



Pennsylvania
**Department of
Environmental Protection**

January 9, 2026

Michael Levesque
Homer City Generation LP
1750 Power Plant Road
Homer City, PA 15748

Re: Technical Deficiency Notification
Homer City Generation LP
Homer City Generation Bruner Field
APS ID#1146672, AUTH ID#1542866, E3206225-003
Blacklick and Center Townships, Indiana County

Michael Levesque:

The Department of Environmental Protection (DEP) has reviewed the above referenced application package and has identified the following significant deficiencies. The deficiencies are based on applicable laws and regulations, and guidance that set forth DEP's preferred means of satisfying the applicable regulatory requirements.

Technical Deficiencies

1. Your application, in the project narrative and environmental assessment, references "the Homer City Redevelopment Plan" (Plan) as justification for project need, yet no further information is provided. Please provide a copy of this Plan and further explanation of how this project is necessary, as designed, to achieve the goals of the Plan. [25 Pa Code §105.13(e), §105.14(b)(7,8,12,14)]
2. As this project is part of a larger overall development plan, your Environmental Assessment needs to address all known and anticipated impacts that will foreseeably occur as a result of the implementation of all phases of development, including potential utility connections to service your development. For guidance on completing a comprehensive environmental assessment, please refer to the Department's guidance "Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications" (attached). [25 Pa Code §105.13(e)(iii)(x), §105.14(b)(4,5,12,14), §105.15]
3. Your project description does not identify specific development plans to demonstrate water-dependency and minimization of impacts associated with this project. Please provide a site-specific development plan, along with an expanded Alternatives Analysis (see below) to justify impacts to aquatic resources. [25 Pa Code §105.13(e)(1)(i,viii), §105.14(b)(7)]

4. Your Alternatives Analysis arrives at a preferred alternative of a 68.6-acre vegetated pad and associated access roads and stormwater facilities with little explanation of the need for a pad of that size. It seems, from your plans and the locations of the resources, that there are likely intermediate alternatives between the no-build and preferred options that would further minimize, or potentially eliminate, impacts to aquatic resources, while still providing a sizable pad for development. Provide an expanded, detailed Alternatives Analysis that evaluates additional pad sizes and/or layouts, with at least one option showing the maximum size pad that can be constructed with no impacts to aquatic resources. Your evaluation should consider alternate layouts, fill slopes, and engineering controls (retaining walls, etc....) to demonstrate impacts have been minimized to the greatest extent practicable. Please see the Department's "Guidance for Developing a Chapter 105 Alternatives Analysis" (attached). [25 Pa Code §105.14(b)(7)]
5. The Department has received public comments on this project. Please review and provide a written response to all comments (attached). [25 Pa Code §105.21a]
6. According to PA eMAP, your project falls within the boundary of the historic Lucerne 6 Coal Mine, and portions of your proposed project area may have been mined (Coal Pillar and/or Longwall). Please provide additional information regarding the historic mining on the property including information on the extent of mining, extent of potential remaining coal, elevations of coal seams, potential presence of acid forming material, and an evaluation of whether your proposed grading could encounter coal and/or acid forming materials. [25 Pa Code §105.14(b)(4)]
7. Provide a copy of the Erosion and Sedimentation Control Plan approval from the County Conservation District. [25 Pa Code §105.13(g)]

Pursuant to 25 Pa. Code §105.13(e)(4) of DEP's Chapter 105 Rules and Regulations you must submit a response fully addressing each of the significant technical deficiencies set forth above. Please note that this information must be received within sixty (60) calendar days from the date of this letter or DEP may consider the application to be withdrawn by the applicant.

You may request a time extension, in writing, to respond to deficiencies beyond the sixty (60) calendar days. Requests for time extensions will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including a specific due date to respond if the extension is granted. Time extensions shall be in accordance with 25 Pa. Code §105.13(e)(4).

If you believe that any of the stated deficiencies is not significant, instead of submitting a response to that deficiency, you have the option of asking DEP to make a decision based on the information with regard to the subject matter of that deficiency that you have already made available. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency. Please keep in mind that if you fail to respond, your application may be withdrawn or denied.

The PAYback program amends the former Permit Decision Guarantee program. [Executive Order 2023-07](#) requires the Department to abide by established review times for each authorization. The PAYback program became effective November 1, 2023, as required by Executive Order 2023-07. Chapter 105 applications or registrations received by the Department on or after that

date are subject to this policy and are potentially eligible for Pennsylvania's PAYback program. More information is available on the [PAYback website](#).

Should you have any questions regarding the identified deficiencies, please contact Morgan Neville at 814.332.6678 or via email at moneville@pa.gov and refer to Application No. E3206225-003, to discuss your concerns or to schedule a meeting. The meeting must be scheduled within the 60-day period allotted for your reply, unless otherwise extended by DEP. You may also follow your application through the review process via *eFACTS on the Web* at <http://www.ahs2.dep.state.pa.us/eFactsWeb/default.aspx>.

Sincerely,

A handwritten signature in blue ink, appearing to be 'KM Gross', written over the word 'Sincerely,'.

Karl M. Gross, P.E.
Permitting Chief
Waterways and Wetlands Program

cc: Toby Partridge, Michael Baker International, Inc
US ACE, Pittsburgh
Indiana County Conservation District