Pennsylvania Natural Diversity Inventory (PNDI) Receipt that indicated there may be potential impacts to threatened and endangered and/or special concern species and resources within the HCPP Pipeline project area. The Applicant conducted further consultation with the Pennsylvania Game Commission and the U.S. Fish and Wildlife Service on the potential impacts.

The Pennsylvania Game Commission stipulated that the following measures be implemented to avoid potential impacts to Eastern Small-footed Bats and Little Brown Bats: from the northern end of the project area (40.518890°N, 79.207580°W) south to McConnell Road (40.479484°N, 79.226783°W), all trees or dead snags greater than 3 inches in diameter at breast height that need

to be harvested or trimmed are to be cut between November 16 and March 31; and within the remainder of the project area, tree clearing is to take place between October 16 and March 31. The U.S. Fish and Wildlife Service further reviewed documents provided by the Applicant indicating the probable absence of Indiana bats, northern long-eared bats, and tricolored bats and considered the results of the report valid. The U.S. Fish and Wildlife Service made a “not likely to adversely affect” determination for 24.9 acres of tree cutting conducted within October 16 to March 31, the inactive period of federally listed bats.

The Applicant has agreed to implement the avoidance measures recommended the Pennsylvania Game Commission and the U.S. Fish and Wildlife Service. The avoidance measures for protection of the listed threatened and endangered species will be employed as a condition of the NPDES Permit.

I. Water Obstructions and Encroachments

Comment # 51: *Commenters state that given the scale density of streams and wetlands crossings and the project’s location in an already impaired watershed, earth disturbance and siltation caused by soil erosion would cause further impairment. (2, 6, 7, 8, 9, 10, 11, 13, 20, 29)*

Response: DEP presented this comment to the Applicant, and it responded that the proposed limits of disturbance for the project reflects the limits necessary to safely construct the pipeline. Temporary impacts to streams and wetlands have been designed and permitted in accordance with the requirements of 25 Pa. Code Chapter 105. The pipeline alignment has been designed to: (i) avoid impacts where practicable; (ii) minimize impacts where possible by minimizing disturbance widths; and (iii) restore crossings to pre-construction contours and cover conditions. During restoration, temporary impacts to streams and wetlands will be restored to pre-construction conditions and riparian areas will be restored in a manner to promote reestablishment of forested buffers, where applicable, while allowing for long-term operation and maintenance of the pipeline, as described further in response to Comments # 52 and 53, below. DEP agrees that the proposed construction methods and restoration practices are anticipated to maintain natural drainage patterns and stream functions.

Comment # 52: *Commenters report that the Waters Delineation Report included in the Application identifies numerous perennial, intermittent, and ephemeral channels along the 5.8-mile pipeline corridor and because of the density of crossings, attest that DEP should complete a cumulative impact evaluation of all hydrologically connected features along the alignment, regardless of federal jurisdictional status, to ensure compliance with state water quality standards and anti-degradation requirements. (1, 2, 3, 4, 5, 7, 8, 21, 28, 31)*

Response: The Applicant has proposed the construction of the HCPP Pipeline including nine utility line crossings (GP-5) and 11 temporary road crossings (GP 8) of streams, floodways, and wetlands. The proposed project also includes 24 resource crossings located within streams and floodways with drainage areas less than 100 acres [§105.12(a) Waiver 2] and two resource crossings of a single pole overhead electric powerline [§105.12(a) Waiver 3]. The Applicant designed the project to avoid and minimize impacts to wetlands, streams, and floodways to the maximum extent practicable. The Applicant has proposed that equipment will

cross wetlands and streams using timber mats. Timber mats will also be placed overtop existing stream culverts. Appropriate erosion and sediment controls will be utilized to protect on-site and downgradient aquatic resources. DEP has considered the environmental impacts of this project and determined that the resources crossings are consistent with applicable statutory and regulatory requirements. On February 2, 2026, DEP approved coverage under General Permits GP053206125-007, GP083206125-005, and waived activities not requiring a Chapter 105 Permit, for the proposed HCPP Pipeline.

Comment # 53: *What plans are in place to restore disturbed waterways, plants and animal habitats? (19)*

Response: Resource crossings have been designed to maintain existing hydrologic conditions and vegetation is to be restored to existing conditions following construction.

Comment # 54: *Commenter objects to wetland mitigation banking (37)*

Response: Neither the Application nor General Permits GP053206125-007 GP083206125-005 include wetland mitigation banking.

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, and applicable technical standards to minimize impacts to water resources, and Article I, Section 27 of the Pennsylvania Constitution, Pa. Const., Art. I, Sec. 27. An Individual NPDES Construction Stormwater Permit is issued after the Department determines that the Application and supporting plans and documents, including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management Plan, meet the regulations and requirements of 25 Pa. Code Chapters 102 and 105, and the Department has concluded the project will not cause unreasonable degradation, depletion, or diminution of public natural resources.