



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest Regional Office

September 26, 2017

John Collins  
Mahoning Creek Hydroelectric Co., LLC  
Two Bethesda Metro Center, Suite 1330  
Bethesda, MD 20814

Re: Minor Amendment  
Mahoning Creek Dam Hydroelectric Project  
Permit No. E03-451-A1  
Redbank and Wayne Townships  
Armstrong County

Dear John Collins:

This is in reference to your request to amend Water Obstruction and Encroachment Permit No. E03-451, located in Redbank and Wayne Townships, Armstrong County. Per Special Condition F of Permit No. E03-451, any changes to the Adaptive Management Plan document must be reported to the Department, and may require the Department's approval, prior to implementing any changes. This permit authorized the modification of an existing dam across the Mahoning Creek (WWF) to generate hydroelectric power, by constructing and maintaining:

1. an intake structure within the Mahoning Creek Reservoir (250 sq ft);
2. a 223-ft long soldier pile wall, along the north bank of the existing stilling basin, of the Mahoning Creek Dam, to support the fill over a penstock;
3. fill in floodplain of Mahoning Creek, at 3 locations (435 sq ft);
4. outlets from tile drains in stilling basin (122 sq ft);
5. tile drain outlets in floodplain;
6. 72 linear feet (lf) of riprap along the Mahoning Creek, for slope protection, along the tailrace;
7. a powerhouse, along 80 lf of the Mahoning Creek, which will occupy 1,107 sq ft of watercourse and 550 sq ft of floodplain;
8. a 37-ft long culvert (30-in diameter CMP) and outlet protection in an unnamed drainage way to the Mahoning Creek;
9. a bridge crossing (18-ft long X 80-ft span X 4-ft height) across Camp Run (CWF);
10. a 25kV utility line stream crossing (to replace existing 12kV line) over 60 ft of Camp Run;
11. and a 600 sq ft fishing pier and six (6) 4-ftx4-ftx4-ft boulders in the stilling basin, and
12. by excavating 5805 sq ft of stream bed materials from the Mahoning Creek (along 145 lf of watercourse) and 156 sq ft of floodplain, to construct the tailrace, below the powerhouse.

Please be advised that Permit No. E03-451 is hereby amended to authorize the following modifications to the USACE Water Quality and Aquatic Life Adaptive Management Plan, dated October 2012:

1. Remove monthly/bi-monthly reservoir temperature standard.
2. Remove stilling basin monthly/bi-monthly temperature standard.
3. Modify downstream temperature standard to be the greater of the existing monthly/bi-monthly temperature standard or the stilling basin temperature (representative of dam discharge temperatures) plus 1 degree Fahrenheit.
4. Utilize 30-minute rolling averages instead of instantaneous readings to determine compliance with all water quality standards.

The Amended USACE Water Quality and Aquatic Life Adaptive Management Plan that is in effect is now dated June 2017. All other conditions specified in the original permit remain in effect and are to be complied with as part of this amendment.

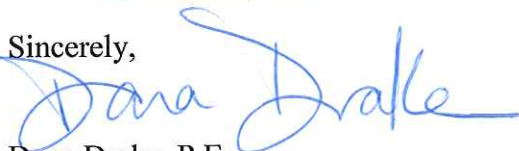
**Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S., Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.**

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.**

**IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.**

If you have any questions concerning this matter, please call Kristina Tarasan of my staff at 412-442-4213 or [ktarasan@pa.gov](mailto:ktarasan@pa.gov).

Sincerely,



Dana Drake, P.E.  
Program Manager  
Waterways and Wetlands Program  
Department of Environmental Protection

cc: David Fox, Cube Hydro  
Allegheny County Conservation District  
Redbank Township  
Wayne Township  
US Army Corps of Engineers  
PA Fish & Boat Commission