



# *Armstrong Conservation District*

Armsdale Administration Building  
124 Armsdale Road • Suite B-2  
Kittanning, PA 16201-3738  
Phone: 724-548-3425  
Fax: 724-545-9012  
E-mail: conservation@co.armstrong.pa.us

February 21, 2012

Mr. David C Sinclair  
Mahoning Creek Hydroelectric Company LLC  
150 North Miller Road, Suite 450C  
Fairlawn, OH 44333

Mr. Jack Withrow  
Mahoning Creek Hydroelectric Company LLC  
150 North Miller Road, Suite 450C  
Fairlawn, OH 44333

**RE: Mahoning Creek Hydroelectric Project – Phase II  
Application #NPDES PAG02-000311006  
Wayne Township, Armstrong County**

Dear Mr. Sinclair and Mr. Withrow:

Enclosed is the above referenced permit, which authorizes the discharge of storm water from the construction activity, described in the final erosion and sedimentation control plan and the permit application. Please ensure that the approved erosion and sedimentation control plan is fully implemented and available at the construction site.

The Armstrong Conservation District reviewed the erosion and sedimentation control plan to determine whether it is adequate to satisfy the requirements of the Chapter 102, Erosion Control Rules and Regulations. The Armstrong Conservation District assumes no responsibility for the implementation of the plan as the proper construction and operation of the facilities contained in the plan.

Please read carefully Parts A, B, and C of the permit, which details the terms and conditions of this authorization. Conservation District staff and/or representatives of the Department of Environmental Protection may inspect this earthmoving activity to determine compliance with applicable permit requirements, Chapter 92, 101, and 102 Rules and Regulations and the Clean Streams Law.

Permit requirements and federal regulations at 40 C.F.R. §122.21(b) require that "when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit". Please be advised that once a contractor has been selected for the project, they must either be added on as a co-permittee or have the permit responsibility transferred to them. This office must receive the Co-permittee/Transferee Application form at least 30 days prior to the co-permittee/transferee action taking place. The enclosed form must be used to add the Co-permittee/transferee.

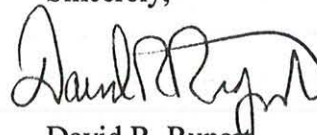
Enclosed also is a Notice of Termination (NOT) form to be completed and filed with the District once construction activities have ceased and final stabilization has been achieved.

**The conservation district must be notified by telephone or certified mail at least seven days prior to the start of construction.**

This authorization does not relieve the applicant from applying for and obtaining any and all additional permits or approvals from local, state, or federal agencies for the construction activity described in the permit application.

If you have any questions regarding this authorization please contact this office at 724-548-3425.

Sincerely,



David R. Rupert  
*District Manager*

DR/cls

Enclosures

Cc: Mead and Hunt Inc – Anne Anderson  
Kleinschmidt Associates – Kelly O Maloney  
DEP SW Regional Office  
Wayne Township



**APPROVAL OF COVERAGE UNDER THE GENERAL NPDES  
PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH  
CONSTRUCTION ACTIVITIES  
PAG-02 (2009 Amendment)**

**NPDES PERMIT NO: PAG-02 000311006**

Project Name & Address

Mahoning Creek Hydroelectric Project - Phase II

Permittee Name & Address

David C Sinclair / Jack Withrow

Mahoning Creek Hydroelectric Company LLC

150 North Miller Road, Suite 450C

Fairlawn, OH 44333

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater to the following surface water(s):

Camp Run - CWF

from  1 to less than 5 acres of earth disturbance with a point source discharge (or)  
 5 or more acres of earth disturbance

subject to the department's enclosed PAG-02 which incorporates all effluent limitations, monitoring and reporting requirements, and other terms, conditions, criteria and special requirements for the discharge of stormwater from point sources composed entirely of stormwater associated, in whole or in part, with construction activity, as defined in this general permit, to surface waters of this commonwealth, including through municipal separate storm sewers and nonmunicipal separate storm sewer. Authorization to discharge is subject to the implementation of the plans and additional associated information submitted as part of the NOI.

**APPROVAL TO DISCHARGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREIN MAY COMMENCE ON THE DATE OF THE APPROVAL OF COVERAGE, AND IS VALID FOR A PERIOD OF TWO YEARS WHEN CONDUCTED PURSUANT TO SUCH TERMS AND CONDITIONS. COVERAGE MAY BE EXTENDED BY THE DEPARTMENT OR AUTHORIZED CONSERVATION DISTRICT IF A TIMELY ADMINISTRATIVELY COMPLETE AND ACCEPTABLE NOI RENEWAL IS SUBMITTED TO THE DEPARTMENT OR AUTHORIZED CONSERVATION DISTRICT AT LEAST 180 DAYS PRIOR TO DATE OF COVERAGE TERMINATION, UNLESS PERMISSION FOR SUBMISSION AT A LATER DATE HAS BEEN GRANTED BY THE DEPARTMENT. THE PERMIT MAY BE TERMINATED PRIOR TO THE EXPIRATION DATE UPON RECEIPT AND ACKNOWLEDGEMENT OF A NOTICE OF TERMINATION FORM AND APPROVAL BY THE DEPARTMENT OR AUTHORIZED CONSERVATION DISTRICT. NO CONDITION OF THIS PERMIT SHALL RELEASE THE PERMITTEE OR CO-PERMITTEE FROM ANY RESPONSIBILITY OR REQUIREMENT UNDER PENNSYLVANIA, OR FEDERAL ENVIRONMENTAL STATUTES, REGULATIONS OR LOCAL ORDINANCES.**

COVERAGE APPROVAL DATE: January 21, 2012

COVERAGE EXPIRATION DATE: January 21, 2014

AUTHORIZED BY:

TITLE: David R Rupert, District Manager