October 30, 2026

TRANSMITTED ELECTRONICALLY

Re: Artemis Power Generation Facility
Permit - Intermediate
Correspondence
401 Wetlands
Pike
DSW401263101A1

Karl Brutsaert
Portsmouth Gas DevCo, LLC
3 Lagoon Dr. Suite 280
Redwood City, CA 94065
Karl@SBEnergy.com

Subject: Incomplete Section 401 Water Quality Certification (WQC) Application
Artemis Power Generation Facility
Corps Public Notice No. None Assigned
Ohio EPA ID No.263101A1

Dear Karl Brutsaert:

On October 22, 2026 the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) received a Section 401 WQC application for your project to construct an electric generating facility located in Pike County (38.993372, -82.996589).

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

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

[x] A complete 401 WQC application form;

- ***In order to help expedite the review, it is preferred that you enter the stream and wetland impacts into the tables provided in the eBusiness center application rather than uploading separate tables. If that is not possible, then please use the column headings provided in the fill-in tables provided in the eBusiness center application.***

  - ***Also, please ensure that the stream linear footage, wetland acreage and impact numbers are consistent between the Corps Public Notice, the Ohio EPA Impact Tables and the Mitigation Plan.***
- ***Wetlands and streams that are within the survey area but are not being impacted should still be listed in the impact tables.***

[X] Current and unexpired correspondence from the United States Army Corps of Engineers' documenting the jurisdictional status of waters located within the project area;

- ***Please submit the Corps' Jurisdictional Determination.***

[X] A wetland characterization analysis consistent with the Ohio Rapid Assessment Method (Completed ten-page form including background information, scoring boundary worksheet, narrative rating, quantitative rating, and wetland categorization worksheet) for each wetland within the project boundary;

- ***Please submit 10-page ORAM forms for Wetland 17 and Wetland 19.***

[X] Data to determine existing aquatic life use, if the project impacts a stream for which a specific aquatic life use designation has not been made (QHEI or HHEI);

- ***Please submit HHEI/QHEI data forms for Stream UDF 2, Stream UDF 5, Stream UDF 13, Stream UDF 14, and Stream 1-019.***

[ ] A specific and detailed mitigation plan prepared in accordance with 33 C.F.R. Part 332, ORC 6111.30(I), and OAC 3745-1-54, including the location and proposed real estate instrument or other mechanism for protecting the property long term;

[X] Site photographs of water resources in accordance with OAC 3745-32-03(B)(2)(e);

- ***Please submit photographs for Stream UDF 2, Stream UDF 5, Stream UDF 13, and Stream UDF 14.***

[ ] Documentation confirming that the applicant has requested comments from ODNR and USFWS regarding threatened and endangered species, including the presence or absence of critical habitat;

[ ] Descriptions, schematics, and appropriate economic information of the applicant's alternatives analysis prepared in accordance with 40 C.F.R. Part 230 and OAC 3745-1-54 for the project;

[X] The delineation report of the waters of the United States in support of a federal license or permit;

- ***Please submit the delineation report for this project. If there are multiple reports, please make sure either that the name of the water features in the report(s) match the names provided within the 401 application or provide a reference table of the old vs. new water feature names as an attachment.***

[X] A copy of the United States Army Corps of Engineers' public notice regarding the 404 permit application or other notification from the Corps that the project will be authorized under a general permit or letter of permission if applicable;

- ***Please submit the Corps' Public Notice.***

[ ] Applicable application and review fees in accordance with ORC 3745.114; and

[X] A copy of the federal license or permit application that was submitted to the federal agency in accordance with 40 C.F.R. Part 121.5. The 2023 Clean Water Act Section 401 Water Quality Certification Improvement Rule (2023 Rule) went into effect on November 27, 2023, and requires submittal of the federal license or permit application to the state certifying agency (Ohio EPA) in addition to state required components outlined in ORC section 6111.30(B).

- ***Please provide a copy of the federal license of permit application. This can be submitted through the eBusiness Center under the Corps Public Notice or the Jurisdictional Determination portion of "Section 4: Submitted Documentation" of the eBusiness Center application.***

Any missing items identified above must be uploaded to your application through the Ohio EPA eBusiness center. Once all the missing items have been uploaded, the application should be resubmitted.

You may find a copy of Ohio EPA's rules and laws online at http://epa.ohio.gov/dsw. Information regarding Ohio's Section 401 and Isolated Wetlands Permitting programs is also available online at https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/surface-water/permitting/water-quality-certification-and-isolated-wetland-permits.

If you have any questions, please contact me at (614) 644-2327 or via email at matthew.lamoreaux@epa.ohio.gov.

Sincerely,

Matt Lamoreaux

Matthew Lamoreaux
Application Coordinator
401/Wetlands/Mitigation Section

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