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February 23, 2018

Via Electronic Filing

Ms. Barcy McNeal
Administration/Docketing
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, OH 43215-3793

**Re: Guernsey Power Station, LLC,
OPSB Case No. 16-2443-EL-BGN**

Dear Ms. McNeal:

The October 5, 2017, Opinion, Order, and Certificate ("Certificate") approving Guernsey Power Station, LLC ("GPS") Certificate of Environmental Compatibility and Public Need to Construct the Guernsey Power Station approved the Stipulation which set forth a set of conditions as part of the Certificate.

Within this set of conditions, **Condition No. 6** requires that:

Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.

Attached is a copy of the Section 401 Water Quality Certification dated February 20, 2018 for the Guernsey Power Station.

If you have any questions please call at the number listed above.

Sincerely,

Sally W. Bloomfield

Cc: Jon Whitis
Jonathan Pawley



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

Ohio Environmental Protection Agency
February 20, 2018

Certified Mail

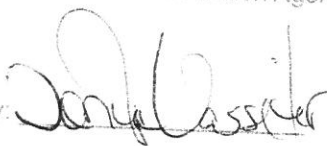
9489 0090 0027 6024 1736 10

**Re: Guernsey Power Station
Permit - Intermediate
Approval
401 Wetlands
Guernsey
DSW401175544**

February 20, 2018

Mary King
Guernsey Power Station, LLC.
3698 Paddock Road
Plainfield, IN 46168

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

By:  Date: 2/20/18

**Subject: Guernsey Power Station
Guernsey / Valley / Derwent
Grant of a Section 401 Water Quality Certification
Corps Public Notice No. LRH-2017-00244-MUS
Ohio EPA ID No. 175544**

Dear Stakeholders:

I hereby authorize the above referenced project under the following authorities and it is subject to the following modifications and/or conditions:

Section 401 Water Quality Certification

Pursuant to Section 401 of the Federal Water Pollution Control Act, Public Law 95-217, I hereby certify that the above-referenced project will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act. This authorization is specifically limited to a Section 401 Water Quality Certification (here after referred to as "certification") with respect to water pollution and does not relieve the Certification Holder of further Certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Wills Creek watershed (HUC 05040005) as authorized by this certification is necessary. I have made this determination based upon the consideration of all public comments, if submitted, and the technical, social, and economic considerations concerning this application and its impact on waters of the state.

PART I ON-SITE WATER RESOURCES AND IMPACTS

A. Watershed Setting

The watershed in which this project is located, Trail Run – Wills Creek (HUC 05040005-02-07), has an area of 22.98 square miles. Wills Creek is a Warmwater Habitat (WWH) stream and primary contact recreation water with an antidegradation category of general high-quality water. Other Ohio EPA Aquatic Life Use Designations located in this watershed, as found in OAC rule 3745-1-21, include Exceptional Warmwater Habitat (EWH) and WWH.

B. Project Description

The project involves construction of a new 1,650-megawatt natural gas-fired combined cycle electric generating facility located in Guernsey County, Ohio and a utility-owned substation and interconnecting transmission/distribution lines. The generating facility will use state-of-the-art combined cycle technology and a dry air cooling system to reduce air emissions and minimize consumptive water use.

C. Impacts to Waters of the State

1. Streams

Impacts to streams are not authorized under this certification.

2. Wetlands

a. Temporary Impacts

Temporary impacts are fill relating to providing access and work space for pole and substation construction as shown in the table below:

Wetland ID	Isolated or Non-Isolated?	Forested or Non-Forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
W-C31	NI	NF	2	8.74	1.45	83.4
W-C52	NI	NF	2	25.48	0.15	92.2
		NF - SS			0.70	
		F			1.13	
W-C101	NI	NF	2	0.10	0.03	70.0
Total				34.32	3.46	89.9

b. Permanent Impacts

Permanent impacts include 3.074 acres of wetland fill and 1.84 acres of forested conversion for a total of 4.914 acres.

Wetland ID	Forested or Non-Forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided	Impact Type
W-C30	F	2	1.91	0.26	86.4	FC
W-C31	NF	2	8.74	0.016	99.8	Fill
W-C52	NF	2	25.48	0.282	81.8	Fill
	F			2.774		Fill
				1.58		FC
W-C101	NF	2	0.10	0.002	98.0	Fill
Total			36.23	4.914	86.4	

3. Lakes

Impacts to lakes are not authorized under this certification.

PART II TERMS & CONDITIONS

- A. This certification shall remain valid and in effect as long as the 404 Permit issued by the U.S. Army Corps of Engineers for this project is in effect.
- B. Terms and conditions outlined in this section apply to project and mitigation construction as described in this certification.
- C. The Certification Holder shall notify Ohio EPA, in writing, and in accordance with *Part IV (NOTIFICATIONS TO OHIO EPA)* of this certification, upon the start and completion of site development.

- D. A copy of this certification shall remain on-site for the duration of the project.
- E. In the event of an inadvertent spill, the Certification Holder must immediately call the Ohio EPA Spill Hotline at 1-800-282-9378, as well as the Ohio EPA Section 401/Stormwater Manager (614-644-2001).
- F. Unpermitted impacts to surface water resources and/or their buffers occurring as a result of this project must be reported within 24 hours of occurrence to Ohio EPA, Division of Surface Water, Section 401/Stormwater Manager (614-644-2001), for further evaluation.
- G. Pesticide application(s) for the control of plants and animals shall be applied in accordance with rule 3745-1-01 of the Ohio Administrative Code, and may require a pesticide applicator license from the Ohio Department of Agriculture.
- H. Any authorized representative of the director shall be allowed to inspect the authorized activity at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this certification.
- I. In the event that there is a conflict between the certification application, including the mitigation plan, and the conditions within this certification, the condition shall prevail unless Ohio EPA agrees, in writing, that the certification application or other provision prevails.
- J. The Certification Holder shall provide electronic maps of the development area to Ohio EPA 401/Stormwater Section within 30 days of the date of this certification. When sending the electronic files, include the Ohio EPA ID Number and the Army Corps of Engineers Number (if applicable). If possible, these electronic maps shall be GIS shape files or Geodatabase files. If this is not possible, the electronic maps shall be in another electronic format readable in GIS (GIF, TIF, etc). The electronic files shall be sent to the following e-mail address: EPA.401Webmail@epa.ohio.gov

If the files are too large to send by e-mail (over 25 MB), a disk containing the electronic files shall be mailed to the following address:

Ohio Environmental Protection Agency
Division of Surface Water
Attn: 401/Stormwater Manager
50 West Town Street, Suite 700
PO Box 1049
Columbus, OH 43216-1049

- K. This proposal may require other permits from Ohio EPA. For information concerning application procedures, contact the Ohio EPA District Office as follows:

Ohio Environmental Protection Agency
Southeast District Office
2195 Front Street
Logan, Ohio 43138
740-385-8501

Additional information regarding environmental permitting assistance at Ohio EPA can be found at http://www.epa.ohio.gov/dir/permit_assistance.aspx

L. Best Management Practices (BMPs)

1. All water resources and their buffers which are to be avoided, shall be clearly indicated on site drawings demarcated in the field and protected with suitable materials (e.g., silt fencing) prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process and removed after completion of construction.
2. All BMPs for storm water management shall be designed and implemented in accordance with the most current edition of the Ohio Department of Natural Resources Rainwater and Land Development Manual, unless otherwise required by the National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities (construction general permit), if required.

A copy of the Rainwater and Land Development Manual is available at:
http://epa.ohio.gov/Portals/35/storm/technical_assistance/RLD_11-6-14All.pdf

A copy of the NPDES construction general permit is available on the "Construction Activities" tab at:
http://www.epa.ohio.gov/dsw/storm/construction_index.aspx

3. Straw bales shall not be used as a form of erosion/sediment control.
4. Temporary fill shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.
5. Materials used for fill or bank protection shall consist of suitable material free from toxic contaminants in other than trace quantities. Broken asphalt is specifically excluded from use as fill or bank protection.

6. Chemically treated lumber which may include, but is not limited to, chromated copper arsenate and creosote treated lumber shall not be used in structures that come into contact with waters of the state.
7. All temporary fill material must be removed to an area that has no waters of the state at the completion of construction activities to the maximum extent practicable.

M. Wildlife Protection

1. The project is within the range of the northern harrier, a state-endangered bird that breeds in large marshes and grasslands. Since this habitat may occur on the project site, construction should be avoided during the species' nesting period of May 15 to August 1 or further coordination with the Ohio Department of Natural Resources (ODNR) Division of Wildlife (DOW) should take place prior to the commencement of work.

PART III MITIGATION FOR PERMANENT IMPACTS

A. Description of Required Mitigation

As mitigation for 4.914 acres of permanent wetland impact, including fill of 0.30 acres of Category 2 non-forested wetland, 2.774 acres of Category 2 forested wetland, and 1.84 acres of Category 2 wetland forest conversion to non-forested wetland habitat, the certification holder shall purchase 12.2 credits from the Stream + Wetlands Foundation In-Lieu Fee program located within the service area of the Wills Creek watershed (HUC 05040005).

In-Lieu Fee Mitigation Summary Table					
Watershed (HUC 8)	Wetland Type	Wetland Category	Impact Acreage	Ratio Multiplier	Mitigation Credits
Wills Creek (05040005)	Forested	2	4.614	2.5	11.6
	Non- Forested	2	0.30	2.0	0.60
Project Totals			4.914		12.2

B. Timing of Mitigation Requirements

Within 30 days of the date of the Corps 404 Permit, a copy of the fully-executed in-lieu fee program agreement with the Stream + Wetlands Foundation shall be provided to Ohio EPA. **Impacts to waters of the state shall not occur until the terms of this condition have been met.**

C. Reporting

1. Annual Update Reports

A project construction update report shall be submitted to Ohio EPA by December 31 of each year following the date of this certification and until project construction is complete. Each update report shall contain, at a minimum, the following information:

- a. The status of the filling activities at the development site including dates filling was started and completed, or are expected to be started and completed. If filling activities have not been completed, a drawing shall be provided, which shows the locations and acreage/feet of wetlands/streams that have not yet been filled. If filling activities have been completed, then as-built drawings shall be submitted, which show where fill was placed;
- b. Current contact information for all responsible parties including phone number, e-mail, and mailing addresses. For the purposes of this condition, responsible parties include, but may not be limited to the Certification Holder, consultant, project construction manager(s)
- c. As-built drawings sized 11" by 17" (to scale) of the final project construction, once construction is complete.

PART IV RESTORATION FOR TEMPORARY IMPACTS

A. Temporary Impacts

Mitigation is not required for temporary impacts associated with construction of the project; however, monitoring of the restoration of the temporarily impacted wetlands is required. Temporary impacts are those which facilitate the nature of the activity or aid in the access, staging or development of construction; are short-term in nature; and which are expected, upon removal of the temporary impact, to result in the wetland returning to conditions which support pre-impact biological function with minimal or no human intervention within 12 months following the

completion of the temporary impact. Restoration monitoring shall occur for two years after completion of construction unless the certification holder can demonstrate that the restored areas are meeting performance goals after the first year of monitoring.

In forested areas where temporary impacts will occur, no trees may be cut to facilitate access other than the approved permanent conversion impacts listed in Part 1.C.2. The cutting of trees will be considered an additional permanent impact and will require a modification of the certification and a five-year monitoring period.

B. Goals for the Required Restoration

Restoration includes returning the temporarily impacted area to pre-impact contour conditions. Performance goals for the restoration of these wetland impacts include no net increase of the percentage of invasive species from pre-impact wetland conditions, no loss of wetland acreage and the restored wetland must meet all three wetland criteria (hydric soils, hydrology and hydrophytic vegetation) in accordance with the U.S. Army Corps of Engineers' Wetland Delineation manual (1987) and appropriate regional supplement.

C. Annual Restoration Monitoring Reports

A restoration report shall be submitted to Ohio EPA by December 31 of each year following the date of restoration. Each report shall contain, at a minimum, the following information:

1. The status of all restoration required for the project as specified in the application and certification;
2. A list of native vegetation species planted, if applicable. No non-native vegetation shall be planted;
3. Percent coverage of invasive species in the restored wetland area and comparison to pre-impact conditions;
4. The status of the temporarily impacted forested wetland areas with regard to any damage to trees which would change the habitat status of the wetland from forested to non-forested;
4. Data from a wetland delineation point within the restored wetland area and comparison to pre-impact conditions. A map of the wetland boundary showing wetland acreage and delineation points should be included; and
5. Photographs of the restored areas. A minimum of four high resolution color photographs taken while facing each of the four cardinal directions of each

wetland proposed for impact. Photographs must accurately depict the quality of the wetland and may not include a majority of dying or dead vegetation and excessive cover due to seasonal conditions that vegetation and substrates cannot be observed, such as leaf litter, snow, or ice. Photographs deemed to be insufficient of representing the wetland will be required to be retaken once seasonal conditions are appropriate. Photographs shall be clearly labeled with the wetland name, direction, and date.

D. Agency Site Visits

The Certification Holder shall arrange on-site mitigation meetings with Ohio EPA during the growing season that follows the submittal of the first annual restoration monitoring report. The purpose of this inspection is to determine if the Certification Holder is responsible for undertaking any modifications identified by Ohio EPA.

E. Contingency Plans

If the restoration areas are not performing as proposed by the end of the second year of post construction monitoring, the monitoring period may be extended and/or the Certification Holder may be required to revise the existing restoration plan.

PART IV NOTIFICATIONS TO OHIO EPA

All notifications, correspondence, and reports regarding this certification shall reference the following information:

Certification Holder Name:	Mary King
Project Name:	Guernsey Power Station
Ohio EPA ID No.:	175544

and shall be sent to:

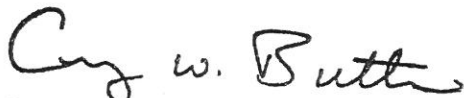
Ohio Environmental Protection Agency
Division of Surface Water, 401/IWP Unit
Lazarus Government Center
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio

Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the director within three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

Sincerely,



Craig W. Butler
Director

cc: Audrey Richter, Department of the Army, Huntington District, Corps of Engineers
Cory Wilson, Department of the Army, Huntington District, Corps of Engineers
Peter Swenson, U.S. EPA, Region 5
Dan Everson, U.S. Fish & Wildlife Service
John Kessler, ODNR, Office of Real Estate
Dave Snyder, Ohio Historical Preservation Office
Carol Siegley, Ohio EPA, DSW, Section 401/IWP
Jeff DeShon, Ohio EPA, DSW, EAS
Andrea Kilbourne, Ohio EPA, DSW, Mitigation Coordinator
Rachel Taulbee, Ohio EPA, DSW, SEDO
Vince Messerly, Stream + Wetlands Foundation
Lynn Gresock, Tetra Tech, Inc.

Ohio EPA has developed a customer service survey to get feedback from regulated entities that have contacted Ohio EPA for regulatory assistance, or worked with the Agency to obtain a permit, license or other authorization. Ohio EPA's goal is to provide our customers with the best possible customer service, and your feedback is important to us in meeting this goal. Please take a few minutes to complete this survey and share your experience with us at

<http://www.surveymonkey.com/s/ohioepacustomersurvey>

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Case No(s). 16-2443-EL-BGN

Summary: Correspondence of Guernsey Power Station, LLC in Compliance with Condition No. 6 electronically filed by Teresa Orahod on behalf of Sally W. Bloomfield