

IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY, PENNSYLVANIA
CIVIL

No. 2169-CD-2025-1

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiff,

v.

KEYSTONE-CONEMAUGH PROJECTS,
LLC,

Defendant.

TYPE CASE:

Civil Action - Equity

TYPE OF PLEADING:

Unopposed Motion to Enter Consent Decree

FILED ON BEHALF OF:

The Commonwealth of Pennsylvania,
Department of Environmental Protection,
Petitioner

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Dated: April 20, 2026

**IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY, PENNSYLVANIA
CIVIL**

COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF ENVIRONMENTAL	:	
PROTECTION,	:	
	:	No. 2169-CD-2025-1
Plaintiff,	:	
	:	
v.	:	
	:	
KEYSTONE-CONEMAUGH PROJECTS,	:	
LLC,	:	
	:	
Defendant.	:	

UNOPPOSED MOTION TO ENTER CONSENT DECREE

The Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), by and through its undersigned attorneys, files this Unopposed Motion to Enter Consent Decree among Defendant Keystone-Conemaugh Projects, LLC (“KEY-CON”) and the Department and states as follows:

1. On or around December 22, 2025, the Department filed a Complaint in Equity seeking to enjoin KEY-CON from discharging to waters of the Commonwealth in violation of the Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 692.1-691.1001 (the “Complaint”).

2. The Complaint involves two KEY-CON stations: the Conemaugh Generating Station (“Conemaugh Station”), a 1,711 net megawatt coal-fired steam electric generating plant located in West Wheatfield Township, Indiana County, Pennsylvania, and the Keystone Generating Station

(“Keystone Station”), a 1,711 net megawatt coal-fired steam electric generating plant located in Plumcreek Township, Armstrong County and Armstrong Township, Indiana County, Pennsylvania.

3. The Department and KEY-CON have agreed to a Consent Decree, which establishes, among other things, an enforceable schedule for KEY-CON to comply with the BA transport water limitations in 40 C.F.R. § 423.13(k)(1) and (2).

4. Along with the Complaint, the Department also filed a Notice of Lodging of Proposed Consent Decree (the “Notice”).

5. On January 10, 2026, the Department published notice of the Consent Decree in the *Pennsylvania Bulletin*, which started a 30-day public comment period.

6. The comment period closed on February 9, 2026. However, the Department accepted comments until February 13, 2026.

7. The Department prepared responses to the public comments. A copy of the Department’s Comment and Response Document, which documents the Department’s responses to the public comments, is attached as Exhibit A and incorporated herein. The Department is also providing a copy of the Comment and Response Document to each person who submitted timely comments.

8. After review and full consideration of the public comments received on the Consent Decree, none of the comments warrant revisions or changes to the Consent Decree, as negotiated and agreed to by the Department and KEY-CON.

9. The Department now seeks this Honorable Court’s approval of the agreed upon Consent Decree. A copy of which is attached as Exhibit B.

10. Counsel for KEY-CON consents to the filing of this Motion.

WHEREFORE, the Department respectfully requests this Honorable Court to approve, order, and enter the Consent Decree in the form attached hereto.

Respectfully Submitted,

By: _____

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*Counsel for Commonwealth of Pennsylvania
Department of Environmental Protection*

April 20, 2026

**IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY, PENNSYLVANIA
CIVIL**

COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF ENVIRONMENTAL	:	
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	:	No. 2169-CD-2025-1
Plaintiff,	:	
	:	
v.	:	
	:	
KEYSTONE-CONEMAUGH PROJECTS,	:	
LLC.,	:	
	:	
Defendant.	:	

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

By: Angela M. Erde
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*Counsel for Commonwealth of Pennsylvania
Department of Environmental Protection*

April 20, 2026

Exhibit A

Keystone-Conemaugh Projects, LLC

Proposed Consent Decree

Notice published in the January 10, 2026 Pennsylvania Bulletin

Conemaugh Generating Station (“Conemaugh Station”)
West Wheatfield Township, Indiana County, Pennsylvania

Keystone Generating Station (“Keystone Station”)
Plumcreek Township, Armstrong County and Armstrong Township, Indiana County,
Pennsylvania.

Comment and Response Document

March 27, 2026

Keystone-Conemaugh Projects, LLC - Proposed Consent Decree
Comment and Response Document

On January 10, 2026, DEP published notice in the Pennsylvania Bulletin that the Department of Environmental Protection ("DEP") entered into a proposed Consent Decree with Keystone-Conemaugh Projects, LLC ("Key-Con") in accordance with the Pennsylvania Clean Streams Law. Key-Con is authorized to discharge industrial wastewater, stormwater, and sewage from the Conemaugh Generating Station ("Conemaugh Station"), a 1,711 net megawatt ("MW") coal-fired steam electric generating plant located in West Wheatfield Township, Indiana County, PA, and the Keystone Generating Station ("Keystone Station"), a 1,711 net MW coal-fired steam electric generating plant located in Plumcreek Township, Armstrong County and Armstrong Township, Indiana County, PA.

Key-Con previously elected to achieve permanent cessation of coal combustion at the Conemaugh Station and the Keystone Station by December 31, 2028. Recently, Key-Con notified the Department that it intended to convert to the voluntary incentives program for the flue gas desulfurization ("FGD") water and generally applicable bottom ash ("BA") transport water limitations. The proposed Consent Decree provides a schedule for Key-Con to install and begin operating BA system upgrades at both Conemaugh Station and Keystone Station to meet Federal Effluent Limitation Guideline ("ELG") requirements for BA transport water discharges.

The Department received numerous emails and letters concerning the consent decree from individuals, elected officials, trade groups, and other community members. Many of the comments received were similar and concentrated on a few major issues: financial gains by Key-Con, insufficient penalty amounts, and general environmental concerns. Approximately 704 comments contained duplicative language regarding these issues. Additionally, there were comments from two environmental groups as well as one individual that requested a public hearing. 18 comments expressed support for the Consent Decree and addressed the desire to see jobs remain in the community, impacts on local community support and stability through property taxes, direct funding to schools, municipal services, and community initiatives, support for the environmental stewardship of the Key-Con power plants, advancement of environmental goals and compliance, balance of maintaining reliable power and jobs while meeting environmental standards, establishment of enforceable milestones set by the consent decree, and Key-Con's ability to provide a dependable and vital source of electricity to the grid.

Although the 30-day comment period ended on February 9, 2026, DEP accepted comments until February 13, 2026. DEP considers comments received after that time as untimely.

A list of those providing timely comments is included in the appendix.

Keystone-Conemaugh Projects, LLC - Proposed Consent Decree 3/27/26
Comment and Response Document

The comments and responses are discussed in this document.

General Comments of Support for the Consent Decree: In summary, the following items are some of the key points made in the comments of support for the Consent Decree.

- a) **Employment:** Key-Con provides direct and indirect jobs to the local community and economy.
- b) **Local Economy and Tax Base:** Key-Con provides significant contributions in property taxes which are used in maintaining operations for local school districts, municipal services, and county government.
- c) **Community Stability:** Closure of the plants would result in a significant loss of population, a diminished tax base for essential services, and a decline in property values.
- d) **Electric Grid:** Closure of the Key-Con plants would result in the loss of resilient and reliable electrical generation. Closure will add to ongoing capacity shortfalls and concerns.
- e) **Environmental Stewardship:** The Consent Decree enforces compliance with the Regulations through an enforceable compliance schedule. Employees stated that Key-Con is well run with care for the environment, there is an importance and expectation of environmental responsibility built into daily operations and procedures, Key-Con has installed technologies and controls to ensure environmental compliance, and employees take pride in their jobs. The consent decree represents a pragmatic and responsible path forward that advances environmental compliance while preserving the critical baseload power generation essential to the region and statewide economy.

Response to General Support for the Consent Decree: The Department acknowledges the commentators' support for the Consent Decree. The Department's decision to enter into the Consent Decree was based upon a request from Key-Con for a compliance schedule to construct and operate the BA transport water treatment in light of their decision to switch to the voluntary incentive program as allowed by EPA's 2024 rulemaking.

General Comment #1: “These facilities had years to make these upgrades, didn’t do so, and decided at the last minute to change their status from “closing soon” to “staying open to make money.” They should not be allowed to game the system and profit from their failure to comply with water pollution regulations.”

Response to General Comment #1: Under the Federal Regulations, facilities had the ability to change their course of compliance. EPA’s 2024 rulemaking allowed facilities the option of switching from permanent cessation of coal combustion by December 31, 2028 to the voluntary incentives program. The EPA rulemaking required such election to be made by December 31, 2025. On December 18, 2025, Key-Con submitted written notification to the Department of its decision to switch to the voluntary incentives program. Key-Con represented that it could not meet the deadline of December 31, 2025 to construct and begin operating BA transport water treatment to meet the Federal ELG. The Consent Decree provides a schedule for Key-Con to comply with this requirement that now applies to these facilities.

General Comment #2: “The capacity payments these facilities stand to get from being available to provide electricity might be as high as \$300,000 per day. That makes the maximum \$1,500 per day penalty for missing deadlines to come into compliance under this agreement simply silly. DEP is giving these polluters a big incentive to simply continue to operate as they have been and take no action about their water pollution. This deal allows for the pollution of our water to be just a cheap cost of doing dirty business.”

Response to General Comment #2: DEP considers the penalty amounts to be appropriate for the associated violations. DEP generally doesn’t determine penalty amounts based on speculative income. It is also important to clarify that when Key-Con opted to cease coal combustion by December 31, 2028, it was not required to make changes to meet the requirements of 40 CFR § 423.13. As a result, Key-Con would have continued to discharge BA transport water that did not meet the requirements of 40 CFR § 423.13 until December 31, 2028. Under the Consent Decree, Key-Con is required to construct and operate upgrades to the stations to meet the requirements of 40 CFR § 423.13 in accordance with the schedule. The penalty amounts are daily as opposed to a one-time penalty to ensure that the violations are resolved as quickly as possible. DEP considers the penalty amounts

appropriate for a facility changing a course of compliance as Key-Con is proposing to do.

General Comment #3: “DEP has an obligation to conserve and maintain Pennsylvania’s water resources, and it has the authority to enforce its strong regulations. DEP should not cave to a federal government that has chosen to weaken water protections or an industry that profits from continued inaction to address its known pollution. DEP should not allow—let alone support—the degradation of our public natural resources in this manner.”

Laura Kinzel also added that “DEP’s Constitutional and Statutory Duty Article I, Section 27 of the Pennsylvania Constitution guarantees the people’s right to clean water and requires the Commonwealth to conserve and maintain public natural resources for present and future generations. DEP has both the authority and the obligation to enforce existing water quality standards. Weakening enforcement or permitting prolonged noncompliance undermines that constitutional trust responsibility. Pennsylvania’s water resources — and the public health that depends upon them — are not expendable. They should not be subordinated to short-term economic interests or regulatory retreat at the federal level.”

Response to General Comment #3: State and Federal requirements are established to protect the environment including our waterways. Accordingly, permits are issued to ensure that the environment is protected and applicable laws and regulations are upheld. Regardless of changes to Federal Regulations, DEP still has obligations under the Clean Streams Law and state regulations which are imposed and enforced under the National Pollution Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits. The Consent Decree will provide an enforceable mechanism to ensure that compliance with the Regulations is achieved as soon as possible.

The Department agrees that Article I Section 27 of the Pennsylvania Constitution must be satisfied, and that in accordance with the Constitution, the Department must consider the environmental effects of the agency’s action and must determine that the action will not result in unreasonable degradation, diminution, depletion or deterioration of the environment. The Department also recognizes that it must satisfy its trustee duties under Article I, Section 27 of the Constitution.

The Department satisfies its trustee duties in several ways, including through NPDES permitting. The NPDES permits for these facilities set the specific effluent limitations and monitoring requirements for their discharges. In order to assure that these discharges will meet the Federal BA transport water ELGs, the Department

and Key-Con have entered into this Consent Decree to allow for the upgrade to be made on a reasonable schedule.

Additional comment submitted by Laura Kinzel: Public Health and Downstream Impacts
Water pollution is not an abstract regulatory issue — it has direct consequences for public health and community wellbeing. Discharges from coal-fired power plants can contain heavy metals and other toxic pollutants that contaminate rivers and groundwater, harm aquatic ecosystems, and threaten drinking water sources downstream. Communities should not bear increased health risks because a facility chose to delay compliance and is now being permitted to continue operating without meaningful enforcement. The costs of exposure — whether measured in degraded ecosystems, compromised drinking water, or long-term health impacts — are borne by families and local communities, not by the facility owners. A consent decree that weakens enforcement effectively shifts risk from the polluter to the public. That is neither equitable nor consistent with DEP’s duty to protect the health and welfare of Pennsylvanians.

Response to additional comment submitted by Laura Kinzel: The NPDES permits for the Key-Con facilities establish technology-based effluent limitations as well as water quality-based effluent limitations on the discharges. These effluent limitations are established to protect the uses of the receiving streams. As noted in other comment responses, Key-Con changing from the intent to achieve permanent cessation of coal combustion to the voluntary incentive program requires Key-Con to come into compliance with the BA transport water limitations now rather than being able to continue to discharge this water as they would have been allowed to do until December 31, 2028 under the permanent cessation of coal combustion compliance path. The Consent Decree ensures that this will happen.

General Comment #4: “The Pennsylvania Department of Environmental Protection’s (DEP) proposed fine of \$150 a day for polluted bottom ash transport water discharges from either the Keystone or Conemaugh Generating Stations is not adequate to compensate Pennsylvanians for the environmental harm these coal-fired power plants have caused and will continue to cause. Keystone-Conemaugh Projects, LLC (Key-Con) could have chosen to upgrade its bottom ash system at any time in the last five years. DEP should significantly penalize Key-Con for announcing its intent to upgrade its bottom ash system less than two

weeks before the federal deadline to completely remove pollutants from its discharges of bottom ash transport water. Bottom ash is known to include mercury and other heavy metals that can cause organ and nervous system damage in humans.”

Response to General Comment #4: See response to General Comment #2.

General Comment #5: “DEP’s proposed consent decree with Key-Con related to plans to keep the Keystone and Conemaugh coal-fired power plants operational should include a settlement that will fund a positive environmental initiative in the communities impacted by water pollution from both of these facilities. The December 31, 2025 deadline to remove pollutants from bottom ash transport water discharges was finalized in December 2020 (40 C.F.R. § 423.13) and technology to remove pollutants from Key-Con’s polluted discharges of bottom ash transport water has been widely available. DEP should not allow Key-Con to miss this deadline to eliminate polluted discharges of bottom ash. DEP and Key-Con should evaluate the health of local waterways impacted by the Keystone and Conemaugh facilities, specifically Crooked Creek and the Conemaugh River, and identify an appropriate settlement that would allow DEP to reduce dangerous pollution in these waterbodies caused by the Keystone and Conemaugh facilities.”

Response to General Comment #5: As previously stated in this document, EPA’s 2024 rulemaking allowed facilities the option of switching from permanent cessation of coal combustion by December 31, 2028 to the voluntary incentives program. The EPA rulemaking required such election to be made by December 31, 2025. On December 18, 2025, Key-Con submitted written notification to the Department of its decision to switch to the voluntary incentives program. Key-Con represented that it could not meet the deadline of December 31, 2025 to construct and begin operating BA transport water treatment to meet the ELG. The Consent Decree provides a schedule for Key-Con to comply with this requirement that now applies to these facilities. Additionally, changing from the intent to achieve permanent cessation of coal combustion to the voluntary incentive program requires Key-Con to come into compliance with the BA transport limitations now rather than being able to continue to discharge this water as it would have been allowed to do until December 31, 2028 under the permanent cessation of coal combustion compliance path.

General Comment #6: “Key-Con clearly plans to profit from “increased electrical demand driven by build-out of data centers.” Key-Con would likely generate windfall revenue from

high capacity prices, especially if the next regional capacity auction proceeds without a price cap. DEP could negotiate a consent decree that protects local electricity customers from increased electricity costs caused by data center expansion. It is additionally concerning that Key-Con claims it is planning to stay open because of increased electricity demand given that in a December 1 meeting with U.S. Environmental Protection Agency (EPA) staff, “KeyCon reiterated that both Keystone and Conemaugh have been operating at approximately 20 percent capacity due to the low energy-price market.” Key-Con’s operations have not indicated that it is responding to increased electricity demand and DEP should not accept that justification to allow the plants to stay in operation as they miss federal deadlines to reduce water pollution. Key-Con has not provided any evidence that the plants’ potential generation is necessary to provide electricity to Pennsylvanians.”

Response to General Comment #6: DEP does not regulate or have any influence on electric rates. Additionally, Key-Con does not need to demonstrate to DEP that the plant’s potential generation is necessary. By making this business decision to not achieve permanent cessation of coal combustion, Key-Con must come into compliance with the voluntary incentives program as soon as possible. The Consent Decree ensures that this will happen.

Three Rivers Waterkeeper Comment #1: “The proposed Consent Decree explicitly acknowledges that BA transport water discharges occurring after December 31, 2025 that do not meet the applicable requirements of 40 C.F.R. §423.13(k) are unauthorized and unlawful under the Pennsylvania Clean Streams Law. Despite this finding, the Consent Decree authorizes continued discharges for an extended and indeterminate period while compliance upgrades are designed, permitted, and constructed. This approach functions as a retroactive compliance accommodation rather than an enforcement action to prevent or minimize ongoing harm to waters of the Commonwealth.

The Clean Streams Law places an affirmative and independent duty on the Department to prevent pollution and protect designated uses of surface waters, regardless of anticipated federal regulatory changes or market conditions. While federal ELGs establish minimum technology-based requirements under the Clean Water Act, 33 U.S.C. §1311(b) and §1314(b), Pennsylvania retains the authority and responsibility to impose and enforce more stringent controls where necessary to protect water quality standards adopted under 25 Pa. Code Chapter 93. A consent decree that permits continued unlawful discharges without interim safeguards risks undermining this statutory mandate.”

Response to Three Rivers Waterkeeper Comment #1: State and Federal requirements are established to protect the environment including our waterways. Accordingly, permits are issued to ensure that the environment is protected and applicable laws and regulations are upheld. The NPDES permits for these facilities impose effluent limitations and requirements that are based on both ELGs and water quality standards adopted under 25 Pa. Code Chapter 93. The Consent Decree will provide an enforceable mechanism to ensure that compliance with the Federal Regulations is achieved as soon as possible.

When Key-Con opted to cease coal combustion by December 31, 2028, it was not required to make changes to meet the requirements of 40 CFR § 423.13. As a result, Key-Con would have continued to discharge BA transport water that did not meet the requirements of 40 CFR § 423.13 until December 31, 2028. Under the Consent Decree, Key-Con is required to construct and operate upgrades to the stations to meet the requirement of 40 CFR § 423.13 in accordance with the schedule, thus ensuring that future discharges meet the stricter limitations.

Three Rivers Waterkeeper Comment #2: “The Department’s reliance on feasibility arguments advanced by KEY-CON is particularly concerning in light of the December 1, 2025 meeting between EPA and KeyCon Operating LLC, which forms part of the federal ELG rulemaking record. During that meeting, KeyCon acknowledged that both the Keystone and Conemaugh facilities have been operating at approximately 20–25 percent capacity factor and that maintenance and capital investments were intentionally limited due to the companies’ prior decision to pursue a planned cessation pathway through 2028. The EPA meeting record also confirms significant disparities in wastewater treatment between the two facilities that are normalized under the proposed Consent Decree.

Conemaugh employs ion exchange and biological treatment systems for selenium and boron removal, installed as early as 2012, while Keystone discharges to the Allegheny River via a long-distance pipeline without comparable treatment infrastructure, relying instead on physical and chemical treatment alone. These differences are attributed to historic permitting decisions and receiving-water criteria, not to current cumulative impacts or downstream designated uses. The Consent Decree fails to explain how continued disparate treatment standards during an extended noncompliance period are consistent with Pennsylvania’s obligation to protect water quality across the watershed as a whole.”

Response to Three Rivers Waterkeeper Comment #2: As previously discussed in this document, the NPDES permits for these facilities impose effluent limitations and requirements that are based on both ELGs and water quality standards adopted under 25 Pa. Code Chapter 93. The water quality standards adopted under 25 Pa. Code Chapter 93 are imposed based on site-specific conditions of the receiving stream and the facility discharge. Therefore, water quality-based effluent limitations are not expected to be the same and, likewise, treatment to meet these water quality based effluent limitations may not be the same.

Three Rivers Waterkeeper Comment #3: “The compliance timeline set forth in the Consent Decree guarantees at least one additional year of continued BATW discharges beyond the statutory deadline, and potentially longer depending on permitting and construction delays. During this period, the Consent Decree does not require interim treatment, discharge minimization, operational curtailment during low-flow conditions, or enhanced monitoring tied to water quality risk. This omission is particularly troubling given that KeyCon has represented to EPA that it is already in advanced design stages for bottom ash recycle systems and does not anticipate procurement barriers that would justify extended uncontrolled discharges through the end of 2026. Allowing continued unlawful discharges without interim mitigation is inconsistent with the Clean Streams Law’s prohibition on industrial waste discharges except in strict conformity with permits and applicable standards.

Additionally, the stipulated penalties set in the Consent Decree may be insufficient to effectively deter continued noncompliance or reflect the seriousness of the violations. A penalty of \$150 per day per station for ongoing unlawful BATW discharges appears modest in relation to the size of the facilities, the volume of wastewater discharged, and the known persistence and toxicity of coal combustion residual pollutants. Under the Clean Streams Law, civil penalties are intended to remove the economic benefit of noncompliance and encourage timely corrective action. As currently structured, the penalties may not fully serve that purpose.”

Response to Three Rivers Waterkeeper Comment #3: As previously discussed in this document, when Key-Con opted to cease coal combustion by December 31, 2028, it was not required to make changes to meet the requirements of 40 CFR § 423.13. As a result, Key-Con would have continued to discharge BA transport water that did not meet the requirements of 40 CFR § 423.13 until December 31, 2028.

Under the Consent Decree, Key-Con is required to construct and operate upgrades to the stations to meet the requirement of 40 CFR § 423.13 in accordance with the schedule.

Considering this and all other factors, DEP considers the penalty amounts to be reasonable and justified. Moreover, once entered by the court, the Consent Decree becomes an order of the court, and subject to the court's powers of contempt to promote compliance with the schedule.

Three Rivers Waterkeeper Comment #4: “The Consent Decree further fails to address cumulative impacts to already impaired waters. Crooked Creek, the Conemaugh River, and downstream reaches of the Allegheny River have long histories of industrial pollution and documented impairments. Pennsylvania is required to ensure that authorized discharges are consistent with water quality standards, antidegradation requirements, and Total Maximum Daily Loads adopted pursuant to Clean Water Act §303, 33 U.S.C. §1313, and 25 Pa. Code Chapters 93 and 95. Yet the Consent Decree contains no analysis of how continued BATW discharges during the noncompliance period align with existing impairments, pollutant load allocations, or designated uses. Additionally, the EPA meeting record confirms that both facilities continue to route bottom ash transport water through legacy settling ponds prior to discharge, where wastewater is combined with other effluents before entering Crooked Creek or the Conemaugh River. Settling ponds associated with coal ash handling are well-documented sources of leakage, overtopping, and groundwater contamination. Yet the Consent Decree does not require pond integrity assessments, seepage monitoring, groundwater monitoring, or interim safeguards during the extended noncompliance period. This omission is inconsistent with the Department's duty to prevent pollution before it occurs. The Consent Decree also lacks adequate public transparency provisions. Although quarterly progress reports are required, there is no requirement for public posting of discharge days, monitoring data, or exceedances. Meaningful public participation is a core component of both the Clean Water Act and Pennsylvania's water pollution control framework, particularly where unlawful discharges are knowingly permitted to continue through a negotiated enforcement mechanism.

Finally, the termination clause allowing the Consent Decree to be voided if EPA finalizes a less stringent federal rule raises serious concerns about regulatory backsliding. The EPA meeting record reflects active industry pressure to relax metals and other ELG limits to avoid additional treatment requirements, including ion exchange systems, rather than to fully

implement the best available technology. Pennsylvania's obligations under the Clean Streams Law do not depend on future federal deregulation, and conditioning state-level enforcement on potential federal rollbacks undermines long-term water quality protection."

Response to Three Rivers Waterkeeper Comment #4: The current administratively-extended NPDES permits for these facilities were drafted and finalized with effluent limitations and requirements to ensure that authorized discharges are consistent with water quality standards, antidegradation requirements, and Total Maximum Daily Loads adopted pursuant to Clean Water Act §303, 33 U.S.C. §1313, and 25 Pa. Code Chapters 93 and 95. DEP is currently reviewing the NPDES permit renewal applications for both facilities. Accordingly, DEP will develop a draft permit with effluent limitations and monitoring requirements to ensure that authorized discharges are in accordance with current conditions and regulations. The Consent Decree was developed to address the facilities' non-compliance with the BA transport water limitations, which is based on Federal Regulations.

As discussed numerous times throughout this document, when Key-Con opted to cease coal combustion by December 31, 2028, it was not required to make changes to meet the requirements of 40 CFR § 423.13. As a result, Key-Con would have continued to discharge BA transport water that did not meet the requirements of 40 CFR § 423.13 until December 31, 2028. Under the Consent Decree, Key-Con is required to construct and operate upgrades to the stations to meet the requirement so 40 CFR § 423.13 in accordance with the schedule. Water Quality Management (WQM) permit applications have already been submitted in accordance with the Consent Decree. WQM permit applications for Keystone Generating Station (WQM Permit No. 386201 – Auth ID No. 1554511) and Conemaugh Generating Station (WQM Permit No. 3292204 – Auth ID No. 1555403) were both received on January 8, 2026 and are under technical review by DEP.

Discharge Monitoring Report (DMR) data is available to the public through DEP's website. <https://www.pa.gov/agencies/dep/programs-and-services/water/clean-water/wastewater-management/edmr>

DEP will continue to ensure that the Clean Streams Law as well as all state and federal regulations are upheld through the permitting and associated enforcement.

If EPA finalizes a less stringent federal rule, the rule should establish requirements and address anti-backsliding for facilities subject to the rule. DEP recommends that the commentator raise these concerns to EPA through the Federal rule making process. The Consent Decree would only be terminated by a Federal rule change provided Key-Con has achieved or is capable of achieving compliance in accordance with any schedules set forth in the rule.

PennFuture Comment #1: “Key-Con delayed until the last possible moment to put the Department in this position. Back in 2021, with new effluent limitations guidelines (ELGs) requiring new bottom ash system upgrades coming into effect, Key-Con decided to permanently end coal combustion at the Keystone and Conemaugh Generating Stations. In other words, Key-Con decided that it didn’t want to pay to upgrade its facilities because they weren’t making enough of a profit. Now, five years later, having taken no action, it has decided at the 11th hour to change its mind and continue operating.

Even crediting the factors that Key-Con cites for this change of heart, Key-Con delayed past the point of credibility. Key-Con points to “changes in the long-term electricity market outlook” and the “build-out of data centers” as reasons justifying its December 18, 2025 notification to the Department that it wanted to continue operating its facilities. These are not good faith reasons. The electricity market outlook has been changing for more than two months. For example, the base residual auction held by PJM in July 2024 for the 2025/2026 year showed a spike in capacity prices. See

<https://www.pjm.com/-/media/DotCom/markets-ops/rpm/rpmauction-info/2025-2026/2025-2026-base-residual-auction-report.pdf>

at 5. Indeed, the draft consent decree cites, in support of claims of changed market conditions, a Department of Energy report from July. See Draft Consent Decree at 4, n.1. The potential data center build-out has been the focus of industry and regulatory attention for far more than two months; also in July, the “Energy and Innovation Summit” at Carnegie Mellon University featured President Trump, Governor Shapiro, other state and federal officials and industry leaders extensively discussing data centers and electricity demand growth. Months passed between those events and Key-Con’s putative change of heart.

The assertion in the consent decree that “Key-Con is left in the position that it is temporarily unable to comply with [the applicable regulatory requirements]” is patently misleading. Key-Con intentionally placed itself in this position, by delaying until two weeks before compliance obligations would kick in to announce its plans to continue to operate rather

than cease coal combustion operations. Key-Con should not be rewarded with additional time for this delay at its own hand.”

Response to PennFuture Comment #1 (Key-Con Should No Be Rewarded for Gaming the System): EPA’s 2024 rulemaking allowed facilities the option of switching from permanent cessation of coal combustion by December 31, 2028 to the voluntary incentives program. The EPA rulemaking required such election to be made by December 31, 2025. On December 18, 2025, Key-Con submitted written notification to the Department of its decision to switch to the voluntary incentives program. Key-Con represented that it could not meet the deadline of December 31, 2025 to construct and begin operating BA transport water treatment to meet the ELG. The Consent Decree provides a schedule for Key-Con to comply with this requirement that now applies to these facilities.

Upon the completion of the requirements of the Consent Decree, these facilities will have installed and be operating treatment to meet BA transport water ELG’s.

PennFuture Comment #2 (The Proposed Consent Decree’s Terms Provide Strong Incentives for NonCompliance): “Under the terms of the proposed consent decree, Key-Con has a timeline for design, construction, and installation of the required system upgrades. See para. 4. First, this timeline includes plenty of opportunity for delay, as each event is connected to the conclusion of an event prior (rather than a strict timeline with dates). Second, the penalties associated with failure to meet this timeline are, essentially, inconsequential. The proposed consent decree at paragraph 11 sets forth stipulated penalties, which max out at \$1,500 per day if a deadline is missed by more than 60 days. This appears to apply to both facilities and appears to stretch on ad infinitum.

These penalty numbers are paltry compared to what the penalties could be under statutes, regulations, and applicable penalty policies. The Department has the authority to assess a civil penalty of up to \$10,000 per day for each violation of the Clean Streams law. 25 Pa Code 77.293. Violations of the Clean Water Act are subject to a statutory civil penalty of \$27,378 per day for penalties assessed after January 8, 2025. 33 U.S.C. 1319(g); 19 C.F.R. 1377.

It is not hard to work out the economics here. If Key-Con takes no action to start the work required for its upgrades after the entry of the consent decree, it pays \$500 per day for 30 days, then \$1000 per day for the next 30 days, then \$1,500 per day after that. Meanwhile – starting from January 1, 2026, Key-Con is eligible to continue receiving capacity payments at

each facility for being available to provide electricity if called upon. These capacity payments vary but are always far more than \$1,500 per day. For example, the Keystone facility can operate at its 1,700 MW capacity. The 2026-2027 capacity auction cleared at \$329.17 /MW per day. Applying the ELCC for coal for 2027/2028, which is 83%, Keystone stands to make \$108,352.89 per day on the capacity market if the price clears at the existing cap. The price cap expires after the 2027-2028 year, so the capacity payments could theoretically go much higher then. Thus, the consent decree ensures that it is financially beneficial for Key-Con to drag out improvements as long as possible.

Even more egregious are the proposed stipulated penalties of just \$150 per day contemplated in Paragraph 10 of the Proposed Consent Decree for the violations of the ELGs. As noted above, Key-Con's self-inflicted decision to delay electing to change its ELG compliance pathway until very nearly the last minute is no reason to essentially excuse violation of bottom ash transport water limits for both facilities. Here, not only is \$150 a miniscule fraction of penalties under the Clean Streams Law and Clean Water Act, it is far too trivial a "penalty" to either disincentivize Key-Con from violating the ELGs or remediate for the harm such violations cause. (This is especially the case given that the \$150 penalty is a maximum: even if both facilities violate the ELGs, the penalty is still just \$150 per day of discharge). Yet DEP has made no attempt to demonstrate that the penalty level here proposed was selected to either ensure compliance or remediate harm. Nor could it.

Moreover, this proposed agreement has no termination date. As a result, there is no language governing when the anticipated ungraded are complete. Under this agreement as drafted, should Key-Con choose to simply bypass its ELG system (at one or another facility) even after installation, it would only be subject to a \$150 per day penalty. This language would potentially preclude other enforcement actions for future violations and it should be, at a minimum, revised to clarify that the agreement provides Key-Con with no protection against future enforcement once ungraded ELG controls are installed.

The incentive to simply pay the stipulated penalties, and not take the compliance actions to actually upgrade the facility, is accordingly strong, and therefore we oppose this consent decree."

Response to PennFuture Comment #2: As discussed numerous times throughout this document, when Key-Con opted to cease coal combustion by December 31, 2028, it was not required to make changes to meet the requirements of 40 CFR § 423.13. As a result, Key-Con would have continued to discharge BA transport water

that did not meet the requirements of 40 CFR § 423.13 until December 31, 2028. Under the Consent Decree, Key-Con is required to construct and operate upgrades to the stations to meet the requirement so 40 CFR § 423.13 in accordance with the schedule.

Considering this and all other factors, DEP considers the penalty amounts to be reasonable and justified. The penalty payments do not replace Key-Con's obligations under the consent decree, and the Department may pursue any remedy available to compel Key-Con's compliance with the Consent Decree

Facilities that elect to switch from PC3 to VIP are required to demonstrate compliance with the VIP requirements (applicable to FGD wastewater discharges) no later than December 31, 2028. Therefore, Key-Con is required to meet that schedule and DEP has no reason to believe that Key-Con will not meet that schedule. The Consent Decree is only to address the non-compliance with the BA transport water limitations by December 31, 2025.

The Consent Decree contains a schedule for upgrades to the BA systems at each facility. The schedule contains verifiable milestones that are enforceable by the Court. Upon initiating operation of the upgrades, Paragraph 7 of the Consent Decree requires Key-Con to operate the upgrades to meet the BAWT ELGs. Once the obligations of the Consent Decree have been met, either party may motion the Court to terminate the Consent Decree.

PennFuture Comment #3 (Other Aspects of The Proposed Consent Decree are Problematic): “The proposed consent decree includes other problematic sections. Paragraph 21 appears to retain to the Department the ability to modify or terminate the agreement upon transfer of these facilities. Given the likelihood that the facilities will indeed be sold in the near future, this paragraph is too vague, leaves the Department too much discretion, and does not offer enough protection to ensure that new owner will be required to comply with the required system upgrades.

The proposed consent decree also fails to set a firm deadline for compliance. Under the consent decree's terms, even Key-Con's extremely low penalties are keyed not to a hard deadline (such as the outer envelope deadline set by the ELGs) but instead to a floating schedule dependent in part of actions by DEP. Accordingly, the proposed consent decree

fails to actually ensure that violations of the ELGs are ultimately rectified, and instead places a low dollar value on indefinite future violations.

Paragraph 24 appears to potentially excuse Key-Con from compliance with its requirements as a result of various circumstances alleged to be beyond its control. These circumstances include a “strike.” Labor issues are not outside the control of facility management; in fact, whether Key-Con chooses to pay its workers appropriately and provide them the benefits they may seek is entirely within its control. We suggest that this language at a minimum be revised.

Finally, Paragraph 34 attempts to carve out an opportunity for the parties to revisit this issue if and when EPA changes the applicable effluent limitation guidelines again. This language applies if EPA changes its regulations “in a manner that is deemed to be less stringent than the requirements and timelines of this Consent Decree.” It is not clear who is entitled to determine that a regulation is “less stringent” than this decree. This term is overly vague.

We urge you to take a stronger stance with regard to this continued pollution of the Commonwealth’s waters, and we urge you to take a stronger stance against industrial actors that attempt to game the system to profit at the expense of the Commonwealth’s public natural resources. We request that you hold a public hearing on this proposed consent decree.”

Response to PennFuture Comment #3: Any transfer of either facility does not automatically relieve Key-Con of its obligations under the Consent Decree. Any new operator of either facility that discharges BA transport water that does not meet the requirements of 40 CFR § 423.13, would be in violation. The Consent Decree does not relieve a new owner or operator of the facilities from having to comply with the Federal regulations concerning the discharged BA transport water.

The Consent Decree includes enforceable deadlines for the corrective actions. While the commentator is correct that specific dates were not chosen, the deadlines contained therein are reasonable based upon the permitting process that applies here. Moreover, the Consent Decree contains interim dates to submit all applications, begin construction, and complete construction, to assure that Key-Con timely completes the corrective action.

Paragraphs 24 – 26 address certain circumstances that may allow Key-Con to request an extension if conditions are met as specified. This language, while allowing for an

extension under certain circumstances, is quite narrow in its applicability and balances the need for compliance expediency with the remote chance that such expediency becomes impossible. It does not excuse ultimate compliance, however. As noted elsewhere in this document, if EPA finalizes a less stringent federal rule, the rule should establish requirements and address anti-backsliding for facilities subject to the rule. DEP recommends that the commentator raise these concerns to EPA through the Federal rule making process. The Consent Decree would only be terminated if the Federal ruling provided Key-Con compliance requirements that Key-Con has achieved or is capable of achieving in accordance with any schedules set forth in the rule.

Request for a Public Hearing (Ashley Funk, Executive Director, Mountain Watershed Association): “I would like to request a public hearing on the proposed Consent Decree authorizing updated wastewater management requirements for the continued operation of the Conemaugh and Keystone coal-fired power plants in Indiana and Armstrong counties. My family lives about 7 miles from the Conemaugh Generating Station, and I believe that it's important to hear community concerns on this issue. The Conemaugh Generating Station is in an Environmental Justice area as defined by PADEP, which magnifies the need for a hearing.”

Response to Request for a Public Hearing: The Indiana County Court of Common Pleas still needs to approve the Consent Decree in order for it to resolve DEP's pending complaint. The Court has the discretion to hold a hearing on its acceptance of the Consent Decree and DEP will disclose your request to the Court. However, DEP published notice of the Consent Decree in the *Pennsylvania Bulletin* and invited public comment. Comments were received from over 700 commentators and are addressed extensively in this document. DEP does not believe an additional hearing before the Court will elicit issues or concerns that have not been addressed in this comment and response document.

Other comments: As noted in the “other comments” on the Appendix, numerous commentators who submitted general form letter comments also added some additional comments. DEP reviewed these and determined that the above responses also address these comments adequately. Comments supporting the Consent Decree are summarized.

DEP is providing the comments verbatim in the “other comments” column below from the emails or letters submitted and did not correct any typographical errors.

Appendix

List of Commentators

	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Samuel J. Kirk, Jr. - Pennsylvania Association of School Business Officials (PASBO)							Support for the Consent Decree citing potential effects of the plants closing down including loss of local tax revenue, cuts to educational programs and services, regional job losses and economic ripple effects, declines in property values, population shifts, and planning challenges and long-term uncertainty.
Mark Hilliard, President, Indiana County Chamber of Commerce							Support for the Consent Decree citing economic impacts, electric grid stability, enforcement of compliance with the Clean Streams Law and Federal ELG.
Zachery Howe							Support for the Consent Decree citing that too many plants are closing down and there is a need for power.
Aric Baker, President / Assistant Business Manager, International Brotherhood of Electrical Workers (IBEW) Local 459							Support for the Consent Decree citing economic impacts, electric grid stability, enforcement of compliance with the Clean Streams Law and ELG.
Debra Smith							Support for the Consent Decree citing economic impacts and electric grid stability
Daniel and Amy Provias							Support for the Consent Decree citing economic impacts and electric grid stability
Mark Knupp							Support for the Consent Decree citing his experiences as a 25-plus year employee of the Keystone Power Plant and the environmental stewardship of the plant, plant upgrades and advancements, job impacts, and plant reliability.

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Robert S. Bair, President, Pennsylvania State Building and Construction Trades Council							Support for the Consent Decree citing forward-thinking pathway to environment, tax revenue, jobs, and grid stability.
Brooke Williams							Support for the Consent Decree citing their experiences as an operator at the Keystone Power Plant including importance of providing reliable energy and protecting the environment, environmental control upgrades, operator expectations and high standards, jobs, plant reliability, and personal impacts on environmental awareness.
Ryan							Support for the Consent Decree citing their experience as the fiancé of an operator at the Keystone Power Plant including jobs, environmental awareness, well run and maintained plant, and plant reliability.
Representative Jim Struzzi, Republican Chairman, House of Appropriations Committee, Pennsylvania House of Representative, District 62							Support for the Consent Decree citing a sensible and equitable solution that upholds environmental standards under the Clean Streams Law and Federal ELG, tax revenue, high-quality jobs, grid stability, and economic benefits.
Michael Stanton, Business Manager / Apprenticeship Coordinator, International Brotherhood of Boilermakers, Local 154							Support for the Consent Decree citing a practical and balanced path to environmental compliance under the Clean Streams Law and Federal ELGs, jobs, economic and industry impacts, and grid stability.

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Shawn Steffee, President, South-Central Pennsylvania Building and Construction Trades Council							Support for the Consent Decree citing a pragmatic pathway to environmental compliance under the Clean Streams Law and Federal ELGs, economic factors including taxes, jobs, investments into environmental controls, and grid stability.
John W. Strate, Commissioner, Chairman, County of Armstrong							Support for the Consent Decree citing economic impacts, jobs, plant reliability, and grid stability.
Darin D. Alviano, Executive Director, Armstrong County Industrial Development Council							Support for the Consent Decree citing local economic stability including jobs, local businesses, and tax revenue supporting local schools, municipalities, and essential services, grid stability, balanced approach to meeting environmental standards.
Armstrong County Board of Commissioners: John W. Strate, Chairman Anthony G. Shea, Jr., Vice Chairman Patrick Fabian, Secretary							Support for the Consent Decree citing tax base and jobs.

<p>Senator Joe Pittman, 41st Senatorial District, Majority Leader, Senate of Pennsylvania</p> <p>Along with Senators: David Argall Lisa Baker Camrea Bartolotta Michelle Brooks Rosemary Brown Jarrett Coleman Lynda Schlegel Culver, Cris Dush Frank Farry Chris Gebhard Scott Hutchinson Dawn Keefer Wayne Langerhole, Jr. Dan Laughlin Scott Martin Doug Mastriano Tracy Pennycuick Kristin Phillips-Hill Joe Picozzi Devlin Robinson Greg Rothman Pat Stefano Elder Vogel, Jr. Judy Ward Kim Ward Gene Yaw</p>							<p>Support for the Consent Decree citing pragmatic approach that successfully achieves both environmental compliance and the preservations of critical baseload power generation. The letter also cites jobs, economic impacts, grid stability, and compliance with the Clean Streams Law and Federal ELGs.</p>
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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
R. Michael Keith, Chairman, Indiana Board of Commissioners							Support for the Consent Decree citing employment, tax base, community stability, grid stability, reliability of Key-Con plants, and compliance with Clean Streams Law and Federal ELGs.
Heather Hulton VanTassel, PhD - Three Rivers Waterkeeper							See comments listed in the body of the Comment and Response Document
Jessica R. O’Neill with Citizens for Pennsylvania’s Future and Zachary M. Fabish with Sierra Club (PennFuture letterhead)							See comments listed in the body of the Comment and Response Document
Ashley Funk							Request for Public Hearing
Amanda Oaks				X	X	X	
Dana Driscoll				X	X	X	
Deanne ODonnell				X	X	X	
Lauren Otero				X	X	X	
Vanessa Lynch				X	X	X	
Yolanda Stern Broad PhD				X	X	X	
A Brennan	X	X	X				
A. Barnett	X	X	X				
Abby Jones	X	X	X				
Aileen McEvoy	X	X	X				
Al Ferrucci	X	X	X				
Alan Peterson	X	X	X				
Alan Temes	X	X	X				
Albert D’Antonio	X	X	X				
Alexa Manning	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Alexander Bomstein	X	X	X				
Alexandra Brandt	X	X	X				
Alice Lucas	X	X	X				DEP should not allow–let alone support–the degradation of our public natural resources in this manner. It's our water. Not theirs and not rump's . I say stop them . Fine them. CLOSE THEM DOWN!
Allison Duncan	X	X	X				Our lives depend upon clean water, and we have enough threats to this precious, critical resource already. Don't let these callous companies further pollute our water.
Amanda Flagle	X	X	X				
Amanda Oaks	X	X	X				I am writing to oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. Allowing these plants to operate under weakened enforcement undermines the credibility of environmental regulations and sets a dangerous precedent.
Amy Durr	X	X	X				
Amy Ershler	X	X	X				
AN Pfannenstiel	X	X	X				
Andrea Bertram	X	X	X				Meanwhile there are numerous mitigation attempts along the Conemaugh to improve the water quality which would be harmed by allowing coal plants to continue.
Andrew Mix	X	X	X				
Ann Beck	X	X	X				
Ann Bruner	X	X	X				
Ann McGaffey	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Anna Minore	X	X	X				I am writing to oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. They should not be allowed to game the system. That makes the maximum \$1,500 per day penalty for missing deadlines to come into compliance under this agreement simply silly. DEP should not cave to a federal government that has chosen to weaken water protections or an industry that profits from continued inaction to address its known pollution.
Anna Tangi	X	X	X				
Anne Jackson	X	X	X				NO NO NO NO NO NO NO NO NO NO NO NOT EVER !!! :
Anne Kearney	X	X	X				
Anne Marie Smith	X	X	X				
Anne Scott	X	X	X				
Annie Regan	X	X	X				
Ann-Marie Christopher	X	X	X				
Anthony Antonucci	X	X	X				
Ardrey Bounds	X	X	X				
Arlene Taylor	X	X	X				
Arlene Wolk	X	X	X				
Arline Schoenberger	X	X	X				
B Fink	X	X	X				
B Soltis	X	X	X				
Barbara Atkinson	X	X	X				
Barbara Fogal	X	X	X				
Barbara Gold	X	X	X				As a pediatrician, I am well acquainted with the damage that unclean air can do to young lungs 🫁
Barbara Hogan	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Barbara Knickerbocker	X	X	X				
Barbara Sonies	X	X	X				
Barbra K	X	X	X				
Barry McMickle	X	X	X				
Barry Weiss	X	X	X				
Bernadette Kegelman	X	X	X				
Bernadette Margel	X	X	X				We have chartered you with ENVIRONMENTAL PROTECTION, and I <u>ams</u> asking you do your job by saying NO to the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.
Bet Daniels	X	X	X				
Beth Dreyer-DeGoede	X	X	X				
Bethany Narajka	X	X	X				Parent of a young child
Billy Pepmeyer	X	X	X				That makes the maximum \$1,500 per day penalty for missing deadlines to come into compliance under this agreement a joke.
Bob Carnevale	X	X	X				
Bob Miller	X	X	X				
Bonita Stetson	X	X	X				
Bonnie McGill	X	X	X				
Bonnie Stoeckl	X	X	X				
Brady Porter	X	X	X				As an aquatic biologist and PA resident, Please do your job and protect Pennsylvania's environment, wildlife and human health, not big polluters- respect the name of your agency!
Brenda Norris	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Brenda Uhler	X	X	X				As a senior citizen and retired employee of the Commonwealth, I know that regulations always start with the need for the health and safety of the people as the foremost concern. This consent decree does not fulfill that obligation.
Brian Brown	X	X	X				
Brian Moore	X	X	X				
Brian Sesack	X	X	X				
Brian Shumaker	X	X	X				
Bruce Bekker	X	X	X				
Bruce Kiesel	X	X	X				
Bryan Kemper	X	X	X				
C Scott Bucher	X	X	X				This consent decree rewards these plants for their lack of compliance with water pollution regulations and gives them a big incentive to keep polluting while profiting. This consent decree is objectionable for a number of reasons:1. These facilities had years to make these upgrades: but, rather than doing so, they decided at the last minute to change their status from “closing soon” to “staying open to make money.” That makes the maximum \$1,500 per day penalty for missing deadlines to come into compliance under this agreement completely ineffective.
Carissa Longo	X	X	X				I oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.
Carla Puppin	X	X	X				
Carol Book	X	X	X				If these corporations have the funds to pay their CEO's their outrageous salaries, they have the funds to comply with regulations that benefit others. They absolutely do not deserve any kind of special considerations for anything.

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Carol Buskirk	X	X	X				The Keystone and Conemaugh Coal plants have never complied with the water quality improvements required under their permit. Why should this pollution be allowed to continue? This proposed consent decree is not a good agreement for Pennsylvanians - it rewards these plants for their lack of compliance with regulations and gives them a big incentive to keep polluting while profiting.
Carol Carlson	X	X	X				
Carol Montague	X	X	X				
Carol Poleno	X	X	X				
Carol Stanton	X	X	X				
Carol Troisi	X	X	X				
Carole Ackelson	X	X	X				
Carole Mayers	X	X	X				
Caroline Cotugno	X	X	X				
Caroline Weiss	X	X	X				
Carolyn Evans	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Carolyn Lange	X	X	X				I strongly oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This consent decree would be a bad deal for the people Pennsylvanians but great for these polluting power plants. This is wrong! This deal ignores the lack of compliance with water pollution regulations, plus it gives the plants incentive to keep polluting and profiting. I bring your attention to the following:1. These facilities had years to make the necessary upgrades but did not. Recently they changed their status from “closing soon” to “staying open to make money.” They should not be allowed profit from their failure to comply with water pollution regulations.2. The capacity payments these polluters could possibly get might be as high as \$300,000 per day. That makes the maximum \$1,500 per day penalty for missing deadlines to come into compliance under this agreement ridiculously small. DEP is not protecting the environment- it is giving these polluters a big incentive to continue operating and take no action to protect our water from their pollution. This is completely unacceptable.3. DEP has an obligation to protect Pennsylvania’s environmental resources. Plus it has the authority to enforce its strong regulations. On behalf of everyone in the state who relies on clean water, I implore DEP to not cave to a federal government that has chosen to weaken water protections or an industry that profits from continued inaction to address its known pollution. The consent decree will do irreparable damage to all of us and to future generations-it should simply not be allowed.
Carolyn Rice	X	X	X				
Carrie Swank	X	X	X				
Cassandra Miller	X	X	X				
Catherine Burke	X	X	X				
Catherine Contarino	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Catherine Fasy	X	X	X				
Catherine Moran	X	X	X				
Cecily Kihn	X	X	X				
Charles Best	X	X	X				They should not be allowed to game the system and profit from their failure to comply with water pollution regulations.
Charles Brill	X	X	X				
Charles Langschultz	X	X	X				
Cheryl Hendershott	X	X	X				
Chris Bannan	X	X	X				
Chris Striegel	X	X	X				
Christina Clement	X	X	X				
Christoph Stannik	X	X	X				
Christopher Irwin	X	X	X				It's not a good idea but if you must burn coal do your utmost to keep it clean and safe for humans and other living things that are exposed to water and air toxins.
Christopher Lankenau	X	X	X				
Clifford Johnston	X	X	X				
Colleen Wilson	X	X	X				I am writing to strongly oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This consent decree is not a good agreement for Pennsylvanians - As a former employee of the DEP Bureau of Labs responsible for testing of Air Quality samples collected by Air Quality specialists, I have direct knowledge of the data. It is clear that these facilities pollute and exceed the limits set. They need to be punished and fined to the fullest extent. I urge you to NOT negotiate and do what is right for PA and not these greedy corporations get away with their crimes. Thank you.
Connie Wolf	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Connie Yaqub Ph.D.	X	X	X				
Cynthia Bilchak	X	X	X				
Cynthia Starr	X	X	X				
D Carlson	X	X	X				DON'T EVEN THINK ABOUT IT ! WE THE PEOPLE DEMAND YOU FOCUS ON RENEWABLES INSTEAD ! ENOUGH CRONY CAPITALISM !!!!
D. Burn	X	X	X				
D.J. Lubonovich	X	X	X				
Damon Wagner Fields	X	X	X				
Dan McCauley	X	X	X				
Dan Volpatti	X	X	X				
Dana Dongilli	X	X	X				
Danat Brysch	X	X	X				
Daniel Dayton	X	X	X				
Daniel Salmen	X	X	X				
Daniel Sutton	X	X	X				
Daniel Taroli	X	X	X				
Daniel Weinberger	X	X	X				
Danielle E Drosnock	X	X	X				
Danielle Lion	X	X	X				
Daryl Rice	X	X	X				
Dave Blair	X	X	X				
Dave Carlton	X	X	X				
David Bertenthal	X	X	X				
David Dougherty	X	X	X				
David Eberhardt	X	X	X				
David Fiedler	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
David Gibson	X	X	X				
David Harris	X	X	X				
David Laverne	X	X	X				
David Lenker	X	X	X				
David Mest	X	X	X				
David Nichols	X	X	X				
David Roberts	X	X	X				
David Shumway	X	X	X				
David Skellie	X	X	X				
David Turner	X	X	X				
David Walker	X	X	X				
David Whiteman	X	X	X				
David Zabriskie	X	X	X				
Debbie Murphy	X	X	X				
Debbie Soodak	X	X	X				
Deborah Polk	X	X	X				
Deborah Rossow	X	X	X				
Debra Orben	X	X	X				We should be moving away from coal and transitioning to clean and healthy renewable energy.
Denis Hewitt	X	X	X				
Dennis Clark	X	X	X				
Dennis Strickland	X	X	X				
Derek Gendvil	X	X	X				
Diane Alexanderson	X	X	X				
Diane Bastian	X	X	X				I STRONGLY OPPOSE the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Diane DiFante	X	X	X				
Diane Hedrich	X	X	X				
Diane Krammes	X	X	X				
Diane Lombardo	X	X	X				
Diane Paul	X	X	X				
Dolores Fifer	X	X	X				
Don Hawkins	X	X	X				
Donald Campbell	X	X	X				
Donald Imler	X	X	X				
Donald Lancaster	X	X	X				
Donna Bookheimer	X	X	X				
Donna Delany	X	X	X				
Donna Gayer	X	X	X				
Donna Ingenito	X	X	X				

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	General Comments						Other Comments
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Name:							
Donna Kohut	X	X	X				It boggles the mind that we rely on burning coal for anything these days. We are now in the 21st century, when we have access to wind, solar, battery storage, and even electric arc furnaces. I grew up in Schuylkill County. My grandfather and great grandfathers were miners in Luzerne County. My father picked coal as a small child. I know firsthand the environmental and health and economic damage this industry left us as its legacy. The hedge funds that own these plants are only considering keeping them open because they think they can make a buck. And they can profit, but only if we make the conscious choice to allow them to. Making a deal with these plants is irresponsible, endangers the health of host communities, and is economically stupid. We cannot allow hedge fund bros to play games with our lives simply because we're too lazy to do better. In a time when health insurance costs continue to rise and federal deregulation guarantees an increase in pollution, collaboration with this industry is a recipe for environmental, health, and economic disaster. We need regulations to protect us, not water them down to protect profit.
Donna Reppert	X	X	X				
Donna Sharp	X	X	X				
Doris Dick	X	X	X				I oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This consent decree is a bad agreement for Pennsylvanians -
Doris Fiorentino	X	X	X				
Dorothea Leicher	X	X	X				As we are observing climate change in action, the disturbance of the water cycle is becoming more obvious and we need to prioritize adequate clean water for people to drink, agriculture to keep our food secure and wildlife to support biodiversity. These priorities are biologically imperative and have to come before continued fossil fuel exploitation!

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Name:							
Doug Grainge	X	X	X				
Douglas Fogal	X	X	X				
Edie Strong	X	X	X				
Edna Scheifele	X	X	X				
Eileen Shupak	X	X	X				
Elizabeth Binstead	X	X	X				
Elizabeth Casman	X	X	X				
Elizabeth Dale Harris	X	X	X				
Elizabeth Garibaldi	X	X	X				
Elizabeth Good	X	X	X				
Elizabeth Hedin	X	X	X				
Elizabeth Karpinski	X	X	X				
Ellen Campbell	X	X	X				
Ellen Lutz	X	X	X				This consent decree is contrary to what is in the best interests of Pennsylvanians
Elsa Winch	X	X	X				
Eric Pash	X	X	X				
Eric Usner	X	X	X				
Erika B Maciula	X	X	X				Greetings! This letter is written in opposition to the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. Please do not allow the degradation of our public natural resources in this manner.
Erin Landis	X	X	X				
ERNEST FULLER	X	X	X				
Etta Albright	X	X	X				Human and environmental. health are sacred; do no harm.
Eugenia Ahern	X	X	X				

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	#1	#2	#3	#4	#5	#6	
Name:							
Frank Ayers	X	X	X				
Frank Bartell	X	X	X				
Frank Dietrick	X	X	X				
Frank Schaller	X	X	X				
Fred Kraybill	X	X	X				
G. D.	X	X	X				
Garret Wassermann	X	X	X				
Gary Metzger	X	X	X				
Gary Moorman	X	X	X				
Gayle Aharra	X	X	X				
Gayle Mateyak	X	X	X				
Gene Parsons	X	X	X				
Geneva Butz	X	X	X				
Georgann Richard	X	X	X				
George E. Martin	X	X	X				
George Erceg	X	X	X				
Gerald LeGendre	X	X	X				
Geraldine Nogaki	X	X	X				
Giavanna Mariano	X	X	X				
Gigi Tevlin-Moffat	X	X	X				
Gina Wawrzyniak	X	X	X				
Ginny Gibble	X	X	X				
Glendon Blume	X	X	X				
Glenn Frantz	X	X	X				
Glenn Gawinowicz	X	X	X				

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Name:							
Glenn Morrison	X	X	X				
Glenn Schlippert	X	X	X				
Glenn Wood	X	X	X				
Grace Kelsch	X	X	X				
Grayfred Gray	X	X	X				
Greg Burgdorf	X	X	X				IMPORTANT This consent decree is an unacceptable agreement for Pennsylvanians -
Greg Kokolus	X	X	X				
Gregory Hill	X	X	X				The world may already have passed the "tipping point", but that is no reason to give up on trying to reduce greenhouse emissions! Coal burning is one of the worst offenders to the atmosphere, to say nothing of the water pollution that these plants have refused to stop committing!
Greta Bunin	X	X	X				I oppose the proposed consent decree between DEP and the Keystone and Conemaugh Coal plants. We need to reduce our greenhouse gas emissions. These coal power plants were scheduled to close. They must close. Renewable energy is cheaper and of course has lower greenhouse gas emissions.
Greta Rossi	X	X	X				
Hannah Salvatore	X	X	X				
Harry Zabetakis	X	X	X				
Hazel Bequeath	X	X	X				
Heather Nelson	X	X	X				
Heather Wiggins	X	X	X				
Heidi M. Hess	X	X	X				
Helen Foraste	X	X	X				
Henry Berkowitz	X	X	X				

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Name:							
Holton Falk	X	X	X				
Howard and Arlene Leiter	X	X	X				
Ira Beckerman PhD	X	X	X				
J Fried	X	X	X				
Jack Miller	X	X	X				
Jack Rauenzahn	X	X	X				
Jaimie Field	X	X	X				
James Coffey	X	X	X				
James Dolak	X	X	X				I remember the coal-fired generating facility at the Erie General Electric Plant in the 1980's and the downwind fall-out on my Harborcreek, Pa house.
James Gates	X	X	X				
James Hicks	X	X	X				
James Serpell	X	X	X				I strongly oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.
James Smoker	X	X	X				
James Staszewski	X	X	X				I am writing to vigorously oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This unconscionable consent decree is a health-damaging agreement for Pennsylvanians - Put 'Protection' back in your organization's name and practice.
James Stoner	X	X	X				
Jamie Masterson	X	X	X				
Jane Connolly	X	X	X				
Jane Popko	X	X	X				
Janet Bargh	X	X	X				
Janet Bischoff	X	X	X				

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Name:							
Janet Cavallo	X	X	X				
Janet R	X	X	X				With apologies to Benjamin Franklin, “When the well is polluted, the worth of water will be known.” Requirements For human life, First is Air, SECOND IS WATER !!!!!
Janice Johnson	X	X	X				
Janice Kropczynski	X	X	X				
Janice Peischl	X	X	X				
Janis Kinslow	X	X	X				
Jason Crawford	X	X	X				
Jazmene Smith	X	X	X				
Jean Bechtel	X	X	X				It's time to consider people over mega-companies making more money. Enough!
Jean Haggerty	X	X	X				
Jean Wiant	X	X	X				
Jeanine C	X	X	X				
Jeanine Farrell	X	X	X				
Jeffrey Wentzel	X	X	X				
Jenifer Casey	X	X	X				
Jennifer Ivers	X	X	X				
Jennifer Lowans	X	X	X				
Jennifer Tobin	X	X	X				Now that environmental protections have been completely abandoned by the federal government, the PA DEP needs to step up and protect the people and environment in Pennsylvania even more than ever. Please protect us and the environment by withdrawing this proposed consent decree.
Jennifer Unger	X	X	X				

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Name:							
Jenny Tompkins	X	X	X				I come from a family with a long coal mining legacy, and a large portion of my family still resides in the area - in Armstrong and Clarion counties. The writing is on the wall that coal is no longer affordable and the many externalities we are not even putting a value on for nearby communities, including water pollution, means it is simply a poor economic choice. To put tech and fossil fuel profits over the ecological and economic health of nearby and far away communities is wrong. To choose data centers and fossil fuels over clean water and not being everything we can to expand renewable energy generation to try to meet demand also wrong. I absolutely oppose this proposed consent decree - it capitulates to those forces who want to not only keep the status quo but take us backward. My great grandfather - a proud coal miner - would not have wanted this future for our family.
Jere Walkow	X	X	X				
Jesse Crouse	X	X	X				
Jesse Spangler	X	X	X				
Jessica DePete	X	X	X				
Jim Gergat	X	X	X				
JL Angell	X	X	X				I am writing to strongly oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. I strongly oppose this consent decree for the following reasons:
Jno Hunt	X	X	X				
Joan Klein	X	X	X				
Joan Kolessar	X	X	X				
Joan Satter	X	X	X				
Joann Aurand	X	X	X				
Joanna LaCorte	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Joanne Fox Mrs.	X	X	X				
Jodi Crable	X	X	X				
Joe Sinchak	X	X	X				
Joel Fishman	X	X	X				
John Armstead	X	X	X				
John B. Lizak	X	X	X				
John Barna	X	X	X				
John Belch	X	X	X				
John Cooper	X	X	X				
John Dulik	X	X	X				
John Gricas	X	X	X				
John Isola	X	X	X				
John Lawson	X	X	X				
John McDermott	X	X	X				
John Prellwitz	X	X	X				
John Six	X	X	X				
John Spanitz	X	X	X				
John Stofko	X	X	X				
John Vanco	X	X	X				
John Woodward	X	X	X				
Jon Levin	X	X	X				
Jon Nadle	X	X	X				
Jonathan Berger	X	X	X				
Jordan Howells	X	X	X				
Joseph Chou	X	X	X				

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Name:							
Joseph Connor	X	X	X				As a Board Member of Doc Fritchey Trout Unlimited, serving Dauphin and Lebanon Counties, and a member of our Rausch Creek Diversion Well Team, we have been cleaning up ACM Drainage left over from centuries of coal companies neglect and mismanagement. Please do not make this something our children's children are still addressing in this century and next.
Joseph Kenosky	X	X	X				
Joseph Palmer	X	X	X				
Joseph Sayre	X	X	X				
Joyce Ciotti	X	X	X				
Joyce Morrison	X	X	X				
Joyce Wenrick	X	X	X				
Judith Andersen	X	X	X				
JUDITH Bohler	X	X	X				
Judith Marchock	X	X	X				
Judith Marvin	X	X	X				
Judith McGovern	X	X	X				
Judith McLean	X	X	X				
Judy Knueven	X	X	X				
Judy Meyer	X	X	X				
Judy Tiberi	X	X	X				
Judy Turetsky	X	X	X				
Julia Powers	X	X	X				
Julia White	X	X	X				
Julie Carll	X	X	X				
Julie Kaye	X	X	X				

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Name:							
Justin Jones	X	X	X				
Justin Malick	X	X	X				
K Danowski	X	X	X				I o oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. Thank you for meaningfully considering my comments.
Karen Berry	X	X	X				
Karen Clossey	X	X	X				
Karen Guarino Spanton	X	X	X				
Karen Hollowell-Barcklay	X	X	X				
Karen Stamm	X	X	X				
Kate Potter	X	X	X				I oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.
Kate Rojas	X	X	X				
Katharine Rudolph	X	X	X				
Katherine DeAngelis	X	X	X				
Kathleen Brady Shea	X	X	X				Clean water should be a top priority.
Kathleen Davis	X	X	X				
Kathleen Frey	X	X	X				
Kathleen Johnson	X	X	X				
Kathleen Zoll	X	X	X				
Kathryn Conrad	X	X	X				
Kathryn Hoffman	X	X	X				I am writing as a PA citizen and environment defender, in opposition to the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This is not a good agreement for Pennsylvanians - 3. DEP has an obligation to our citizens--all of them--to conserve and maintain Pennsylvania's water resources. You have the authority to enforce its strong regulations.

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Name:							
Kathryn Moomaw	X	X	X				
Kathryn Westman	X	X	X				I am writing as a registered nurse knowing the importance of clean water, a concerned citizen, and a person of faith called to good stewardship of our natural resources to oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.
Kathy Musser	X	X	X				
Katy Ruckdeschel	X	X	X				
Kay Reinfried	X	X	X				
Kaylene Schultz	X	X	X				
Keith Fisher	X	X	X				
Kelly Finan	X	X	X				
Kelly Genovese	X	X	X				
Kelly Riley	X	X	X				
Ken Zenkevich	X	X	X				
Kenneth Bickel	X	X	X				
Kenneth Ely	X	X	X				
KENNETH Griffith JR	X	X	X				
Kenny Whitebloom	X	X	X				
Kerry Campbell	X	X	X				
Kerry Kennelly	X	X	X				
Kevin Long	X	X	X				I am writing regarding the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This consent decree is not in accordance with the best interest of Pennsylvanians. That makes the maximum \$1,500 per day penalty for missing deadlines to come into compliance under this agreement absurd. Please defend our collective health and rights.

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Name:							
Kevin Oldham	X	X	X				
Kimberly Carter-Fenk	X	X	X				
Kimberly McCool	X	X	X				
Kimberly Tucker	X	X	X				
Kipp Gilmore-Clough	X	X	X				I am writing on a matter of urgency for public health - to oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.
Kristin Faulkner	X	X	X				
Larry Sharp	X	X	X				
Laura Fake	X	X	X				
Laura Hazeltine	X	X	X				

Laura Kinzel	X	X	X			<p>1. Failure to Comply Should Not Be Rewarded. These facilities have had years to complete required water pollution control upgrades and chose not to do so. Only after previously indicating they would retire did the owners reverse course and seek to continue operations. Allowing them to remain online without full compliance effectively rewards delay and noncompliance. Regulated entities should not be permitted to benefit financially from their failure to meet established environmental standards.</p> <p>2. The Penalty Structure Undermines Compliance. Under this proposed consent decree, the facilities may receive capacity payments reportedly as high as \$300,000 per day simply for being available to generate electricity. By contrast, the maximum stipulated penalty of \$1,500 per day for missing compliance deadlines is negligible. When the financial gain from continued operation so vastly exceeds the cost of noncompliance, the penalty ceases to function as a deterrent. Instead, it becomes a manageable cost of doing business — effectively allowing ongoing water pollution at a discount. A consent agreement should incentivize timely compliance, not create a financial advantage for delay.</p> <p>3. DEP’s Constitutional and Statutory Duty Article I, Section 27 of the Pennsylvania Constitution guarantees the people’s right to clean water and requires the Commonwealth to conserve and maintain public natural resources for present and future generations. DEP has both the authority and the obligation to enforce existing water quality standards. Weakening enforcement or permitting prolonged noncompliance undermines that constitutional trust responsibility. Pennsylvania’s water resources — and the public health that depends upon them — are not expendable. They should not be subordinated to short-term economic interests or regulatory retreat at the federal level.</p> <p>4. Public Health and Downstream Impacts Water pollution is not an abstract regulatory issue — it has direct consequences for public</p>
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	General Comments						Other Comments
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Name:							
							health and community wellbeing. Discharges from coal-fired power plants can contain heavy metals and other toxic pollutants that contaminate rivers and groundwater, harm aquatic ecosystems, and threaten drinking water sources downstream. Communities should not bear increased health risks because a facility chose to delay compliance and is now being permitted to continue operating without meaningful enforcement. The costs of exposure — whether measured in degraded ecosystems, compromised drinking water, or long-term health impacts — are borne by families and local communities, not by the facility owners. A consent decree that weakens enforcement effectively shifts risk from the polluter to the public. That is neither equitable nor consistent with DEP’s duty to protect the health and welfare of Pennsylvanians.
Laura Lupovitz	X	X	X				It is long past the time when corporate polluters should have started being held responsible for the damage they do.
Laurence Doyle	X	X	X				
Laurie Plank	X	X	X				
Lawrence Rice	X	X	X				
Lawrence Levine	X	X	X				
Leah Franqui	X	X	X				
Leann Turley	X	X	X				As a Pennsylvania resident concerned about pollution, environmental conservation and climate change, I am writing to oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.
Lee Bible	X	X	X				
Leigh Hendrix	X	X	X				
Leigh Martinez	X	X	X				
lenore melmeyer	X	X	X				

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Name:							
Leo Kucewicz	X	X	X				
Leona Roberts	X	X	X				
Leora Friedman	X	X	X				
Lily Bonga	X	X	X				
Linda Bescrypt	X	X	X				
Linda Bridges	X	X	X				
Linda Granato	X	X	X				Please consider this my individual submission.
Linda Higgins	X	X	X				
Linda Myers	X	X	X				
Linda Schmidt	X	X	X				
Linta Bryant	X	X	X				
Lisa Geyer	X	X	X				
Lisa H	X	X	X				
Lisa Holman	X	X	X				
Lisa Mell	X	X	X				
Lisa Slata	X	X	X				
Lisa Tull	X	X	X				
Liz Robinson	X	X	X				
Lorraine Brabham	X	X	X				
Louise Heidecker	X	X	X				
Loyd Bastin	X	X	X				
Lynda Kolesar	X	X	X				
Lynne Waymon	X	X	X				
M S	X	X	X				
M. A. Carletta Ph.D.	X	X	X				

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Name:							
Mandy Tshibangu	X	X	X				
Manon Roberge	X	X	X				
Marc And Alice Imlay	X	X	X				
Marcia Brissett	X	X	X				Clean water is a central pillar for public health. By enforcing strong regulations to protect water quality, DEP is pushing back on existing hierarchies of power that narrow who is protected and who is allowed to prosper. Please support the opportunity for all communities to thrive with clean water protection.
Marcia Gentry	X	X	X				
Margaret Reiter	X	X	X				
Mari McShane	X	X	X				
Maria Kiernan	X	X	X				
Maria Teresa Saenz Robles	X	X	X				
Marian Huq	X	X	X				
Marilynn Harper	X	X	X				
Mark Bartuska	X	X	X				
Mark Gulden	X	X	X				
Mark Knobil	X	X	X				I oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants for the following reasons.
Mark Leeson	X	X	X				
Mark Levin	X	X	X				
Mark Mendenhall	X	X	X				
Mark Pinchalk	X	X	X				
Mark Roberts	X	X	X				
Mark Skevofilax	X	X	X				

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Name:							
Marlene Knight	X	X	X				
Martha Hanson	X	X	X				
Mary Barr	X	X	X				
Mary Ellen Sychtyz	X	X	X				
Mary Hogan	X	X	X				
Mary Jean Cunningham	X	X	X				
Mary Kleinbach	X	X	X				
Mary Lynn Toth	X	X	X				
Mary Lynnette Delbridge	X	X	X				
Mary Mammarella	X	X	X				Let's not make things worse!
Mary More	X	X	X				
Mary Schell	X	X	X				
Maryann Henninger	X	X	X				
Maryann Loughry	X	X	X				
MaryBeth Duffy	X	X	X				Like finding out why the streams near my home have a rancid smell especially at night.
Marylin Lisowski	X	X	X				
Matt Leisses	X	X	X				
Matthew Berezwick	X	X	X				
Matthew Dickinson	X	X	X				
Matthew Gribble	X	X	X				
Matthew Keiner	X	X	X				
Maureen McHugh	X	X	X				
Maya Yung	X	X	X				In sum, these decrees put profits over the people.
Meg McGoldrick	X	X	X				
Megan Wolfe	X	X	X				

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Name:							
Melanie Cohick	X	X	X				
Melanie Meade	X	X	X				
Melinda Shirk	X	X	X				
Melissa McSwigan	X	X	X				I do not favor the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This decree seems to reward these plants for their lack of compliance with water pollution regulations and gives them a big incentive to keep polluting while profiting. These facilities had years to make these upgrades, didn't do so, and decided at the last minute to change their status from "closing soon" to "staying open to make money." The capacity payments these facilities stand to get from being available to provide electricity might be as high as \$300,000 per day. DEP has an obligation to conserve and maintain Pennsylvania's water resources, and it has the authority to enforce its strong regulations. Please put the public interests over that of private enterprise. Thank you
Melody Farrin	X	X	X				
Melvin Armolt	X	X	X				
Melvin Sheets	X	X	X				
Mia Terra	X	X	X				
Michael Babitch	X	X	X				
Michael Bagdes-Canning	X	X	X				
Michael Balsai	X	X	X				
Michael Lombardi	X	X	X				
Michael Schmotzer	X	X	X				
Michael Siwy	X	X	X				
Michael Zuckerman	X	X	X				
Michelle Dugan	X	X	X				

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Name:							
Michelle Hudson	X	X	X				
Mike Heaney	X	X	X				<p>This consent decree is not good for Pennsylvanians - I oppose this consent decree because:</p> <p>DEP is giving these polluters a big incentive to simply continue to operate as they have been and take no action about their water pollution.</p>
Molly Duffy	X	X	X				
Monet Raths	X	X	X				<p>As a Pennsylvanian, I oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This is not a good agreement for Pennsylvanians. These companies had years to make these upgrades and didn't. They should not be allowed to profit from their failure to comply with water pollution regulations. The money these facilities stand to make makes the max penalty of \$1,500 per day a HUGE joke. You are giving these polluters an incentive to operate as status quo and continue to pollute our water. Shame. We deserve better. You have an obligation to conserve and maintain Pennsylvania's water resources. You have the authority to enforce strong regulations.</p>
Monica Schallenberger	X	X	X				
Myra Kazanjian	X	X	X				
Nancy Bergey	X	X	X				
Nancy Crane	X	X	X				
Nancy F Parks	X	X	X				<p>I have been opposing & controlling coal fueled pollution emissions for 50 years. I am now writing to oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.</p>
Nancy McCullough	X	X	X				

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Name:							
Nancy Tate	X	X	X				
Ned Levi	X	X	X				The emotional and financial cost to families' health, if the DEP agrees to this consent decree, will devastate Pennsylvanians across the Commonwealth. Do not allow these companies to poison Pennsylvanians. There is no positive reason whatsoever to sign this agreement.
Neena and Bob Faltin	X	X	X				
Nicholas Rehler	X	X	X				
Nicola Nicolai	X	X	X				
Norman Koerner	X	X	X				
Pam Kosty	X	X	X				Why should we do that?
Pamela Haines	X	X	X				
Pamela Moore	X	X	X				If the consent decree is passed, it should be amended to include 'upfront' payments to offset the pollution and damage the coal plants have caused.3. DEP has a Constitutional obligation to conserve and maintain Pennsylvania's water resources for the people of the Commonwealth, and it has the authority to enforce its strong regulations.
Pamela Zimmerman	X	X	X				
Pat Hartigan	X	X	X				
Pat Howell	X	X	X				
Pat Lupo	X	X	X				
Patricia Brill	X	X	X				
Patricia Harris	X	X	X				I oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants.
Patricia Libbey	X	X	X				
Patricia R Wendell	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Patricia Zaborsky	X	X	X				
Patti Johnson	X	X	X				
Patty Elkis	X	X	X				
Paul Fitzpatrick	X	X	X				
Paul Kalka	X	X	X				
Paul Kesler	X	X	X				
Paul Komishock	X	X	X				
Paul Montell	X	X	X				
Paul Palla	X	X	X				STOP HELPING FOSSIL FUELS KILL US, YOU MASS MURDERING MANIACS!!
Pauline Rosenberg	X	X	X				
Paz Paulsen-Sacks	X	X	X				
Peggy Hasley	X	X	X				
Peter Dudenhoefer	X	X	X				
Peter Furcht	X	X	X				While the below message was written by one of the organizations I belong to, I want you to know that this topic is very important to me and I agree with everything written below. Why should this dirty power industry player be allowed to poison my air and water? What gives them the right to shorten my life and the lives of all the people downstream of their waste? Not to mention the wildlife that will suffer. If they are allowed to stay open, they shouldn't be in my opinion, then they must IMMEDIATELY upgrade their pollution controls and meet all regulations. Fines must be high if they fail.
Peter Gottemoller	X	X	X				
Peter Keller	X	X	X				
Peter Syre	X	X	X				
Peter Tafuri	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Philip Mitzkavich	X	X	X				I believe DEP should be doing everything it can to protect the citizens of our state rather than permitting more pollution simply because there is a need for more energy in our country. We should be promoting clean energy projects and not weakening the rules by which existing out dated dirty sources of energy can continue to operate.
Philip Seo	X	X	X				
Philip Witmer	X	X	X				
Phyllis Terwilliger	X	X	X				
Poorva Choudhary	X	X	X				
Priscilla Mattison	X	X	X				I oppose the proposed consent decree between the DEP and the Keystone and Conemaugh Coal plants. Here's why I oppose this consent decree: 1) These facilities had years to make these upgrades, didn't make them, and decided at the last minute to change their status from "closing soon" to "staying open to make money." 2) The capacity payments these facilities stand to get from being available to provide electricity might be as high as \$300,000 per day. That makes the maximum \$1,500 per day penalty for missing deadlines to come into compliance under this agreement just ridiculous. 3) DEP has an obligation to conserve and maintain Pennsylvania's water resources, and it has the authority to enforce its strong regulations.
R Austin	X	X	X				
Rachel Cohen	X	X	X				
Rachel Herrmann	X	X	X				
Rachel Renee Dolney	X	X	X				
Rande Mandelblatt	X	X	X				
Randi Heikes	X	X	X				Please: Stop poisoning people and the planet. Invest in solar and wind power.
Rebecca Gagliano	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Rebecca Harclerode	X	X	X				
Rebecca Studer	X	X	X				
Regina & Thomas Stephano	X	X	X				
Regina Kozak	X	X	X				
Regina McTeague	X	X	X				
Richard Hengst	X	X	X				
Richard Henry	X	X	X				
Richard McCorkle	X	X	X				
Richard Morrissey	X	X	X				
Richard Tregidgo	X	X	X				
Richard Walck	X	X	X				
Ricki Hurwitz	X	X	X				
Rob Sackett	X	X	X				
Rob Wellington	X	X	X				
Robert B	X	X	X				The EPA has abandoned its role in protecting our environment, so we are now entirely dependent on the DEP to do so.
Robert Bergan	X	X	X				
Robert Bruckman	X	X	X				
Robert Depew	X	X	X				
Robert Gibb	X	X	X				
Robert Gilmore	X	X	X				
Robert Gumlock	X	X	X				
Robert Hale	X	X	X				
Robert Janusko	X	X	X				
Robert Keiter	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Robert Little	X	X	X				
Robert Ross	X	X	X				
Robert Rossachacj	X	X	X				
Robert Smith	X	X	X				
Robert Steffes	X	X	X				
Robert Turnbach	X	X	X				
Robert Wendelgass	X	X	X				<p>I am writing to oppose the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This consent decree is not a good deal for Pennsylvanians - it rewards these plants for their lack of compliance with water pollution regulations and gives them a big incentive to keep polluting while making big profits. That makes the maximum \$1,500 per day penalty for missing deadlines to come into compliance under this agreement ridiculous. This deal allows for the pollution of our water to be just a minor cost of doing business.</p> <p>Under the PA constitution, DEP has an obligation to conserve and maintain Pennsylvania's water resources and to enforce its strong regulations. These plants should not be allowed to operate without a quick timetable to meet regulatory standards. Failure to do so should trigger meaningful penalties, not insignificant fines.</p>
Roberta Camp	X	X	X				
Rodney Weaver	X	X	X				
Roger Latham	X	X	X				
Ron Richter	X	X	X				
Ronald Roth	X	X	X				
Rosalind Ernest	X	X	X				I oppose this proposed Consent Decree. Pennsylvanians have a constitutional right to clean air and water.

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Rosemary DelPino	X	X	X				
Russell Campbell	X	X	X				
Ruth Ann Schmidt	X	X	X				
Ruth Sheets	X	X	X				Coal, above all other fossil fuels is in this nation, a has-been, so just stop using it. I am writing against the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This consent decree is not a good agreement for Pennsylvanians or anyone else - That is unacceptable and should remain so! That should never be permitted, even for kickbacks which might be available from the corporations that run the plants. In short, these plants must either immediately (next week) come into compliance or be closed immediately afterward. They will never fix these problems on their own and the tiny penalties will do nothing and will permit them to continue to pollute to their heart's content, and everyone else's discontent.
Ryan Whitaker	X	X	X				
Sabrina Fedel	X	X	X				
Sabrina Kirby	X	X	X				I write in opposition to the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. If you approve this decree, you would be sending the message that regulatory compliance is optional--it can be "waited out" as plants stay open and wait for market conditions to change to the extent that they can abandon all pretense of environmental responsibility, and/or wait for some future administration to prioritize profit grabbing at the expense of Pennsylvanians' health and other environmental concerns. Please don't let DEP become the DRS: Department of Rubber Stamps on behalf of polluters. Stand up for clean air and water. protect our environment. Thank you.

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Salma Monani	X	X	X				
Sandra Choukroun	X	X	X				
Sandra Clark	X	X	X				
Sandra Cohen	X	X	X				
Sandra Goodwin	X	X	X				Have we not learned anything from our history?
SANDRA Petrella	X	X	X				
Sanford Leuba	X	X	X				We really need clean air. We should be supporting solar and wind power which are much cleaner industries.
Sara Steelman	X	X	X				I live in Indiana County, and I am well aware of the way coal and coal-fired power plants have polluted our land, air, and water for decades. The coal plants that now want to stay open have failed to comply specifically with water pollution regulations, and now they want to be tolerated and essentially rewarded for their noncompliance. This is wrong.
Sarah Boucas Neto	X	X	X				
Sarah Jayne	X	X	X				
Sarah Panullo	X	X	X				
Savannah N	X	X	X				
Scott Mato	X	X	X				
Scott Sidlow	X	X	X				
Shannon Bearman	X	X	X				
Shari Johnson	X	X	X				
Sharon Eppley	X	X	X				
Sharon Hoffman	X	X	X				
Sharon Kinard	X	X	X				
Sharon Lee	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Sharon Narushoff	X	X	X				Please! Enough is enough!
Sharon Wushensky	X	X	X				
Sheila Erlbaum	X	X	X				
Shelley Schwartz	X	X	X				
Shirley J	X	X	X				
Shirley Stark	X	X	X				
Sid Amster	X	X	X				
Sidney Kahn	X	X	X				
Silvana Borrelli	X	X	X				
Stacey Marchig	X	X	X				
Stacie Popp-Young	X	X	X				
Stanley Shostak	X	X	X				
Stephanie Mory	X	X	X				
Stephen Moyer	X	X	X				
Stephen Parks	X	X	X				
Steve Kokol	X	X	X				
Steve Olshevski	X	X	X				
Steven Lachman	X	X	X				
Sue DiMoia	X	X	X				
Sue Habecker	X	X	X				We need to do away with using coal in this country and transition to wind and solar
Suellen Snapp	X	X	X				
Susan Babbitt	X	X	X				
Susan Faust	X	X	X				
Susan Gemmill	X	X	X				It's time for accountability and consequences.
Susan Holmes	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Susan Porter	X	X	X				I am opposed to the proposed consent decree between the Department and the Keystone and Conemaugh Coal plants. This consent decree is bad for Pennsylvanians -
Susan Reinhart	X	X	X				
Susan Sussman	X	X	X				
Susan Tobia	X	X	X				
Susan Verbalis	X	X	X				
Susanne Groenendaal	X	X	X				
Suzanne Connolly	X	X	X				
Suzanne Kasenic	X	X	X				
Suzanne Martin	X	X	X				
Suzie Morris	X	X	X				
Tabassam Shah	X	X	X				
Tai Chang	X	X	X				
Tamara Stawicki	X	X	X				
Tansy Foster	X	X	X				
Tara Gutknecht	X	X	X				
Tarah Probst	X	X	X				
Taylor Lamborn	X	X	X				I oppose the proposed consent between the Department and the Keystone and Conemaugh Coal plants. This consent decree is not good for Pennsylvanians - That makes the maximum \$1,500 per day penty for missing deadlines to come into compliance under this agreement simply silly. DEP is giving these polluters a major incentive to simply continue to operate as they have been and take no action regarding their water pollution.
Ted Uhlman	X	X	X				
Teresa Salamone	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Terri Adams	X	X	X				
Thomas Baer	X	X	X				
Thomas Graves	X	X	X				
Thomas Latzgo	X	X	X				
Thomas Snow	X	X	X				
Timothy Gaughan	X	X	X				
Timothy Lyons	X	X	X				
Timothy Murray	X	X	X				
Tina Elton	X	X	X				To me and many other Pennsylvania residents, clean water is something irreplaceable and vital to a healthy society! A healthy society that can make money and still keep our waterways clear of forever chemicals and byproducts from all human activities!
Todd Sweppenheisert	X	X	X				
Tommy Bugno	X	X	X				
Tracey Ash	X	X	X				
Tracey Katsouros	X	X	X				
Tracey Kleber	X	X	X				
Tracy Viola	X	X	X				it rewards these plants for their lack of compliance with water pollution regulations and gives them a big incentive to keep polluting while profiting ---FEW WILL WIN / GET RICHER, MANY (THE CITIZENS OF PA) WILL LOSE BECAUSE OF THIS DEAL.
Treva Rousseau	X	X	X				
Troy Frank	X	X	X				
Twila Garletts	X	X	X				
Tyler Graham	X	X	X				
Val Beasley	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Vaughn Miller	X	X	X				
Victor Colon	X	X	X				
Victoria Bucher	X	X	X				
Victoria Cox	X	X	X				
Victoria Swayne	X	X	X				
Vincent Prudente	X	X	X				
Walter Bilderback	X	X	X				
Walter Goodman	X	X	X				
Walter Tsou	X	X	X				
Warren Abrahamson	X	X	X				
Warren Hodgkiss	X	X	X				
Wayne Kessler	X	X	X				
Wayne Smithers	X	X	X				
Wendy Beyda	X	X	X				
Wendy Smith	X	X	X				
Wesley G. Finkbeiner	X	X	X				
William Calhoon	X	X	X				
William Gordon	X	X	X				
William Haegele	X	X	X				
William Huber	X	X	X				
William Johnson	X	X	X				
William Loftus	X	X	X				Scientist
William Morgan	X	X	X				
William Renninger	X	X	X				
William Scott	X	X	X				
William Welkowitz	X	X	X				
William Zentis	X	X	X				

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	General Comments						Other Comments
	#1	#2	#3	#4	#5	#6	
Name:							
Winifred Lutz	X	X	X				
Y Winfield	X	X	X				
Yvette Kuhns	X	X	X				They don't care about the environment, the wildlife or the community. They will continue to pollute for profit and they admit it. Once water is consumed or polluted, it cannot be replenished. We must conserve and protect water resources.

Exhibit B

IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF ENVIRONMENTAL :
PROTECTION, :
 :
v. : No. _____
 :
KEYSTONE-CONEMAUGH PROJECTS, :
LLC. :

CONSENT DECREE

Upon consideration of the Motion for Entry of Consent Decree and Order, filed by the Parties, and after public notice and an opportunity for comment have been duly provided, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

Background

The Parties

A. The Plaintiff is the Pennsylvania Department of Environmental Protection (“Department”), the agency with the duty and authority to administer and enforce the Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 (“Clean Streams Law”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”); and the rules and regulations promulgated thereunder (“Rules and Regulations”). Pursuant to a delegation from the U.S. Environmental Protection Agency (“EPA”), the Department administers and enforces the National Pollutant Discharge Elimination System (“NPDES”) Permitting Program, which was established in the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*

B. The Defendant, Keystone-Conemaugh Projects, LLC (“KEY-CON”), is a limited liability company organized under the laws of the State of Delaware with a registered mailing address of 175 Cornell Road, Suite 1, Blairsville, PA 15717.

Jurisdiction

C. This Court has original jurisdiction over this matter by reason of Section 601(a) of the Clean Streams Law, 35 P.S. § 691.601(a), and Section 931 of the Judicial Code, 42 Pa. C.S. § 931.

Compliance with Effluent Limitations Guidelines at 40 C.F.R. Part 423

D. Under NPDES Permit No.'s PA0005011 and PA0002062, the Department has authorized KEY-CON to discharge industrial wastewater, stormwater, and sewage from the Conemaugh Generating Station ("Conemaugh Station"), a 1,711 net megawatt ("MW") coal-fired steam electric generating plant located in West Wheatfield Township, Indiana County, Pennsylvania, and the Keystone Generating Station ("Keystone Station"), a 1,711 net MW coal-fired steam electric generating plant located in Plumcreek Township, Armstrong County and Armstrong Township, Indiana County, Pennsylvania. Collectively, the Conemaugh Station and Keystone Station are referred to as the "Stations" in this Consent Decree. Individually, either the Conemaugh Station or Keystone Station is referred to as the "Station" in this Consent Decree.

E. The Stations' wastewater discharges are subject to applicable requirements in the Steam Electric Power Generating Point Source Category Effluent Limitation Guidelines ("ELGs") at 40 C.F.R. Part 423, in particular the Best Available Technology Economically Achievable requirements for bottom ash ("BA") transport water and flue gas desulfurization wastewater ("FGD wastewater") in 40 C.F.R. §§ 423.13(k) and (g). These requirements became effective on December 14, 2020.

F. On September 23, 2021, the Conemaugh Station submitted a Notice of Planned Participation to the Department informing the Department of its intent to achieve permanent cessation of coal combustion ("PC3") for the Station's two existing coal-fired steam turbine-

driven electric generating units by December 31, 2028 based on the compliance option in 40 C.F.R. § 423.19(g).

G. On September 23, 2021, the Keystone Station submitted a Notice of Planned Participation to the Department informing the Department of its intent to achieve PC3 in the Station's two existing coal-fired steam turbine-driven electric generating units by December 31, 2028 based on the compliance option in 40 C.F.R. § 423.19(g).

H. KEY-CON has advised that it selected the PC3 compliance option at 40 C.F.R. § 423.19(g) for the Conemaugh Generating Station and Keystone Generating Station, based on the long-term outlook for the wholesale electricity market at that time (*i.e.*, in 2021) and based on other considerations.

I. By selecting the compliance option of PC3 for the respective Stations' two existing coal-fired steam turbine-driven electric generating units by December 31, 2028 based on the compliance option in 40 C.F.R. § 423.19(g), KEY-CON was not required to modify, change, or otherwise revise its procedures related to discharges of BA transport water and FGD wastewater to meet requirements under 40 C.F.R. § 423.13.

J. On or about May 8, 2024, the EPA published revisions to the ELGs. In this rulemaking action, EPA retained the 2020 revisions to the ELGs, including provisions allowing applicable facilities to switch from PC3 by December 31, 2028, 40 C.F.R. §§ 423.13(g)(2)(i) and (k)(2)(ii), to the voluntary incentives program limitations under 40 C.F.R. § 423.13(g)(3)(i) or generally applicable limitations under 40 C.F.R. § 423.13(k)(1)(i), provided that the applicable facility notify the permitting authority by December 31, 2025.

K. Due to recent changes in the long-term electricity market outlook based on recent projections by PJM Interconnection LLC and the U.S. Department of Energy¹, including the need for electricity generators to cover projected increased electrical demand driven by build-out of data centers, particularly within the Mid-Atlantic Area Council, a portion of the PJM Interconnection LLC regional transmission organization that the Stations serve, KEY-CON has recently reevaluated its 2021 decision to achieve PC3 at the Stations by December 31, 2028.

L. Pursuant to 40 C.F.R. § 423.13(o)(1)(ii)(B), on December 18, 2025, KEY-CON notified the Department pursuant to 40 C.F.R. § 423.19(l) that it intended to convert from PC3 under 40 C.F.R. §§ 423.13(g)(2)(i) and (k)(2)(ii) to the voluntary incentives program (“VIP”) limitations under 40 C.F.R. § 423.13(g)(3)(i) and generally applicable BA transport water limitations under 40 C.F.R. § 423.13(k)(1)(i) at the Stations.

M. By converting from PC3 under 40 C.F.R. §§ 423.13(g)(2)(i) and (k)(2)(ii) to the generally applicable BA transport water limitations under 40 C.F.R. § 423.13(k)(1)(i) at the Stations, KEY-CON has selected a compliance option that requires it to engineer, design, construct, and install high rate recycle systems for BA transport water (“Bottom Ash System Upgrades”). See 40 C.F.R. § 423.13(k)(2). Installation and operation of the Bottom Ash System Upgrades at the Stations will significantly reduce discharges of BA transport water from the Stations. Such Bottom Ash System Upgrades would not have been required if the Stations had not changed their compliance strategy from PC3 to VIP.

N. KEY-CON estimates that engineering, designing, constructing, and installing the Bottom Ash System Upgrades required by this new compliance option will require multi-million-

¹ See U.S. Department of Energy, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid* (July 2025), p. 27, available at <https://www.energy.gov/sites/default/files/2025-07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%207%29.pdf>.

dollar investments at the Stations. KEY-CON will also need to obtain permits from the Department and other approvals to construct, install, and operate the new Bottom Ash System Upgrades.

O. Facilities that elect to switch from PC3 to VIP are required to demonstrate compliance with the VIP requirements (applicable to FGD wastewater discharges) no later than December 31, 2028 (*i.e.*, at least three years following the decision to switch compliance strategy from PC3). *See* 40 C.F.R. § 423.13(g)(3)(i). In addition, facilities that elect to switch from PC3 to VIP are required to demonstrate compliance with the BA transport water limitations by December 31, 2025 (*i.e.*, a limited time following the decision to switch compliance strategy from PC3). *See* 40 C.F.R. § 423.13(k)(1)(i). Consequently, KEY-CON has advised the Department that it is not feasible for the Stations to design, engineer, construct, and install the equipment necessary to meet the generally applicable BA transport water limitations under 40 C.F.R. § 423.13(k)(1)(i) by December 31, 2025.

P. On November 3, 2025, consistent with Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), the EPA proposed a rule that would, among other things, revise 40 C.F.R. § 423.18 to allow the Department, as the NPDES permitting authority, to establish alternative applicability dates for the FGD and BA transport water limitations under 40 C.F.R. §§ 423.13(g) and (k) and an associated schedule of milestones in the Stations' NPDES permits, if KEY-CON meets one of the specified circumstances, KEY-CON submits a request letter meeting the proposed requirements, and the Department finds that the request is factually supported. 90 Fed. Reg. 47693, 47711-12 (listing proposed revisions to 40 C.F.R. § 423.18). EPA's proposal lists "an unexpected change in regional capacity market prices" or "an unexpected change in local demand which materially exceeds projections made in the most recent iterations of

integrated resources plans or other planning documents” as specified circumstances that would allow the Department to adjust the applicability dates. *Id.* at 47712.

Q. This proposed rule, however, is unlikely to be finalized before the current deadline of December 31, 2025 for KEY-CON to convert to the compliance options under 40 C.F.R. §§ 423.13(k)(1) and 423.13(g)(3). Accordingly, KEY-CON is left in the position that it is temporarily unable to comply with the BA transport water requirements until it can complete the Bottom Ash System Upgrades.

Unauthorized Discharges of BA Transport Water Under 40 C.F.R. § 423.13(k)(1)(i)

R. The Stations’ discharges of pollutants in BA transport water after December 31, 2025 that do not meet the requirements of 40 C.F.R. § 423.13(k)(2)(i) constitute the addition of pollutants from a point source into waters of the Commonwealth.

S. The Stations’ discharges of BA transport water after December 31, 2025 that do not meet the requirements of 40 C.F.R. § 423.13(k)(2)(i) are not authorized by any permit or regulation and thereby constitute violations of Sections 301 and 307 of the Clean Streams Law, 35 P.S. §§ 691.301 and 691.307, and also constitute statutory nuisances under Sections 3 and 307(c) of the Clean Streams Law, 35 P.S. §§ 691.3 and 691.307(c).

T. The violations described in Paragraphs R. and S., above, constitute unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and subject KEY-CON to civil penalty liability under Section 605 of the Clean Streams Law, 35 P.S. § 691.605.

U. KEY-CON does not admit any liability to the Department arising out of the transactions or occurrences alleged in the Complaint.

Compliance and Performance Requirements

V. The Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and will avoid litigation among the Parties and that this Consent Decree is fair, reasonable, and in the public interest.

W. For purposes of this Consent Decree, KEY-CON consents to the Court's jurisdiction over this Consent Decree and the Court's jurisdiction over KEY-CON.

X. Solely for purposes of this Consent Decree, KEY-CON agrees that the Complaint states claims upon which relief may be granted.

Y. This Consent Decree constitutes a settlement of all claims for civil penalties, fines, and injunctive relief pursuant to the Pennsylvania Clean Streams Law, 35 P.S. § 691.1 *et seq.*

Order

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Paragraph W., above, related to jurisdiction, and with the consent of the Parties as set forth in the Motion for Entry of Consent Decree filed by the Department, it appearing to the Court that this Consent Decree is just and proper, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

Jurisdiction

1. This Court has original jurisdiction over this matter by reason of Section 601(a) of the Clean Streams Law, 35 P.S. § 691.601(a), and Section 931 of the Judicial Code, 42 Pa. C.S. § 931.

Court Order

2. This Consent Decree is an Order of this Court and applies to and is binding on KEY-CON. Upon this Court's determination that KEY-CON has failed to comply with any term

or condition of this Consent Decree, KEY-CON may be held in contempt and may be subject to all penalties and remedies provided by law for failing to comply with an Order of this Court.

Findings

3. In any matter or proceeding between KEY-CON and the Department, KEY-CON shall not challenge or deny the Department’s assertion of the truth, accuracy, or validity of Paragraphs A. through Y., above. The Parties do not authorize any other persons or entities to use the Findings in this Consent Decree in any matter or proceeding.

Compliance Requirements

4. KEY-CON shall install and begin to operate the Bottom Ash Systems Upgrades as quickly as feasible to meet the requirements of 40 C.F.R. §§ 423.13(k)(1) and (2) and in accordance with the requirements and schedule set forth here:

Compliance Milestones

- | | |
|--|---|
| a. Submit complete applications for all necessary permits and authorizations to construct the Bottom Ash System Upgrades | Within 60 days of the date the Court enters this Consent Decree |
| b. Commence construction of the Bottom Ash System Upgrades | Within 90 days of receipt of all necessary permits and authorizations |
| c. Complete construction of the Bottom Ash System Upgrades | Within 180 days of commencing construction |
| d. Begin operating the Bottom Ash System Upgrades | Within 60 days of completing construction |

Use of Contractors by KEY-CON

5. KEY-CON shall be responsible for ensuring that its contractors and subcontractors perform the construction and operation of the Bottom Ash Systems contemplated herein in accordance with this Consent Decree.

Addenda to Applications to Renew NPDES Permits

6. Within 90 days of the date the Court enters this Consent Decree, KEY-CON shall submit to the Department addenda to the pending applications to renew the NPDES permits authorizing discharges at the Stations, reflecting its election to convert to the compliance options under 40 C.F.R. §§ 423.13(k)(1) and 423.13(g)(3).

Operation of the Bottom Ash System Upgrades and Compliance with 40 C.F.R. § 423.13(k)

7. Upon commencement of operation of the Bottom Ash System Upgrades, the Stations shall operate the Bottom Ash System Upgrades to meet the applicable requirements of 40 C.F.R. §§ 423.13(k)(1) and (2).

Progress Reports

8. Beginning on January 15, 2026, and continuing every January 15, April 15, July 15, and October 15 thereafter until this Consent Decree is terminated, KEY-CON shall submit written quarterly progress reports to the Department documenting its efforts to comply with its obligations of this Consent Decree (“Progress Reports”). The Progress Reports shall also include a list of each day during which a Station discharged pollutants in BA transport water during the applicable reporting period.

9. The Progress Reports must be sent to the Department at the address set forth in Paragraph 22. (Correspondence with the Department), below.

Stipulated Civil Penalties

10. Beginning on January 1, 2026, and continuing thereafter until it begins operation of the Bottom Ash System Upgrades in accordance with 40 C.F.R. § 423.13(k), KEY-CON shall be liable for a stipulated penalty to the Department of \$150 for each day it discharges pollutants in BA transport water from a Station.

11. KEY-CON shall be liable for stipulated penalties to the Department for failures to comply with this Consent Decree as specified below, unless excused under Paragraph 24. (Force Majeure), below.

- a. For failure to submit complete applications for all necessary permits and authorizations to construct the Bottom Ash Systems under Paragraph 4.a.:

<u>Period of Noncompliance</u>	<u>Penalty Per Violation Per Day</u>
1 st through 30 th Day	\$500
31 st through 60 th Day	\$1,000
61 st Day and beyond	\$1,500

- b. For failure to commence construction of the Bottom Ash System Upgrades under Paragraph 4.b.:

<u>Period of Noncompliance</u>	<u>Penalty Per Violation Per Day</u>
1 st through 30 th Day	\$500
31 st through 60 th Day	\$1,000
61 st Day and beyond	\$1,500

- c. For failure to complete construction of the Bottom Ash System Upgrades under Paragraph 4.c.:

<u>Period of Noncompliance</u>	<u>Penalty Per Violation Per Day</u>
1 st through 30 th Day	\$500
31 st through 60 th Day	\$1,000
61 st Day and beyond	\$1,500

- d. For failure to begin operating the Bottom Ash System Upgrades under Paragraph 4.d.:

<u>Period of Noncompliance</u>	<u>Penalty Per Violation Per Day</u>
1 st through 30 th Day	\$500
31 st through 60 th Day	\$1,000
61 st Day and beyond	\$1,500

- e. For failure to operate the Bottom Ash System Upgrades to meet the applicable requirements of 40 C.F.R. §§ 423.13(k)(1) and (2):

<u>Period of Noncompliance</u>	<u>Penalty Per Violation Per Day of Operation</u>
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1 st through 30 th Day	\$500
31 st through 60 th Day	\$1,000
61 st Day and beyond	\$1,500

For the purposes of this Subparagraph 11.e., “Day of Operation” means any calendar day during which any coal is combusted at either Station and there is a discharge of BA transport water. This is to be evaluated separately for Keystone and Conemaugh Stations.

f. For any other violation of this Consent Decree not otherwise specified in the stipulated penalties above: \$500 per violation per day.

12. Stipulated penalties shall be due automatically and without notice. Stipulated penalties under Paragraph 11., above, shall be payable within thirty days of the end of the preceding month in which the discharge of pollutants in BA transport water occurs, e.g., on March 30 for any and all discharges of pollutants in BA transport water during February. Any other stipulated penalties shall be payable within thirty days of KEY-CON’s completion of an obligation at a date later than the applicable deadline. Stipulated penalty payments shall be made by check made payable to “Commonwealth of Pennsylvania” and sent to the address set forth in Paragraph 22. (Correspondence with the Department), below.

13. KEY-CON’s payment under Paragraphs 10 and 11, above, neither waives KEY-CON’s duty to meet its obligations under this Consent Decree nor precludes the Department from commencing a contempt proceeding with the Court. The payment resolves only KEY-CON’s liability for civil penalties arising from the violations of this Consent Decree for which the payment is made.

Contempt and Opportunity to Cure

14. Subject to Paragraph 15, if KEY-CON fails to comply with any of the requirements set forth in Paragraphs 4., 5., 6., 7., 8., 9., 10., 11., and/or 12., above, by the dates

specified therein, upon certification of the same by the Department to the Court and provided KEY-CON has an opportunity to respond to the Department's certification in writing, KEY-CON may be in contempt of this Consent Decree until such time as KEY-CON complies with the requirements of Paragraphs 4., 5., 6., 7., 8., 9., 10., 11., and/or 12., above, as applicable.

15. Before commencing any contempt proceeding with the Court as provided in Paragraph 14, the Department agrees to provide a written notification to KEY-CON stating the alleged violations of the Consent Decree.

Enforcement of Consent Decree

16. If the Department must bring an action for contempt and this Court holds KEY-CON in contempt for violations of any provision of this Consent Decree, including failure to pay any stipulated civil penalties owed, KEY-CON shall reimburse the Department for all reasonable costs, including but not limited to, the Department's reasonable personnel costs and attorneys' fees and any other reasonable costs incurred by the Department for such action.

Reservation of Rights

17. The Department reserves the right to require additional measures to achieve compliance with applicable law. KEY-CON reserves the right to challenge any action that the Department may take to require those measures.

Liability of Operator

18. KEY-CON shall be liable for any violations of the Consent Decree, including those caused by, contributed to, or allowed by its officers, agents, employees, or contractors. KEY-CON shall also be liable for any violation of this Consent Decree caused by, contributed to, or allowed by its successors and assigns unless and until its duties and obligations are transferred in accordance with Paragraphs 19. through 21., below.

Transfer of Stations

19. The duties and obligations under this Consent Decree shall not be modified, diminished, terminated, or otherwise altered by the transfer of any legal or equitable interest in the Stations or any part thereof.

20. If KEY-CON intends to transfer any legal or equitable interest in one or both of the Stations, or any part thereof, which is affected by this Consent Decree, KEY-CON shall serve a copy of this Consent Decree upon the prospective transferee of the legal and equitable interest at least 30 days prior to the contemplated transfer and shall simultaneously inform the Northwest Regional Office of the Department of such intent.

21. The Department, in its sole discretion, may agree to modify or terminate KEY-CON's duties and obligations under this Consent Decree upon transfer of one or both of the Stations, or part thereof. KEY-CON waives any right that it may have to challenge the Department's decision in this regard.

Correspondence with the Department

22. All correspondence with the Department concerning this Consent Decree shall be addressed to:

Eric Kicher
Environmental Group Manager
Clean Water Program
Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335
Telephone: 814.332.6326
Email: ekicher@pa.gov

Correspondence with KEY-CON

23. All correspondence with KEY-CON concerning this Consent Decree shall be addressed to:

Georgianna R. Stenger
Assistant Manager
175 Cornell Road, Suite 1
Blairsville, PA 15717
(724) 357-1713
gstenger@kcpo.com

With a copy to:

Gary E. Steinbauer, Esq.
Babst, Calland, Clements & Zomnir, P.C.
Two Gateway Center
603 Stanwix St., 6th Floor
Pittsburgh, PA 15222
gsteinbauer@babstcalland.com

KEY-CON shall notify the Department and the Department shall notify KEY-CON whenever there is a change in the contact person's name, title, or address. KEY-CON and the Department agree that service of any notice, document, or any legal process for any purpose under this Consent Decree, including its enforcement, may be made electronically by email to the above email address or by mailing a copy by first-class mail a copy to the above addresses.

Force Majeure

24. In the event that KEY-CON is prevented from complying in a timely manner with any time limit imposed in this Consent Decree solely because of a strike, fire, flood, act of God, or other circumstances beyond KEY-CON's control and which KEY-CON, by the exercise of all reasonable diligence, is unable to prevent, then KEY-CON may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Consent Decree shall not constitute circumstances beyond KEY-CON's control. KEY-CON's economic

inability to comply with any of the obligations of this Consent Decree shall not be grounds for any extension of time.

25. KEY-CON shall only be entitled to the benefits of Paragraph 24., above, if it notifies the Department within five (5) working days by telephone and within ten (10) working days in writing of the date it becomes aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as a notarized affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and the efforts that have been made and are being made by KEY-CON to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within ten (10) working days of its submission. KEY-CON's failure to comply with the requirements of this paragraph specifically and in a timely fashion shall render Paragraph 24., above, null and of no effect as to the particular incident involved.

26. The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by KEY-CON and other information available to the Department. In any subsequent litigation, KEY-CON shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

Severability

27. The paragraphs of this Consent Decree shall be severable, and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the Parties.

Entire Agreement

28. This Consent Decree shall constitute the entire integrated agreement of the Parties. No prior to contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

Attorney Fees and Costs of Litigation

29. The Parties shall bear their respective attorney fees, expenses, and other costs in the prosecution or defense of this matter or any related matters, arising prior to entry of this Consent Decree.

Modifications

30. No changes, additions, modifications, or amendments of this Consent Decree shall be effective unless they are set out in writing, signed by the Parties hereto, and approved by this Court.

Titles

31. A title used at the beginning of any paragraph of this Consent Decree may be used to aid in the construction of that paragraph, but shall not be treated as controlling.

Decisions Under Consent Decree

32. KEY-CON waives its rights to appeal to the Environmental Hearing Board any decision that the Department makes under the provisions of this Consent Decree, including a notice that stipulated civil penalties are due, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Except as provided in Paragraph 21., above, the Department agrees that any

objection that KEY-CON may have to any such decision may be raised as a defense in any Court where the Department enforces this Consent Decree.

Termination of Obligations

33. The obligations of this Consent Decree may be terminated by the Court upon motion of any Party, demonstrating that the obligations herein have been satisfied, or that facts have been materially altered in such a way (for example, permanent cessation of operations) as to render this agreement inoperable.

34. In addition to terminating the obligations of this Consent Decree under Paragraph 33., above, the Parties agree that this Consent Decree may be terminated if EPA finalizes a regulation changing or otherwise extending applicable compliance deadlines or requirements in 40 C.F.R. Part 423 in a manner that is deemed to be less stringent than the requirements and timelines of this Consent Decree.

Retention of Jurisdiction

35. The Court shall retain jurisdiction over this matter until termination of this Consent Decree for the purpose of modifying it, effectuating it, resolving disputes arising under it, or enforcing compliance with its terms.

36. If, for any reason, the Court should decline to approve this Consent Decree in the form presented, this agreement is voidable at the sole discretion of either Party and the terms of the agreement may not be used as evidence in any litigation between the Parties.

Consent to Entry of Consent Decree

37. The Parties consent to entry of this Consent Decree, subject to the Court's approval of the Consent Decree. The undersigned representatives of each Party certify that they are fully authorized by the Party to enter into terms and conditions of this Consent Decree and to

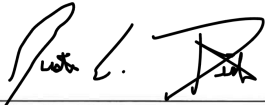
execute and legally bind the represented Parties to it. This Consent Decree can be signed in counterparts.

Judgement is hereby entered in accordance with this Consent Decree and Order this __ day of _____, 2025.

Indiana County Common Pleas Court Judge

AGREED AND CONSENTED TO (Signatures by the Department's and KEY-CON's attorneys certifies only that this Consent Decree has been signed after consulting with Counsel):

FOR PLAINTIFF DEPARTMENT OF ENVIRONMENTAL PROTECTION:



Justin C. Dickey, P.E.
Regional Manager
Clean Water Program
Northwest Region

Date: December 19, 2025



Angela M. Erde
Supervisory Counsel

FOR DEFENDANT KEYSTONE-CONEMAUGH PROJECTS, LLC:



James V. Locher
Manager

Date: Dec. 19, 2025



Gary E. Steinbauer
Counsel for Keystone-Conemaugh Projects, LLC

**IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY, PENNSYLVANIA
CIVIL**

COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF ENVIRONMENTAL	:	
PROTECTION,	:	
	:	No. 2169-CD-2025-1
Plaintiff,	:	
	:	
v.	:	
	:	
KEYSTONE-CONEMAUGH PROJECTS,	:	
LLC.,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April 2026, I served a true and correct copy of the foregoing Unopposed Motion to Enter Consent Decree upon the following via email.

Gary E. Steinbauer
Joseph V. Schaeffer
Francesca Iovino
Babst, Calland, Clements, & Zomnir, P.C.
Two Gateway Center, 6th Floor
Pittsburgh, PA 15222
gsteinbauer@babstcalland.com
jschaeffer@babstcalland.com
fiovino@babstcalland.com

By: 
Angela N. Erde