



Three Rivers Waterkeeper
800 Vinial Street, Suite B314
Pittsburgh, PA 15212
www.3RWK.org

DEP Northwest Regional Office
% Waterways & Wetlands Program
230 Chestnut Street,
Meadville PA 16335-3481

December 23, 2025

RE: Public Comment on Chapter 105 Joint Permit Application E3206225-004, Homer City Generation Power Block Project

To the Pennsylvania Department of Environmental Protection, Bureau of Waterways Engineering and Wetlands:

Three Rivers Waterkeeper (3RWK) respectfully submits the following comments regarding Chapter 105 Joint Permit Application (E3206225-004) for the Homer City Generation Power Block Project. Given the scale of this proposed redevelopment, its location within a former coal-fired power plant site, and its direct impacts to wetlands and tributaries of Cherry Run, Three Rivers Waterkeeper has a strong interest in ensuring that this permit application fully complies with the Clean Streams Law (35 P.S. §691.1-§691.1001)¹, the Dam Safety and Encroachments Act (32 P.S. §693.1-§693.27)², and the requirements of 25 Pa. Code Chapter 105.

Three Rivers Waterkeeper was founded in 2009 and serves as both a scientific and legal advocate for the Allegheny, Monongahela, and Ohio Rivers and their watersheds in Southwestern PA. These waterways are critical to the health, vitality, and economic prosperity of our region and communities. We are both a scientific and legal advocate for the community, working to ensure that our three rivers are protected and that our waters are safe to drink, fish, swim, and enjoy. We monitor and patrol our waterways, and take samples of basic parameters using our own sampling device, E.coli samples, PFAS samples and specific parameters at external laboratories. We also highlight the variety of species that live in our aquatic and riparian ecosystems. We are one of the over 300 organizations that make up the global Waterkeeper Alliance and work together to connect local communities to global environmental and advocacy resources.

Together with our partners, Concerned Residents of Western PA, Clean Air Council, PennFuture, and, Mountain Watershed Association respectfully requests that the Department deem the Chapter 105 Joint Permit Application for the Homer City Power Block Project administratively incomplete for the following reasons outlined below:

Project Overview and Site Context

¹ Clean Streams Law (35 P.S. §691.1-§691.1001).

² Dam Safety and Encroachments Act (32 P.S. §693.1-§693.27).

This project represents a large-scale redevelopment of a decommissioned coal-fired power plant site with known hydrologic constraints and legacy contamination risks. However, the application repeatedly treats wetland and stream impacts as small, isolated disturbances rather than as part of a connected and already-stressed aquatic system. The proposed project involves construction of seven GE 7HA.02 combined-cycle natural gas turbines and associated infrastructure, including a new Water Treatment Facility (WTF), gas-insulated switchgear, extensive laydown and staging areas, haul roads, parking, and modifications to an existing intake structure.³ As described in the Chapter 105 Joint Permit Application and related General Permit registrations for site access and road relocation, the project spans Black Lick and Center Townships and will affect multiple wetland complexes and tributaries draining toward Cherry Run, a stream designated for Cold Water Fishes (CWF) use under 25 Pa. Code Chapter 93.⁴

Extent and Character of Wetland Impacts

Across the Joint Permit Application, the applicant identifies direct impacts to thirteen wetlands, primarily palustrine emergent (PEM) wetlands and one palustrine forested (PFO) wetland, with total wetland impacts exceeding approximately 2.45 acres. These impacts include permanent grading, construction of the Water Treatment Facility over wetlands, and extremely large “temporary” laydown areas, including one exceeding 0.7 acres. Particularly concerning are the wetlands identified as “temporary” laydown areas, including Wetland W-20 (approximately 0.704 acres) and Wetland W-21 (approximately 0.143 acres).⁵ Impacts of this magnitude frequently result in permanent soil compaction, altered hydrology, vegetation loss, and long-term functional degradation that is indistinguishable from permanent fill. The permit 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.

The application also proposes impacts to a forested wetland resource (PFO), yet provides limited information distinguishing the functional value of this wetland from emergent systems. Forested wetlands typically provide higher-order ecological functions, including flood attenuation, groundwater interaction, carbon storage, and wildlife habitat. The record 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. 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.

Impacts to Cold Water Fishes Streams

In addition to wetland impacts, the application identifies a permanent impact of approximately 162 linear feet to Stream S-02, which is a tributary to Cherry Run designated as a Cold Water Fishes stream under 25 Pa. Code Chapter 93. Certain stream impacts are characterized as waived under Chapter 105.12a based on drainage area and channel characteristics, and limited floodway calculations are provided for select

³ [E3206225-004 Permit Application](#).

⁴ [25. Pa. Code Ch. 93](#).

⁵ [Aquatic Resources Impact Table](#).

crossings associated with the access road relocation.⁶ However, the broader Joint Permit record does not include a comprehensive evaluation of how permanent impacts to tributaries designated for Cold Water Fishes use (whether direct or indirect) will affect aquatic habitat, organism passage, thermal regime, or downstream water quality. Any permanent impacts to CWF streams warrant heightened scrutiny, including a clear demonstration of avoidance and minimization, which is not fully developed as presented.

Deficiencies in Compensatory Mitigation

Compensatory mitigation for the proposed wetland impacts is also inadequate and appears incompletely documented. Although more than 2.4 acres of wetlands are proposed for impact, the permit file documents the purchase of only 0.26 wetland mitigation credits from the Paden Creek Mitigation Bank, corresponding solely to Wetland W-38A. All remaining wetland impacts are attributed to mitigation through an entity identified as “PIESCES,” yet no documentation, mitigation ratios, service area analysis, or functional replacement information for this mitigation is included in the permit application.⁷ This raises concern that the project may be substantially under-mitigated and questions compliance with Chapter 105’s requirement to ensure no net loss of wetland function. Moreover, the mitigation bank credits identified are located within a secondary service area, which requires additional justification and demonstration of functional equivalence that is not provided in the application materials.

Hydraulic and Water Quality Risks, Secondary & Cumulative Impacts to Cherry Run

The siting of the proposed Water Treatment Facility itself raises significant hydrologic and water quality concerns. Multiple wetlands impacted by the project are explicitly identified as part of the Water Treatment Facility footprint. 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. This area historically received stormwater, washwater, treatment backwash, along with coal and ash runoff before discharging toward Cherry Run. While the application includes limited floodplain and crossing-specific analyses for certain project components, 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 WTF and related infrastructure.

The proposed Water Treatment Facility is also located within several hundred feet of Cherry Run, placing it directly on the drainage gradient toward a protected Cold Water Fishes stream. Construction-phase erosion, sediment releases, or operational upsets could result in pollutant transport from disturbed wetland areas to downstream waters. While erosion and sediment controls and stormwater management are referenced as being addressed through NPDES permitting, the Chapter 105 record 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. Chapter 105 requires that these

⁶ 25. Pa. Code 105.12.

⁷ [Wetland Mitigation Table](#).



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secondary and cumulative impacts be evaluated as part of the water obstruction and encroachment review. Without adequate analysis and enforceable safeguards, this raises concerns under the Clean Streams Law, including Sections 401 and 307 (35 P.S. §691.401, §691.307)⁸, which prohibits discharges that degrade waters of the Commonwealth.

Legacy Contamination and Groundwater Concerns

The Homer City site is known to have historically contained ash basins, coal combustion residual storage areas, along with documented groundwater and soil contamination concerns. Earth disturbance in proximity to wetlands and streams poses a risk of mobilizing legacy pollutants. However, the record 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. This omission undermines confidence that water quality protections required under the Clean Streams Law and Chapter 105 will be met.

Threatened and Endangered Species Review Gap

Additionally, the application's treatment of threatened and endangered species warrants clarification. PNDI review correspondence identifies potential impacts to Indiana bat, tricolored bat, and monarch butterfly habitat and references potential forest disturbance acreage. At the same time, portions of the application state that tree removal is not anticipated, despite acknowledging vegetation clearing, trimming, and herbicide application. The record does not include enforceable seasonal restrictions, habitat assessments, or species-specific avoidance and minimization measures typically required to ensure compliance with PNDI clearance conditions.

Conclusion

For these reasons, and given the scale of proposed earth disturbance, wetland fill, and stream impacts at a site with a long legacy of industrial pollution, Three Rivers Waterkeeper respectfully urges the Department to evaluate this application to ensure meaningful opportunities for public participation by communities most likely to bear the burdens of additional environmental risk. The record should demonstrate how potential disproportionate impacts have been identified and addressed, including impacts related to stormwater runoff, flooding, sediment mobilization, and water quality effects to Cherry Run and downstream receiving waters.

Three Rivers Waterkeeper and partners therefore respectfully requests that the Department deem the Chapter 105 Joint Permit Application for the Homer City Power Block Project administratively incomplete and require the applicant to 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

⁸ Clean Streams Law (35 P.S. §691.1-§691.1001).



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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.

In addition, **Three Rivers Waterkeeper and partners listed below formally requests 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. Until these deficiencies are corrected and meaningful public participation has occurred, issuance of this permit would be inconsistent with the requirements of Chapter 105, the Clean Streams Law, and DEP's obligation to protect the waters of the Commonwealth.

Thank you for your time and consideration.

Sincerely,

Heather Hulton VanTassel, PhD
Executive Director, Three Rivers Waterkeeper
Heather@threeriverswaterkeeper.org

Concerned Residents of Western PA
concernedresidentsofwesternpa@protonmail.com

Lawrence Hafetz, Esq.
Legal Director, Clean Air Council
1617 JFK Boulevard, Suite 1130 Philadelphia, PA 19103
lhafetz@cleanair.org

Jessica O'Neill
Managing Attorney for Litigation, [PennFuture](http://PennFuture.org)
oneill@pennfuture.org

Ashley Funk
Executive Director, Mountain Watershed Association
ashley@mtwatershed.com

From: [James Lafontaine](#)
To: [EP, WV-NWRO](#)
Subject: [External] Comments E3206225-004. Homer City Generation LP
Date: Wednesday, December 3, 2025 2:24:49 PM

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The above referenced permit application is for the Homer City Development Corporation.

"The applicant proposes mitigation for project impacts through purchase of mitigation bank credits at the Paden Creek Mitigation Bank for Federally jurisdictional wetland impacts (W-38A)."

Since this project is within the Blacklick Creek Watershed, it is desirable to mitigate within this watershed or at least within Indiana County. There are many opportunities to do this within land area owned by the HC Redevelopment Corp along Two Lick Reservoir.

Alternatively, augmentation of the wetlands of the BAMR, Wehrum water treatment plant and associated mine pool changes may be a possibility. Also, the Ghost Town Trail and Hoddlebug border the Blacklick, Two Lick, and Yellow Creeks within the watershed. There may be multiple opportunities within this public land that provide high public visibility.

James Lafontaine P.E.
Past President, Blacklick Creek Watershed Association.

From: [Janis Long](#)
To: [EP, WW-NWRO](#)
Subject: [External] Comments E3206225-004. Homer City Generation LP
Date: Tuesday, December 9, 2025 9:29:58 AM

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The above referenced permit application is for the Homer City Development Corporation.

"The applicant proposes mitigation for project impacts through purchase of mitigation bank credits at the Paden Creek Mitigation Bank for Federally jurisdictional wetland impacts (W-38A)."

I am in agreement with James Lafontaine regarding this project. Since it is in the Blacklick Creek watershed, it should be mitigated in Indiana County.

Janis Long
Current President, Blacklick Creek Watershed Assn.

Request for Public Hearing

**Chapter 105 Permit Application No. E3206225-003 and No. E3206225-004
(Homer City Data Center)**

To: Pennsylvania Department of Environmental Protection

Northwest Regional Office, Waterways & Wetlands Program

230 Chestnut Street

Meadville, PA 16335-3481

Date: December 28, 2025

To Whom It May Concern,

Westmoreland
I am writing as a concerned resident of INDIANA COUNTY to provide formal

comment and to formally request that the Department of Environmental Protection (DEP) hold a **public hearing** regarding the Chapter 105 Water Obstruction and Encroachment Permit Applications (No. E3206225-003 and E3206225-004) submitted by Homer City Redevelopment.

This project involves the permanent loss of over 2.4 acres of wetlands and 160+ feet of streams in Indiana County. Given the unprecedented scale of the overall 4.4 GW data center campus and the significant public interest already demonstrated during the air quality permit phase, a public hearing for this water permit is necessary to:

- 1. Address Local Water Impacts and Protection of Tailrace Fisheries:** Allow residents to provide testimony on how the loss of these wetlands may affect local flood management, special trout habitat and the water quality of the Cherry Run watershed. I request a hydrological study.
- 2. Evaluate Cumulative Effects:** Ensure the DEP considers the combined environmental stress of this project alongside the existing infrastructure and historical pollution at the site.
- 3. Ensure Transparency:** Provide a platform for the community to understand the "in-lieu fee" mitigation strategy and whether it truly compensates for the local ecological loss.

I urge the Department to exercise its discretion to schedule a "Fact Finding" hearing so that the residents of Indiana County can participate fully in the protection of our Commonwealth's water resources.

Respectfully,

From: [REDACTED]
To: [EP, WW-NWRO](#)
Subject: [External] Homer city development
Date: Thursday, December 25, 2025 6:48:55 AM

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This development that is proposed by Homer city development for fracked gas is detrimental to our community economy environment and our health!

You cannot tell me that this will not bring smog and will not bring destruction to our wetlands to our forest to my health and that be OK no it is not OK and I oppose it and I will fight it to the end.

Sincerely
Lynda Santos

From: [REDACTED]
To: EP_WW-NWRO; RA-EPAIRNW@pa.gov
Cc: info@iccdpa.org
Subject: [External] Request for Public Hearing - Chapter 105 Permit Application No. E3206225-003 and No. E3206225-004 (Homer City Data Center)
Date: Monday, December 29, 2025 6:20:11 AM

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Request for Public Hearing

Chapter 105 Permit Application No. E3206225-003 and No. E3206225-004 (Homer City Data Center)

To: Pennsylvania Department of Environmental Protection

Northwest Regional Office, Waterways & Wetlands Program

230 Chestnut Street

Meadville, PA 16335-3481

Date: December 28, 2025

To Whom It May Concern,

I am writing as a concerned resident of INDIANA COUNTY to provide formal comment and to formally request that the Department of Environmental Protection (DEP) hold a **public hearing** regarding the Chapter 105 Water Obstruction and Encroachment Permit Applications (No. E3206225-003 and E3206225-004) submitted by Homer City Redevelopment.

This project involves the permanent loss of over 2.4 acres of wetlands and 160+ feet of streams in Indiana County. Given the unprecedeted scale of the overall 4.4 GW data center campus and the significant public interest already demonstrated during the air quality permit phase, a public hearing for this water permit is necessary to:

1.

Address Local Water Impacts and Protection of Tailrace Fisheries: Allow residents to provide testimony on how the loss of these wetlands may affect local flood management, special trout habitat and the water quality of the Cherry Run

watershed. I request a hydrological study.

2.

Evaluate Cumulative Effects: Ensure the DEP considers the combined environmental stress of this project alongside the existing infrastructure and historical pollution at the site.

3.

Ensure Transparency: Provide a platform for the community to understand the "in-lieu fee" mitigation strategy and whether it truly compensates for the local ecological loss.

I urge the Department to exercise its discretion to schedule a "Fact Finding" hearing so that the residents of Indiana County can participate fully in the protection of our Commonwealth's water resources.

Respectfully,

Audrey Allen-Lengel

A large rectangular area of the document has been completely blacked out, obscuring a signature.

-----**Please send confirmation of receipt**-----

From: [REDACTED]
To: [EP_WW-NWRO](#)
Subject: [External]
Date: Monday, December 29, 2025 5:18:13 PM

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Comments for Chapter 105 Permit for construction of Homer City AI Data Center Campus. This land development will impact 2.459 acres and 12 wetlands and an unnamed tributary of Cherry Run. Instead of mitigation occurring in the Greater Blacklick Creek Watershed, specifically the Twolick Creek, it is occurring in another watershed in Crawford County. As a co-founder of the Blacklick Creek Watershed Association, I object to mitigation in another watershed instead of the one that is being impacted, Twolick Creek. As a County Planning Commission member I would like a thorough explanation as to the "why" of another watershed rather than the neighboring one or on the site of the Homer City Campus. And what can our watershed do to make sure we are considered as part of a "watershed" bank? While the planning commission granted conditional approval pending DEP approval, I feel we as a Commission need to fully understand the whole process, and make sure that our local watershed, that is the one being impacted, is not overlooked again. Will you help us?.

From: [REDACTED]
To: [EP_WW-NWRO](#)
Subject: [External] Homer City plant
Date: Tuesday, December 30, 2025 6:33:40 AM

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To Whom It May Concern,

I am writing on behalf of Ken Sink Chapter of Trout Unlimited and as a concerned resident of INDIANA COUNTY to provide formal comment and to formally request that the Department of Environmental Protection (DEP) hold a **public hearing** **regarding** the Chapter 105 Water Obstruction and Encroachment Permit Applications (No. E3206225-003 and E3206225-004) submitted by Homer City Redevelopment.

This project involves the permanent loss of over 2.4 acres of wetlands and 160+ feet of streams in Indiana County. Given the unprecedeted scale of the overall 4.4 GW data center campus and the significant public interest already demonstrated during the air quality permit phase, a public hearing for this water permit is necessary to:

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2.

Evaluate Cumulative Effects: Ensure the DEP considers the combined environmental stress of this project alongside the existing infrastructure and historical pollution at the site.

3.

Ensure Transparency: Provide a platform for the community to understand the "in-lieu fee" mitigation strategy and whether it truly compensates for the local ecological loss.

I urge the Department to exercise its discretion to schedule a "Fact Finding" hearing so that the residents of Indiana County can participate fully in the protection of our Commonwealth's water resources.

Bob Sagely
Youth Activities Coordinator
KEN SINK CHAPTER TROUT UNLIMITED
Indiana, PA

From: [REDACTED]
To: EP_WW-NWRO
Subject: [External] Public Comment on Chapter 105 Joint Permit Application (JPA) – E3206225-004
Date: Monday, December 29, 2025 10:21:10 PM

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Dear Pennsylvania Department of Environmental Protection,

I am writing to express my support for the public comment submitted by Three Rivers Waterkeeper and partners regarding the Chapter 105 Joint Permit Application (E3206225-004) for the Homer City Generation Power Block Project.

I urge the Department to carefully consider the project's proposed impacts to wetlands and streams, including whether these impacts have been adequately avoided, minimized, and mitigated as required under 25 Pa. Code Chapter 105.

Wetlands provide critical water quality, flood protection, and ecological functions, and their loss or degradation should not be treated as insignificant.

Instead of viewing this permit in isolation, DEP must consider the potential degradation to Pennsylvania's natural resources, including the climate, from the entire project. The new power plant could emit over 17 million tons of CO2 annually, more than triple the highest emissions of any polluting facility in Pennsylvania. Increased CO2 emissions means rising temperatures for all. The data center could also consume massive quantities of fresh potable water and create 24/7 light and noise pollution. To fulfill its trustee duties under the ERA, DEP should deny this permit. In addition, I would like to request that a formal public hearing be held for this permit so that my community and I can have a way to verbally comment on the permit.

Thank you for considering this input as part of your review.

Sincerely,

Amos King

Homer City, Pennsylvania

From: [REDACTED]
To: EP_WW-NWRO
Subject: [External] Public Comment on Chapter 105 Joint Permit Application (JPA) – E3206225-004
Date: Monday, December 29, 2025 10:12:32 PM

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Dear Pennsylvania Department of Environmental Protection,

I am writing to express my support for the public comment submitted by Three Rivers Waterkeeper and partners regarding the Chapter 105 Joint Permit Application (E3206225-004) for the Homer City Generation Power Block Project.

I urge the Department to carefully consider the project's proposed impacts to wetlands and streams, including whether these impacts have been adequately avoided, minimized, and mitigated as required under 25 Pa. Code Chapter 105.

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Thank you for considering this input as part of your review.

Sincerely,
Amanda Oaks
Homer City, PA