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February 27, 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 Special Conditions for Section 404 Clean Water Act Individual Standard Permit No. LRH 2017-00244-Mus-Willis Creek for GPS' Guernsey Power Station Project.

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

Sincerely,

Sally W. Bloomfield

Attachment

Cc: Jon Whitis (w/Attachment)
Jonathan Pawley (w/Attachment)

DEPARTMENT OF THE ARMY PERMIT

Permittee Guernsey Power Station, LLC

Permit No. LRH-2017-00244-MUS-Willis Creek

Issuing Office Huntington District

NOTE: The term “you” and its derivatives, as used in this permit, means the permittee or any future transferee. The term “this office” refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: You are authorized to permanently discharge dredge and/or fill material into approximately 3.07 acres of three (3) wetlands (Wetlands W-C31, W-C52, and W-C101) and to temporarily discharge dredge and/or fill material into approximately 3.46 acres of three (3) wetlands (Wetlands W-C31, W-C52, and W-C101) in conjunction with the construction of the Guernsey Power Station Project (see enclosed Table 1 and 2 of special conditions) as shown on the enclosed drawings (Sheets 1-7).

Project Location: The project is located within wetlands adjacent to Willis Creek approximately west of the Interstate 77 (I-77) and approximately four (4) miles south of Interstate 70 (I-70), in Valley Township, Guernsey County, Ohio (Latitude 39.93390°N, Longitude -81.53588°W)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2028. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Special conditions are found on the attached sheet titled "SPECIAL CONDITIONS FOR SECTION 404 CLEAN WATER ACT INDIVIDUAL STANDARD PERMIT NO. LRH 2017-00244 FOR GUERNSEY POWER STATION, LLC'S GUERNSEY POWER STATION PROJECT, GUERNSEY COUNTY, OHIO"

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms

and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Mary F King
(PERMITTEE)

February 22, 2018
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for Genese D. Spayna
(DISTRICT ENGINEER)
PHILIP M. SECRIST III
Colonel, Corps of Engineers

February 23, 2018
(DATE)

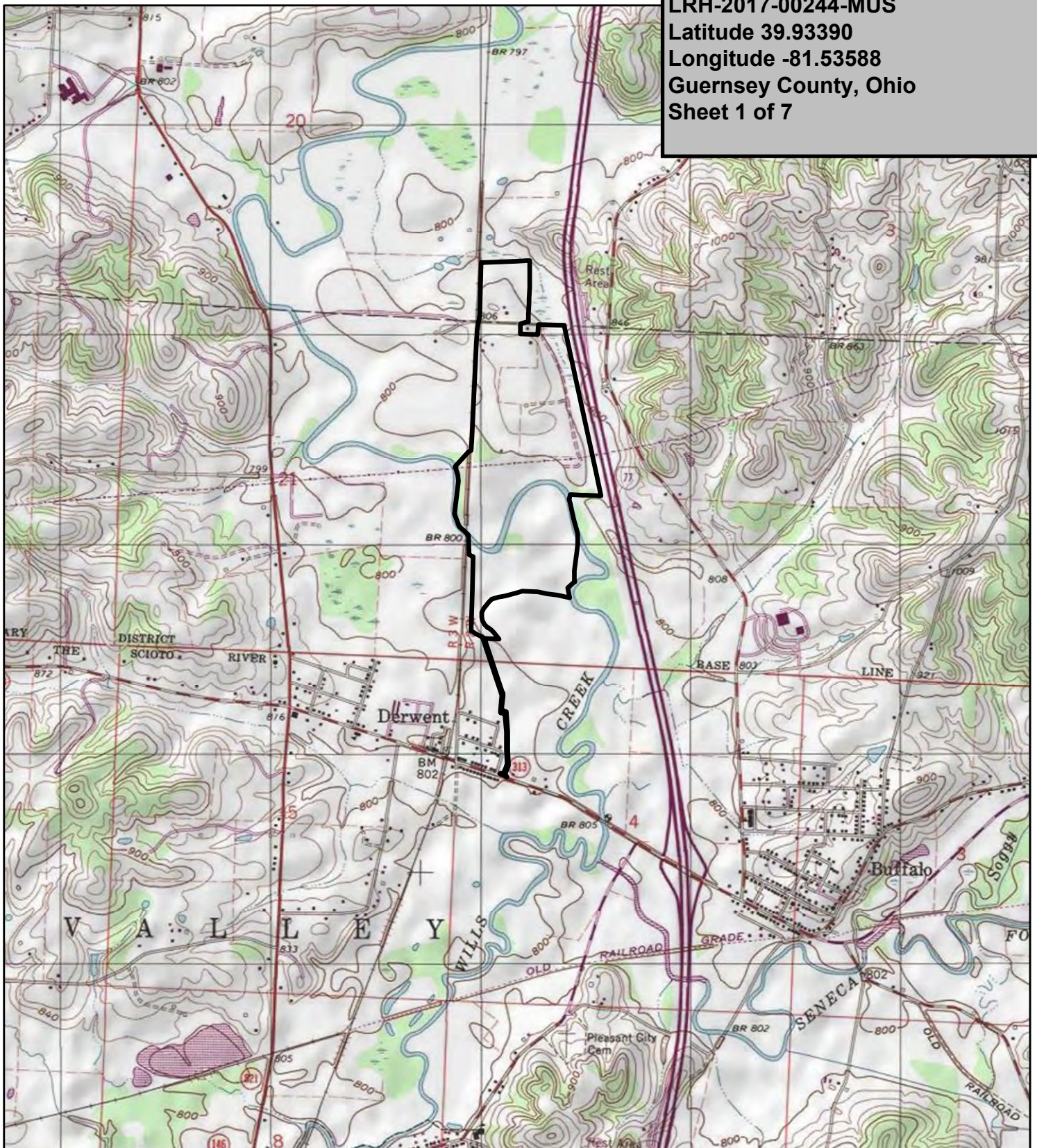
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)



LRH-2017-00244-MUS
 Latitude 39.93390
 Longitude -81.53588
 Guernsey County, Ohio
 Sheet 1 of 7



Legend
 Project Location

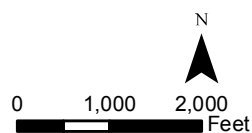
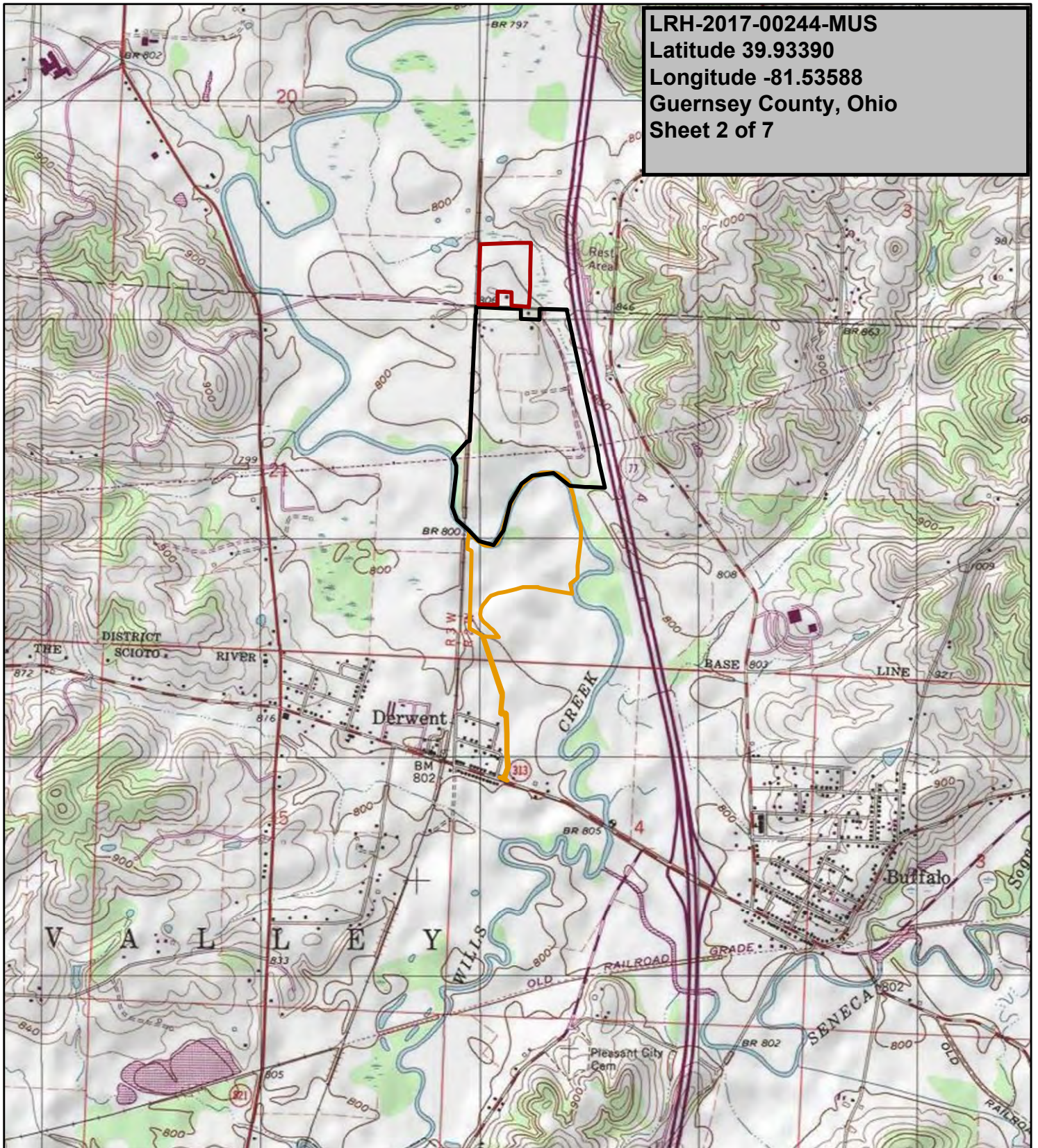


Figure 1a
Project Location




Guernsey Power Station LLC
 Guernsey County, Ohio



LRH-2017-00244-MUS
Latitude 39.93390
Longitude -81.53588
Guernsey County, Ohio
Sheet 2 of 7



Legend

-  Facility Site
-  Proposed Laydown/Parking
-  Interconnection Property

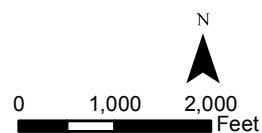
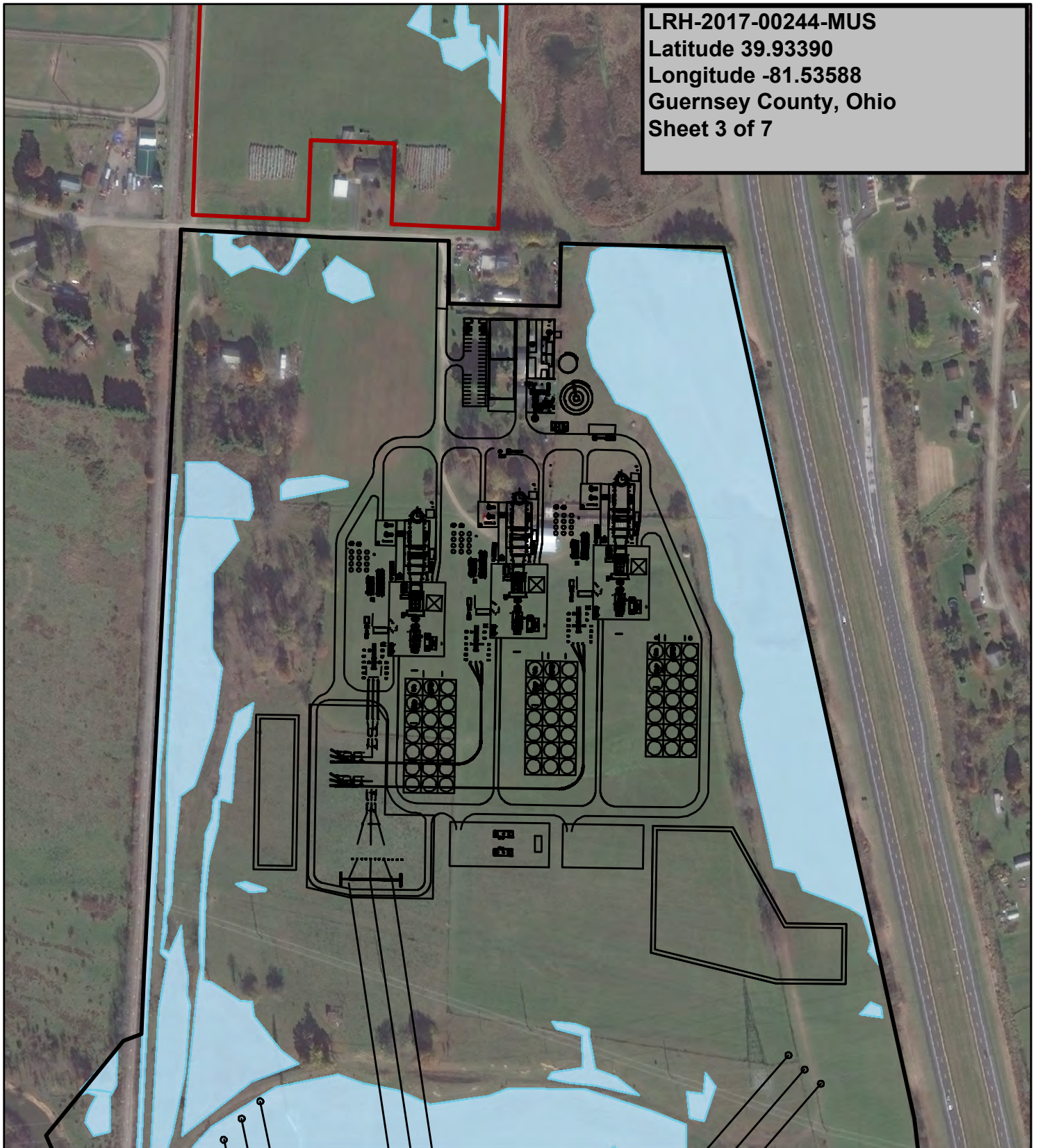


Figure 1b
Location of Project Components





Guernsey Power Station LLC
Guernsey County, Ohio



LRH-2017-00244-MUS
Latitude 39.93390
Longitude -81.53588
Guernsey County, Ohio
Sheet 3 of 7



Legend

-  Facility Site
-  Proposed Laydown/Parking
-  Facility Layout (3/7/17)
-  PJD Wetland

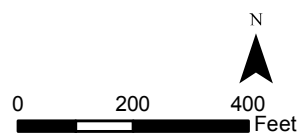
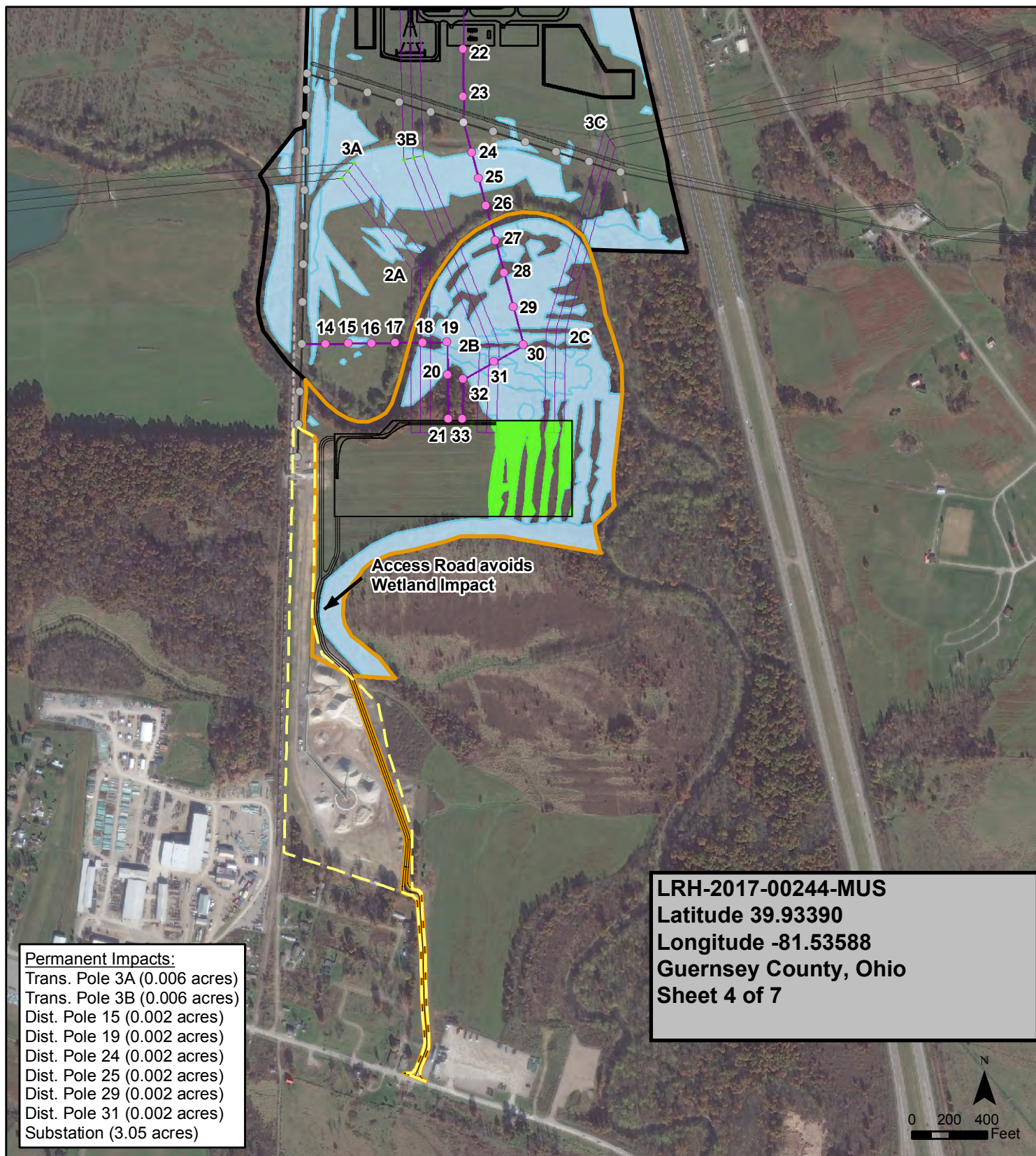
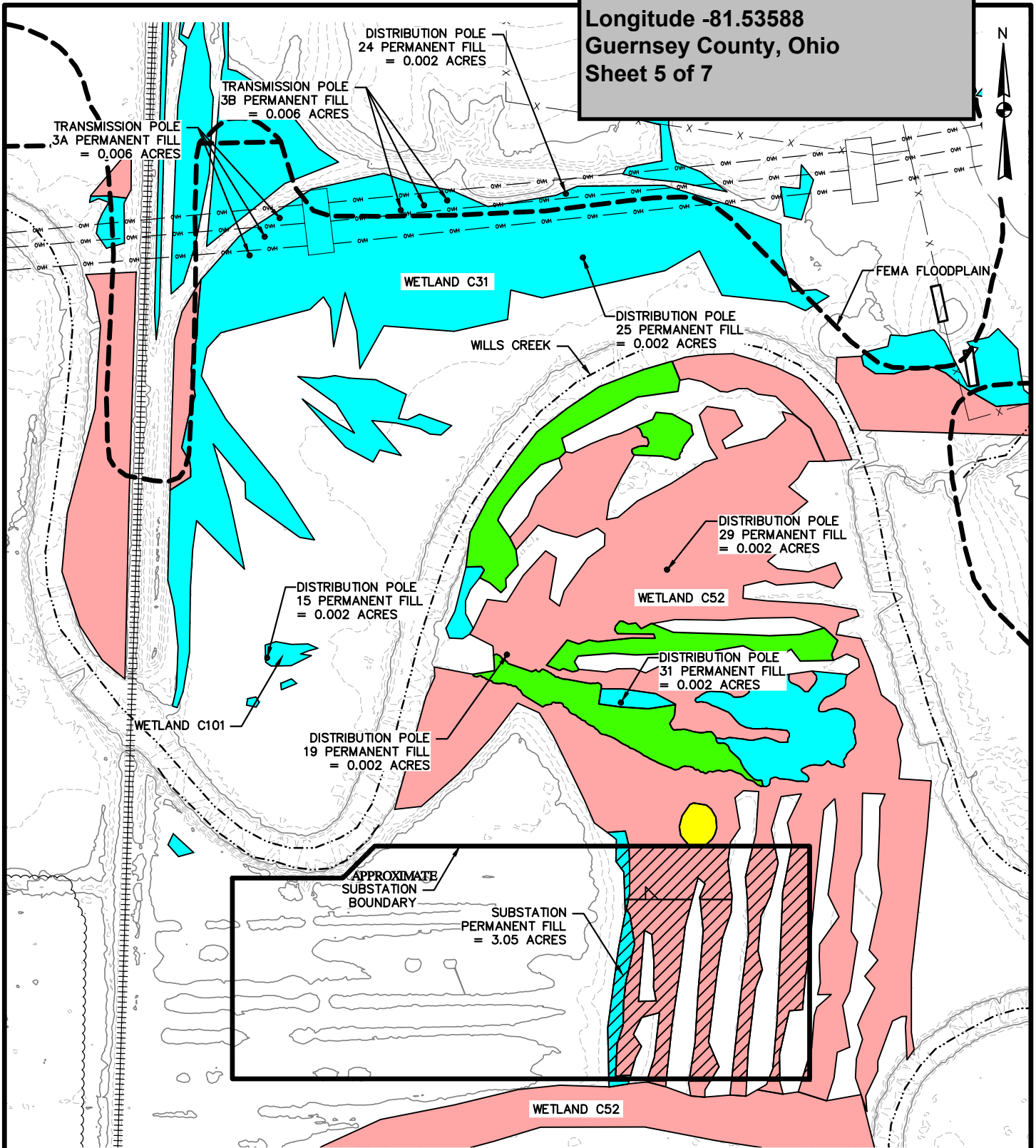


Figure 6
Proposed Final Generating Facility
Layout Configuration

Guernsey Power Station LLC
Guernsey County, Ohio







LEGEND

- 1180 — EXISTING 10' CONTOUR
- EXISTING 2' CONTOUR
- PUB WETLAND
- PSS WETLAND
- PEM WETLAND
- PFO WETLAND
- PERMANENT WETLAND IMPACT

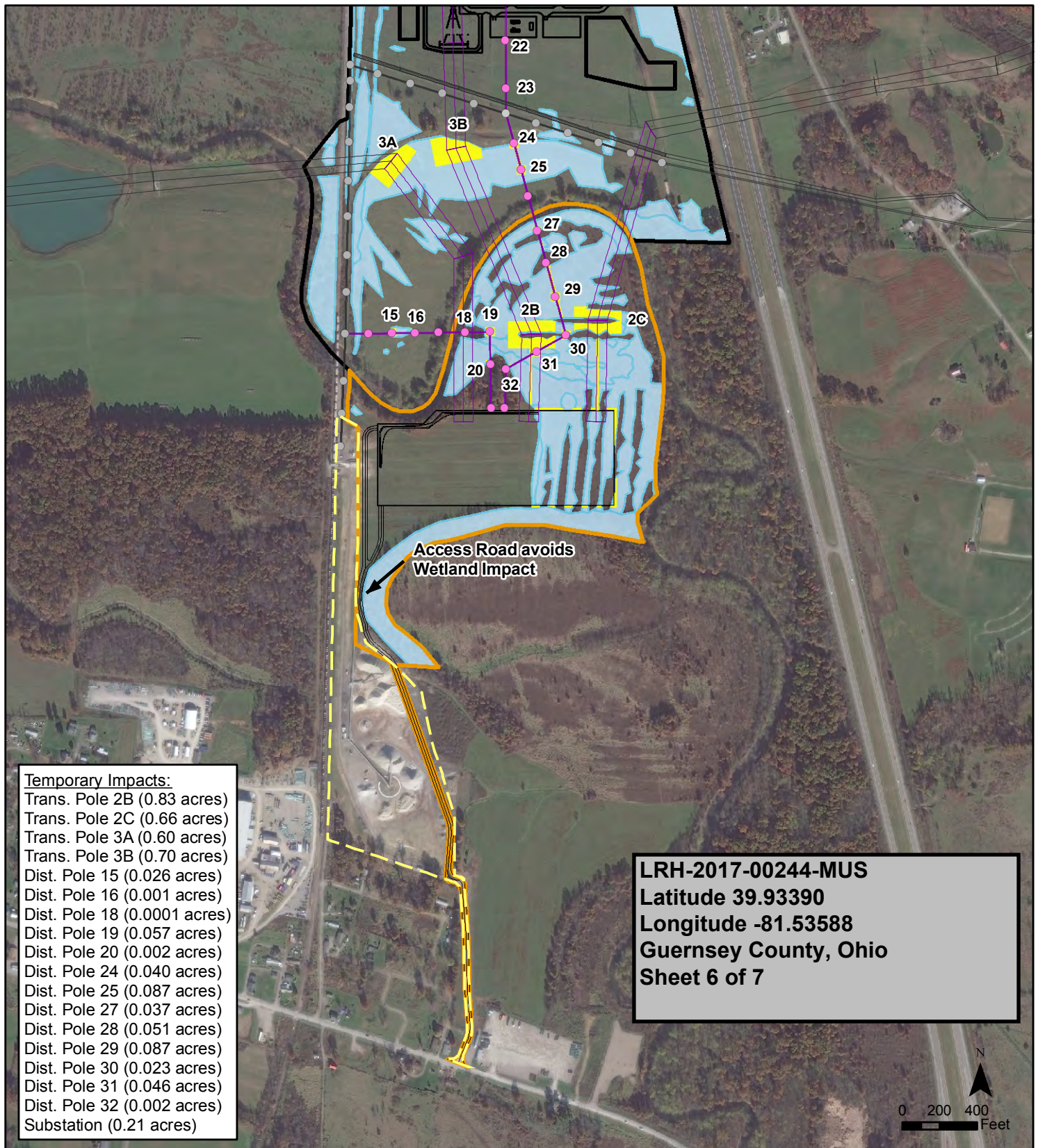
LOCATION MAP

SCALE: 1" = 300'



Figure 10
Permanent Wetland Disturbance
on the Facility Site and
Interconnection Property
Guernsey Power Station LLC
Guernsey County, Ohio





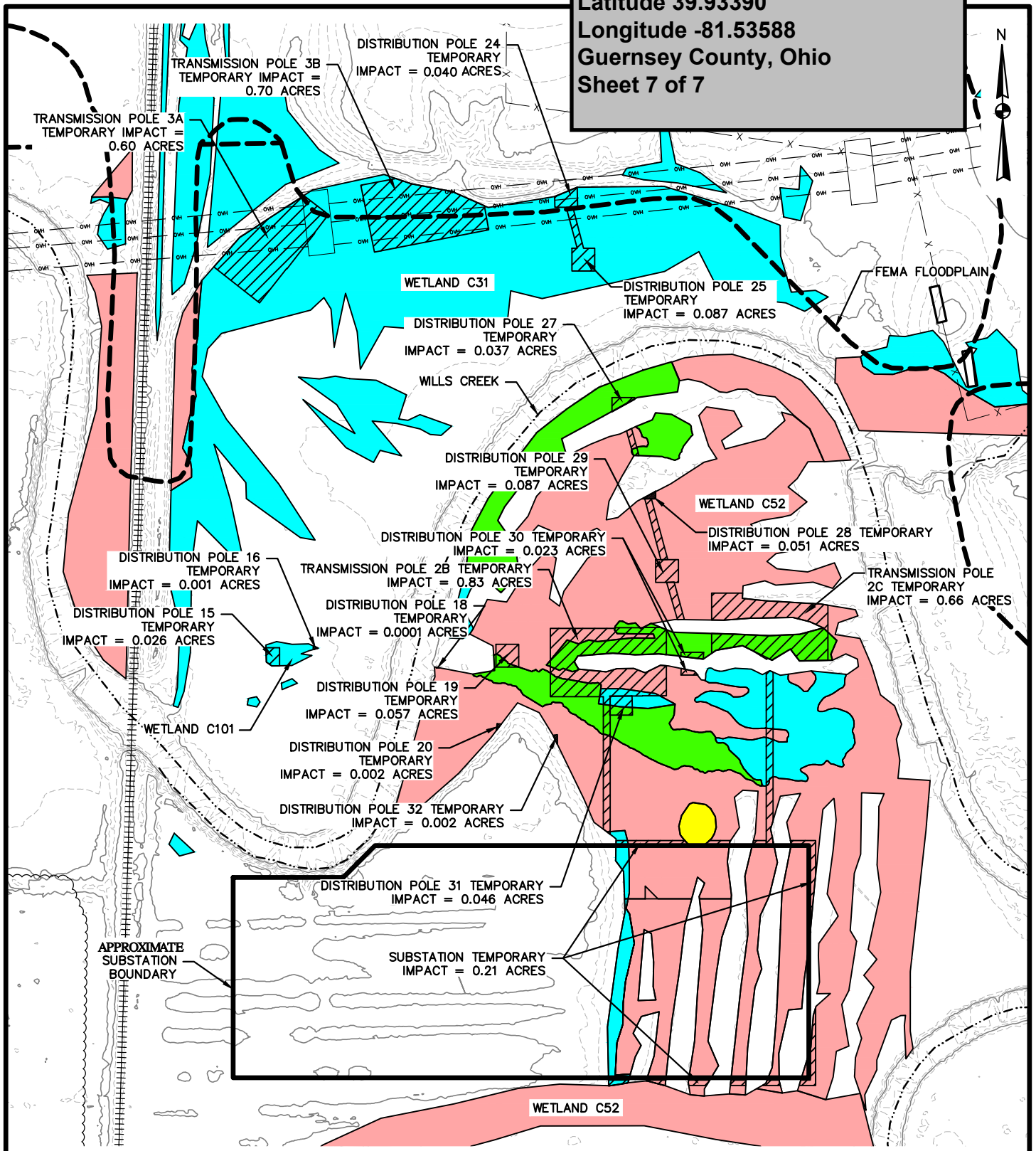
Legend

- | | |
|--|---|
| Facility Site | Existing Overhead Transmission Lines |
| Interconnection Property | Proposed Overhead Transmission Lines |
| Existing Distribution Pole and Distribution Line | PJD Wetlands |
| New Distribution Pole and Distribution Line | Temporary Wetland Impact (3.46 acres) |
| Substation Layout (6/6/2017) | Active Gravel Operations (Separate Ownership) |

Figure 11
Proposed Temporary Wetland Impacts
Associated with Utility Substation and
Structure Construction

Guernsey Power Station LLC
 Guernsey County, Ohio





LEGEND

- 1180 EXISTING 10' CONTOUR
- EXISTING 2' CONTOUR
- PUB WETLAND
- PSS WETLAND
- PEM WETLAND
- PFO WETLAND
- TEMPORARY WETLAND IMPACT

LOCATION MAP

SCALE: 1" = 300'



Figure 12
Temporary Wetland Disturbance
on the Facility Site and
Interconnection Property

Guernsey Power Station LLC
Guernsey County, Ohio



**SPECIAL CONDITIONS FOR SECTION 404 CLEAN WATER ACT INDIVIDUAL
STANDARD PERMIT NO. LRH 2017-00244-MUS-WILLIS CREEK FOR GUERNSEY
POWER STATION, LLC'S GUERNSEY POWER STATION PROJECT, GUERNSEY
COUNTY, OHIO**

Page 1 of 4

1. The permittee is hereby authorized to temporarily discharge dredged and/or fill material into approximately 3.46 acres of three (3) wetlands (Wetlands W-C31, W-C52, and W-C101) and permanently discharge dredged and/or fill material into 3.07 acres of three (3) wetlands (Wetlands W-C31, W-C52, and W-C101), as listed on Tables 1 and 2 below, in association with the Guernsey Power Station Project, and as shown on the enclosed drawings. This Department of the Army (DA) Section 404 Clean Water Act Individual Standard Permit remains contingent upon and must be constructed in accordance with drawings attached hereto.
2. The permittee will display a copy of this DA permit at the site and ensure all contractors are aware of its terms and conditions.
3. To offset the loss of wetland functions resulting from the permanent discharge of dredged and/or fill material, and the permanent conversion of forested wetland to non-forested wetland, the permittee will purchase 12.1 acres of wetland credits from the Federally approved Stream + Wetlands Foundation In-Lieu Fee (ILF) Mitigation Program. Within 30 days of the issuance of the DA permit, a copy of the fully executed ILF Program agreement with the Stream + Wetlands Foundation In-Lieu Fee ILF Mitigation Program must be provided to the Corps. Discharges of dredged and/or fill material into waters of the U.S., as authorized under Special Condition No. 1 of this DA, **must not** occur until the terms of this condition have been met.
4. The project site lies within the range of the Indiana bat (*Myotis sodalis*), a Federally listed endangered species and the northern long-eared bat (*Myotis septentrionalis*), a Federally listed threatened species. Several factors have contributed to the two species decline, including habitat loss, fragmentation of habitat and the disease White Nose Syndrome. During winter, the two bat species hibernate in caves and abandoned mines. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. The permittee shall preserve wooded/forested habitats exhibiting any of the characteristics listed above wherever possible. Should suitable habitat be present that cannot be saved during construction activities, any trees ≥ 3 inches dbh shall only be cut between October 1 – March 31.

**SPECIAL CONDITIONS FOR SECTION 404 CLEAN WATER ACT INDIVIDUAL
STANDARD PERMIT NO. LRH 2017-00244-MUS-WILLIS CREEK FOR GUERNSEY
POWER STATION, LLC'S GUERNSEY POWER STATION PROJECT, GUERNSEY
COUNTY, OHIO**

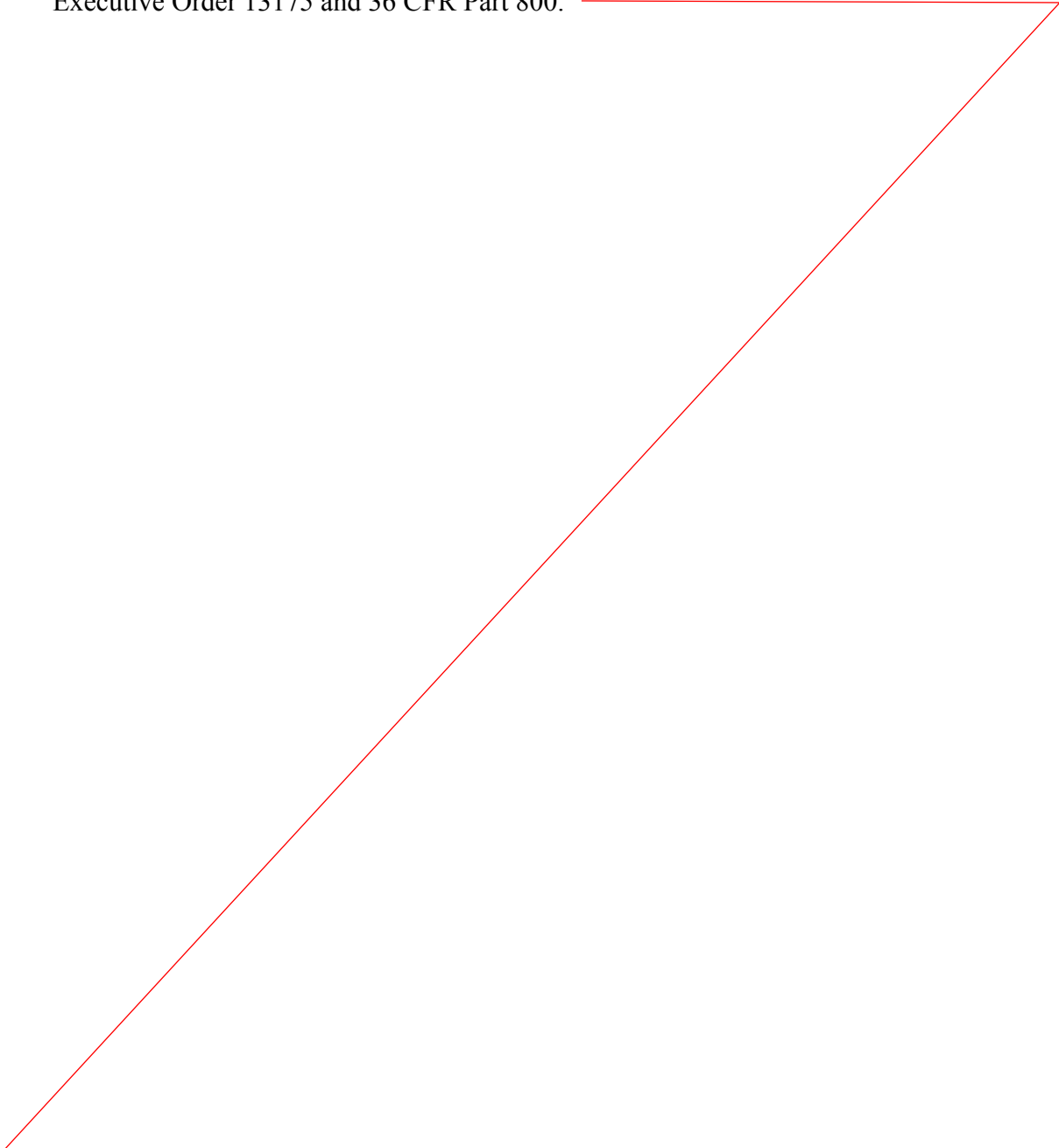
Page 2 of 4

5. Section 7 obligations under Endangered Species Act must be reconsidered if new information reveals impacts of the development project that may affect federally listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the U.S. Fish and Wildlife Service, or new species are listed or critical habitat designated that might be affected by the subject project.
6. Should new information regarding the scope and/or impacts of the project become available that was not submitted to this office during our review of the proposal, the permittee will submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.
7. The permittee is responsible for insuring all activities are performed in compliance with all permit conditions..
8. The Water Quality Certification issued by the Ohio Environmental Protection Agency dated February 20, 2018 is attached hereto and made a part of this permit. All conditions attached to or contained therein are hereby incorporated by reference as being special conditions of the DA permit.
9. The permittee is required to apply for and secure all necessary permits, certifications or other approvals from federal, state or local regulatory agencies, prior to commencing construction activity.
10. Construction activities will be performed during low flow conditions to the greatest extent practicable.
11. Appropriate site specific best management practices (BMPs) for sediment and erosion control will be fully implemented during construction activities at the site. Clean fill material compatible with existing soils will be used.
12. No area for which grading has been completed will be unseeded for longer than 14 days. All disturbed areas will be seeded and/or revegetated with native species and approved seed mixes (where practicable) after completion of construction activities.
13. In accordance with the enclosed October 11, 2017 letter from the Ohio History Connection, the permittee has agreed to avoid Archaeological sites 33 GU 292-294.
14. In the event any previously unknown historic or archaeological sites or human remains are uncovered while accomplishing the activity authorized by this DA permit authorization, the permittee should cease all work in waters of the U.S. immediately and

**SPECIAL CONDITIONS FOR SECTION 404 CLEAN WATER ACT INDIVIDUAL
STANDARD PERMIT NO. LRH 2017-00244-MUS-WILLIS CREEK FOR GUERNSEY
POWER STATION, LLC'S GUERNSEY POWER STATION PROJECT, GUERNSEY
COUNTY, OHIO**

Page 3 of 4

contact local, state and county law enforcement offices (only contact law enforcement on findings of human remains), the Corps at (304) 399-6710 and Ohio State Historic Preservation Office at (614) 297-2300. The Corps will initiate the Federal, state and tribal coordination required to comply with the National Historic Preservation Act and applicable state and local laws and regulations. Federally recognized tribes are afforded a government-to-government status as sovereign nations and consultation is required under Executive Order 13175 and 36 CFR Part 800.



**SPECIAL CONDITIONS FOR SECTION 404 CLEAN WATER ACT INDIVIDUAL
STANDARD PERMIT NO. LRH 2017-00244-MUS-WILLIS CREEK FOR GUERNSEY
POWER STATION, LLC'S GUERNSEY POWER STATION PROJECT, GUERNSEY
COUNTY, OHIO**

Page 4 of 4

Table 1. Authorized Permanent Discharge of Dredged and/or Fill material into waters of the U.S. associated with the Guernsey Power Station Project, Guernsey County, Ohio				
Aquatic Resource	Wetland Classification	Estimated amount of aquatic resource in review area	Proposed Fill	Fill Type
W-C31	Emergent; Category Modified 2	8.37 acres	0.012 acre	Fill – Transmission Poles
			0.004 acre	Fill – Distribution Poles
W-C52	Emergent; Category 2	4.85 acres	0.002 acre	Fill – Distribution Pole
			0.28 acre	Fill – Substation
	Forested; Category 2	20.63 acres	0.004 acre	Fill – Distribution Poles
			2.77 acres	Fill – Substation
W-C101	Emergent; Category Modified 2	0.10 acre	0.002 acre	Fill – Distribution Pole
Total Authorized Permanent Discharge of Dredged and/or Fill Material into waters of the U.S.			3.07 acres	

Table 2. Authorized Temporary Discharge of Dredged and/or Fill material into waters of the U.S. associated with the Guernsey Power Station Project, Guernsey County, Ohio.				
Aquatic Resource	Wetland Classification	Estimated amount of aquatic resource in review area	Proposed Temporary Fill	Temporary Fill Type
W-C31	Emergent; Category Modified 2	8.37 acres	1.45 acres	Fill – Access and Work Space for Pole Construction
W-C52	Emergent; Category 2	2.06 acres	0.15 acre	Fill – Access and Work Space for Pole Construction and Substation
	Scrub-Shrub; Category 2	2.79 acres	0.7 acre	Fill – Access and Work Space for Pole Construction
	Forested; Category 2	20.63 acres	1.13 acres	Fill – Access and Work Space for Pole Construction and Substation
W-C101	Emergent; Category	0.10 acre	0.03 acre	Fill – Work Space for Pole Construction
Total Authorized Temporary Discharge of Dredged and/or Fill Material into waters of the U.S.			3.46 acres	



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

Ohio Environmental Protection Agency
February 20, 2018

Certified Mail

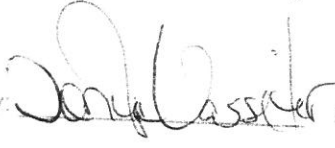
9489 0090 0027 6024 1736 10

**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:

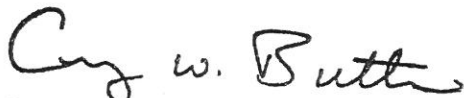
Ohio Environmental Protection Agency
Division of Surface Water, 401/IWP Unit
Lazarus Government Center
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049

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>



In reply refer to
2017-GUE-39005-1-6

October 11, 2017

James T. Marine
Tetra Tech, Inc
661 Anderson Drive
Pittsburgh, PA 15220

Dear Mr. Marine:

RE: Guernsey Power Station, Valley Township, Guernsey County, Ohio

This is in response to the receipt, on September 12, 2017 a revised version of *A Phase I Archaeological Survey, Guernsey Power Station, Valley Township, Guernsey County, Ohio*. Submitted at the same time were revised versions of *Historic Architecture Reconnaissance Survey, Guernsey Power Station, Valley Township, Guernsey County, Ohio* and *Phase I Archaeological Survey, Guernsey Power Station, Interconnection Property, Valley Township, Guernsey County, Ohio*. Also submitted for comment was *Guernsey Power Station, Site 33 GU 274 Phase II Site Evaluation, Valley Township, Guernsey County, Ohio*. The comments of the State Historic Preservation Office are submitted in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended.

Subsurface testing, surface collection and intensive visual inspection of the project area resulted in the identification of 19 previously unrecorded archaeological sites and the re-identification of site 33 GU 274. The newly identified sites, 33 GU 290—304 and 33 GU 316-319, are generally small lithic scatters typical of short term occupations and isolated historic artifacts. Based on the information provided, this office concurs with the opinion that sites 33 GU 274 and 33 GU 292-294 are potentially eligible for inclusion in the National Register of Historic Places. Additional Phase II testing at 33 GU 274 has demonstrated that the site is not eligible for inclusion in the National Register of Historic Places. According to the information submitted, sites 33 GU 292-294 are to be avoided.

The historic architecture reconnaissance survey included a background literature review and a systematic survey of historic architectural resources fifty years or older located within the project area (direct APE) or within one mile of the project area (indirect APE). In total, seventy historic architectural resources were identified, sixty-seven of which were located in the indirect APE, and three in the direct APE. Six farmsteads and one bridge were advanced to detailed study to determine NRHP-eligibility and assess potential effects (GUE0064319, GUE0064419, GUE0048915, GUE0064519, GUE0064619, GUE0064715, and GUE0064815). Tetra Tech recommends all seven of these properties as potentially eligible for inclusion in the National Register of Historic Places. Our office agrees with these recommendations of eligibility.

October 11, 2017
James T. Marine
Page 2

Tetra Tech has provided information to support their contention that the proposed project will not diminish the integrity or alter the characteristics that qualify any of the above referenced historic architecture resources for National Register inclusion. Therefore the project will have no adverse effect on historic properties.

No further coordination is required unless the project changes or additional archaeological remains are discovered during the course of the project. In such a situation, this office should be contacted as per 36 CFR 800.13.

Sincerely,



Joy Williams, Project Reviews Manager
Resource Protection and Review

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/27/2018 11:56:16 AM

in

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