



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

**Re: Avon Lake Gas Addition Project
Permit - Short Term
Correspondence
401 Wetlands
Lorain
DSW401144425**

January 12, 2015

Alan Sawyer
Vice President
NRG Ohio Pipeline Company LLC
211 Carnegie Center
Princeton, NJ, 08540

Subject: Incomplete Section 401 Water Quality Certification (WQC) Application
Avon Lake Gas Addition Project
Ohio EPA ID No. 144425

Dear Mr. Sawyer:

On December 26, 2014, the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) received a Section 401 WQC application for your project to construct a natural gas pipeline to the Avon Lake Power Plant located Lorain County.

In accordance with Section 6111.30 of the Ohio Revised Code (ORC), a Section 401 WQC application must contain all of the below listed items to be considered administratively complete.

The application package for this project did not contain all of the required components; therefore, as required by ORC section 6111.30(B), you are hereby notified that this application is **INCOMPLETE** and Ohio EPA will not proceed with any further review until the following deficient items have been adequately addressed:

- ☐ A complete 401 WQC application form;
- ☒ A copy of the United States Army Corps of Engineers' jurisdictional determination letter;

The U.S. ACOE's written jurisdictional determination is required.

- ☐ A wetland characterization analysis consistent with the Ohio Rapid Assessment Method (Completed ten page form);
- ☐ A use attainability analysis, if the project impacts a stream for which a specific aquatic life use designation has not been made (QHEI or HHEI);
- ☒ A specific and detailed mitigation proposal, including the location and proposed legal mechanism for protecting the property in perpetuity;

The mitigation proposal was not complete. It did not include a bank with available credits, an in-lieu fee proposal agreement with available credits, or a specific permittee responsible site. A specific and detailed mitigation proposal is required.

- ☐ Applicable application and review fees;
- ☐ Site photographs of water resources;
- ☐ Documentation confirming that the applicant has requested comments from ODNR and USFWS regarding threatened and endangered species, including the presence or absence of critical habitat;
- ☒ Descriptions, schematics, and appropriate economic information of the applicant's preferred, non-degradation and minimal degradation alternatives for design and operation of the activity;

The applicant's proposed preferred and minimal degradation alternatives were the same. The three alternatives different in design and operation of the activity is required.

- ☐ The delineation report of the waters of the United States in support of the 404 permit application; and
- ☒ A copy of the United States Army Corps of Engineers' public notice regarding the 404 permit application. If no public notice is to be issued by the Corps, notification that the project is to be authorized under a general permit will fulfill this requirement.

A notification from the U.S. ACOE stating that the project will be authorized under a general permit is required.

Any missing items should be forwarded to Ohio EPA at the following address:

Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087
(330) 963-1200
Attention: Todd Surrena

You may find a copy of Ohio EPA's rules and laws online at:

<http://www.epa.ohio.gov/dsw/rules/index.aspx>

Information regarding Ohio's Section 401 and Isolated Wetlands Permitting programs is also available online at:

<http://www.epa.ohio.gov/dsw/401/index.aspx>

If you have any questions, please contact me at (330) 963-1255 or via email at todd.surrena@epa.ohio.gov.

Sincerely,



Todd Surrena
Application Coordinator
401/Wetlands Section

TS/cs

cc: Keith Sendziak, Department of the Army, Buffalo District, Corps of Engineers
Doni Murphy, Partner, Environmental Resources Management
Rachel Taulbee, Ohio EPA, DSW, CO