



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**SOUTHWEST REGIONAL OFFICE**

2/10/15

Wayne Krouse  
Hydro Green Energy, LLC  
PO Box 385  
Westmont, IL 60559-0385

RE: Environmental Assessment Approval  
USACE Braddock Locks and Dam  
DEP File No. EA02-012  
West Mifflin Borough  
Allegheny County

Dear Mr. Krouse :

We have reviewed the Environmental Assessment form you submitted to our office on April 30, 2014 and additional information received on September 2, 2014, and October 8, 2014. **The submittal relates to the construction and maintenance of a modular hydropower facility, at the U.S. Army Corps of Engineers Braddock Locks and Dam, in the Monongahela River (WWF, N). The project will be located opposite the existing lock chambers, and within the existing footprint of the dam, and will consist of a new 105 lf long by 22 lf wide steel frame powerhouse with seven turbine generators, a switchyard and control room, trash rack, and a distribution level power line. The project will permanently impact 0.053 acres of the Monongahela River and its floodway.** The project is located along the left descending bank of the Monongahela River (USGS Quadrangle: Braddock, PA; Latitude: 40° 23' 21"; Longitude: -79° 51' 28"), at river mile 11.3, in West Mifflin Borough, Allegheny County.

Submission of this Environmental Assessment form for approval also constitutes a request for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

Subject to the Special Conditions that are listed below, the Environmental Assessment for this project is hereby approved.

Except as otherwise noted below, the Department of Environmental Protection (Department), pursuant to Section 401(a) of the Federal Clean Water Act, as amended, 33 U.S.C. Section 1341(a), certifies that the construction and operation herein described will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of that Act, and that the construction will not violate applicable federal and state water quality standards, provided the following requirements are met:

### SPECIAL CONDITIONS

1. Prior to the beginning of work, all public water supplies or other water-related activities located downstream that may be affected by turbidity increases or other water quality changes caused by said work shall be sufficiently notified in advance to allow for preparation of any water quality changes.
2. The operation shall be conducted in such a manner so as to protect fish life and other aquatic life. This requires full cooperation with the Pennsylvania Fish and Boat Commission.
3. A regularly scheduled inspection of the structure(s) shall be made to provide for continued operation and maintenance during the lifetime of the facility.
4. Hydro Green Energy, LLC (HGE) shall comply with the Operational Compliance Plan that has been provided in the application to insure that operation of this facility does not interfere with the operation and maintenance of the existing Braddock Locks and Dam which are owned, operated and maintained by the U.S. Army Corps of Engineers (USACE) It is noted that this plan may be modified as a result of further consultation with USACE. Any changes to this plan must be reported to the Department, and may require the Department's approval, prior to implementing any changes.
5. Approval is based upon the submitted drawings. If any changes are made to these drawings, you must contact the Department to determine whether further authorization will be required.
6. HGE shall comply with the water quality monitoring plan upstream and downstream of the Braddock Locks and Dam to include: (1) monitoring of summer water quality parameters prior to construction; (2) monitoring of water quality parameters during project construction; and (3) monitoring of summer water quality parameters for 5 years following project construction, and for an additional 5 years if the normal elevation of the Braddock pool increases during the term of the license as a result of the USACE's Lower Mon Project.
7. HGE shall submit to the Department, on a monthly basis, a water quality report and an annual summary report. These reports will provide the water quality measurements, as recorded by HGE and as outlined in the Water Quality Monitoring Plan, and shall identify any deviations from the water quality requirements that are outlined in the Operational Compliance Plan, and the specific water quality criteria that are listed in the Department's Chapter 93 rules and regulations. If any deviations from the water quality standards and/or specific water quality criteria are detected, then reporting frequency shall increase to weekly, and shall document any corrective actions that were taken, or will be taken, to address any detected deviations. The water quality reports shall be submitted to:

PA Dept. of Environmental Protection  
Waterways and Wetlands Program  
400 Waterfront Drive  
Pittsburgh, PA 15222

Hydro Green Energy, LLC

8. Operation of HGE's facility shall be in accordance with the submitted Operational Compliance Plan (dated December 2014), to insure that water quality is maintained within the Monongahela River. While the Department recognizes that the Operational Compliance Plan is designed to comply with the minimum water quality standards identified in this permit application, water quality standards shall also satisfy the applicable specific water quality criterion that is listed in the Department's Chapter 93 rules and regulations. Any changes to the Operational Compliance Plan document must be reported to the Department, and may require the Department's approval, prior to implementing any changes.
9. If the Department observes and/or HGE's water quality reports document any deviations from the specific water quality criteria that is outlined in the Department's Chapter 93 rules and regulations, and corrective actions undertaken by HGE do not adequately address these deviations, then HGE shall consult with the Department, to examine ways to come into compliance with the Department's specific water quality criteria.
10. This project also requires a Limited Power Permit to be issued by Department. Work in areas covered by the Limited Power Permit cannot be started until that permit is issued.
11. This authorization does not convey any real property rights or interests or authorization to trespass on privately-owned riparian land. By accepting this authorization, HGE certifies that it holds title, easement, right or other real interest in the riparian land. Any dispute over ownership of this land is solely a matter for private litigation.
12. This authorization does not relieve HGE of the responsibility to obtain any applicable approval/permit from the District Engineer, Pittsburgh District, U.S. Army Corps of Engineers, Room 1817 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222, under Section 10 of the Rivers and Harbor Act or Section 404 of the Clean Water Act of 1977.

It is recommended that you contact the Pennsylvania Fish and Boat Commission prior to starting work, and that the work be performed in such a manner so as to protect fish and other aquatic life.

**Please be advised that you do not have federal authorization. You must contact the U.S. Army Corps of Engineers directly regarding federal authorization.**

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.

Hydro Green Energy, LLC

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, please call me or Mike Engelhardt at 412-442-4304.

Sincerely,



Rita A. Coleman  
Program Manager  
Waterways and Wetlands Program

cc: U.S. Army Corps of Engineers – Pittsburgh District  
Pa. Fish and Boat Commission – Dan Ryan  
Allegheny County Conservation District  
Jim Gibson – HDR Engineering, Inc.

bc: ✓ Permitting & Technical Services Section File # EA02-012  
Township File  
Rita Coleman