

OCT 24 2007

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

**THE APPLICATION OF KENTUCKY-AMERICAN )  
WATER COMPANY FOR A CERTIFICATE OF )  
CONVENIENCE AND NECESSITY AUTHORIZING )  
THE CONSTRUCTION OF KENTUCKY RIVER )  
STATION II, ASSOCIATED FACILITIES AND )  
TRANSMISSION MAIN )**

**CASE NO. 2007-00134**

**NOTICE**

Comes Kentucky-American Water Company ("Kentucky American Water") and files herewith (1) its applications for a permit to construct across or along a stream and/or water quality certification for Fayette, Owen, Franklin and Scott Counties, collectively Exhibit 1, (2) Permit No. 16687 from the Water Resources Branch, Division of Water, Department for Environmental Protection, Environmental and Public Protection Cabinet authorizing the construction of the water intake system on the Kentucky River and a transmission line across Owen, Franklin, Scott and Fayette Counties with multiple stream crossings, being Exhibit 2, and (3) Water Quality Certification No. 2007-0119-1 issued by the Kentucky Division of Water, Department for Environmental Protection, Environmental and Public Protection Cabinet, pursuant to Section 401 of the Clean Water Act, being Exhibit 3.

Respectfully submitted,

A. W. TURNER, JR., GENERAL COUNSEL  
KENTUCKY-AMERICAN WATER COMPANY  
2300 Richmond Road  
Lexington, Kentucky 40502

and

STOLL KEENON OGDEN PLLC  
300 West Vine Street, Suite 2100  
Lexington, Kentucky 40507-1801  
Telephone: (859) 231-3000

BY: Lindsey W. Ingram, Jr.  
Lindsey W. Ingram, Jr.  
Lindsey W. Ingram III

Attorneys for Kentucky-American Water Company

CERTIFICATE OF SERVICE

This is to certify that the original and eight (8) copies of the foregoing Amended Application has been filed with the Public Service Commission this the 24<sup>th</sup> day of October, 2007, and a copy mailed to:

David E. Spenard, Esq.  
Dennis G. Howard II, Esq.  
Assistant Attorneys General  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204

David Barberie, Esq.  
Leslye M. Bowman, Esq.  
Lexington-Fayette Urban County Gov't.  
Department of Law  
200 East Main Street  
Lexington, KY 40507

Tom FitzGerald, Esq.  
Kentucky Resources Council, Inc.  
P.O. Box 1070  
Frankfort, KY 40602

David F. Boehm, Esq.  
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Frankfort, KY 40601

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500 West Jefferson St.  
Louisville, KY 40202

Barbara K. Dickens, Esq.  
Louisville Water Company  
550 South Third Street  
Louisville, KY 40202

STOLL KEENON OGDEN, PLLC

By Lindsey W. Ingram, Jr.

**COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER**

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If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain management Section of the KDOW. This general permit will require you to create an implement an erosion control plan for the project.

1. **OWNER: KENTUCKY AMERICAN WATER COMPANY ATTN. LINDA C. BRIDWELL, PE**  
Give name of person(s), company, governmental unit, or other owner of proposed project.

**MAILING ADDRESS: 2300 RICHMOND ROAD, LEXINGTON, KENTUCKY 40502**

**TELEPHONE #: (859) 268-6373**

**EMAIL: bridwell@kawc.com**

2. **AGENT: GENE C. KOONTZ, P.E.**

Give name of person(s) submitting application, if other than owner.

**ADDRESS: GANNETT FLEMING, INC. P.O. BOX 67100, HARRISBURG, PA 17106-7100**

**TELEPHONE #: (717) 763-7212, EXT 2548**

**EMAIL: gkoontz@gfnet.com**

3. **ENGINEER: GENE C. KOONTZ, P.E.**

**KENTUCKY P.E. NUMBER: 20483**

Contact Division of Water if waiver can be granted.

**TELEPHONE #: (717) 763-7212, EXT 2548**

**EMAIL: gkoontz@gfnet.com**

4. **DESCRIPTION OF CONSTRUCTION:** CONSTRUCTION OF THE PROPOSED INTAKE AND TRANSMISSION MAIN WILL TEMPORARILY IMPACT 8 WETLANDS (31,000FT<sup>2</sup> OR 0.710 ACRES) AND 49 STREAMS (2,400 LINEAR FEET/31,300FT<sup>2</sup> OR 0.717 ACRES). CONSTRUCTION OF THE INTAKE SCREENS WILL RESULT IN 150FT<sup>2</sup> OR 0.003 ACRES OF PERMANENT IMPACTS TO THE KENTUCKY RIVER AND WILL REQUIRE APPROXIMATELY 80 CUBIC YARDS (CY) OF FILL. DREDGED AND/OR FILL MATERIALS WILL BE DISCHARGED INTO WETLANDS AND STREAMS ALONG THE TRANSMISSION MAIN ALIGNMENT. FILL MATERIAL WILL INCLUDE SOIL AND ROCK USED FOR ROCK ARMORING, EROSION CONTROL, STREAMBANK STABILIZATION AND TEMPORARY STREAM DIVERSIONS RESULTING IN TEMPORARY IMPACTS DURING INSTALLATION OF THE TRANSMISSION MAIN. SEE CHAPTER 2 PROJECT SITE PLANS, INCLUDING INTAKE, PUMP STATIONS, TREATMENT PLANT AND TRANSMISSION MAIN LOCATIONS AND IMPACTS TO WATERS OF THE U.S.

5. **COUNTY: FAYETTE, FRANKLIN, OWEN AND SCOTT**

**NEAREST COMMUNITY: SWALLOWFIELD AT WESTERN LIMIT & GEORGETOWN AT EASTERN LIMIT**

6. **USGS QUAD NAMES: SWITZER, STAMPING GROUND, FRANKFORT EAST, MIDWAY, GEORGETOWN AND CENTERVILLE**

**LATITUDE/LONGITUDE:** THE WESTERN END OF THE PROJECT IS LOCATED IN THE KENTUCKY RIVER ON THE FRANKLIN/OWEN COUNTY LINE AT 38°21'22" LATITUDE AND 84°52'12" LONGITUDE. THE EASTERN END OF THE PROJECT IS LOCATED NORTH OF LEXINGTON NEAR THE INTERSECTION OF S.R. 1973 AND U.S. 922 IN FAYETTE COUNTY AT 38°07'55" LATITUDE AND 84°29'13" LONGITUDE. ALSO SEE FIGURE 1: PROJECT LOCATION MAP.

7. **STREAM NAME:** THE PROPOSED INTAKE STRUCTURE IS LOCATED WITHIN THE KENTUCKY RIVER. ADDITIONAL NAMED WATERWAYS CROSSED BY THE PROPOSED PIPELINE PROJECT INCLUDE NORTH ELKHORN CREEK, ROCKY BRANCH, MORGADORE CREEK, LONG BRANCH, CAMP PLEASANT BRANCH, SULPHUR LICK CREEK, BUCK RUN AND CANE RUN. IN ADDITION TO THESE NAMED WATERWAYS, THE PROPOSED PIPELINE WILL CROSS FIFTEEN EPHEMERAL WATERWAYS, TWO INTERMITTENT WATERWAYS AND TWENTY UNNAMED PERENNIAL WATERWAYS. WITH THE EXCEPTION OF THE CONSTRUCTION OF THE INTAKE SCREEN IN THE KENTUCKY RIVER, ALL STREAM IMPACTS ASSOCIATED WITH THE CONSTRUCTION OF THE PROPOSED PIPELINE ARE TEMPORARY.

**WATERSHED SIZE (in acres):** REFER TO PLANS. ALTHOUGH THE PROJECT AREA IS LOCATED WITHIN THE KENTUCKY RIVER WATERSHED, THE 30-MILE LINEAR PROJECT STUDY AREA CROSSES THE WATERSHEDS OF NINE NAMED STREAMS (NORTH ELKHORN CREEK, ROCKY BRANCH, MORGADORE CREEK, LONG BRANCH, CAMP PLEASANT BRANCH, SULPHUR LICK CREEK, BUCK RUN AND CANE RUN), FIFTEEN EPHEMERAL STREAMS, ONE UNNAMED INTERMITTENT STREAM AND TWENTY UNNAMED PERENNIAL STREAMS.

Revised 01-04

8. **LINEAR FEET OF STREAM IMPACTED: REFER TO PLANS. IMPACTS TO STREAMS WILL BE LESS THAN TWO TIMES THE BANKFUL WIDTH WHERE POSSIBLE.**
9. **DIRECTIONS TO SITE: FROM LOUISVILLE, TRAVEL EAST ON I-64 TO EXIT 53 AT FRANKFORT. AT EXIT 53, TAKE US-127 NORTH THROUGH SWALLOWFIELD. FROM SWALLOWFIELD, TRAVEL NORTH ON US-127 ACROSS THE OWEN COUNTY LINE. THE NORTHERN LIMIT OF THE PROJECT AREA IS LOCATED APPROXIMATELY 500 FEET NORTH OF THE OWEN COUNTY LINE.**
10. **IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE?** Yes ☒ No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: \_\_\_\_\_
11. **ESTIMATED BEGIN CONSTRUCTION DATE: NOVEMBER 15, 2007**
12. **ESTIMATED END CONSTRUCTION DATE: APRIL 10, 2010 (IN SERVICE); OCTOBER 10, 2010 (FINAL)**
13. **HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS OF ENGINEERS?** Yes ☒ No If yes, attach a copy of that permit.
14. **THE APPLICANT MUST ADDRESS PUBLIC NOTICE:**  
(a) **PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:**  
  X   Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)  
       Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)  
(b)        I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:  
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Contact Division of Water for requirements.
15. **I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:**  
**SEE ATTACHED LIST** Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.
16. **LIST OF ATTACHMENTS:** List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topo map clearly showing the project location.  
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CHAPTER 2: INTAKE, PUMP STATION AND TREATMENT PLANT SITE PLANS: 1 INCH = 100 FEET  
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I hereby request approval for construction across or along a stream as described in this application and any accompanying documents.  
To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: Linda Bridwell  
Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: 3/16/07

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

M. A. Lays  
Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: 3/27/07

For proposed work  
in Fayette County only

SUBMIT APPLICATION AND ATTACHMENTS TO:  
Floodplain Management Section  
Division of Water  
14 Reilly Road  
Frankfort, KY 40601

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SIGNATURE: Linda C. Bridwell, PE  
Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: 3/12/07

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:  
[Signature]

DATE: 3-12-07

Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

SUBMIT APPLICATION AND ATTACHMENTS TO:  
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**ADDRESS: GANNETT FLEMING, INC. P.O. BOX 67100, HARRISBURG, PA 17106-7100**  
**TELEPHONE #: (717) 763-7212, EXT 2548** **EMAIL: gkoontz@gfnet.com**
3. **ENGINEER: GENE C. KOONTZ, P.E.** **KENTUCKY P.E. NUMBER: 20483**  
Contact Division of Water if waiver can be granted.  
**TELEPHONE #: (717) 763-7212, EXT 2548** **EMAIL: gkoontz@gfnet.com**
4. **DESCRIPTION OF CONSTRUCTION: CONSTRUCTION OF THE PROPOSED INTAKE AND TRANSMISSION MAIN WILL TEMPORARILY IMPACT 8 WETLANDS (31,000FT<sup>2</sup> OR 0.710 ACRES) AND 49 STREAMS (2,400 LINEAR FEET/31,300FT<sup>2</sup> OR 0.717 ACRES). CONSTRUCTION OF THE INTAKE SCREENS WILL RESULT IN 150FT<sup>2</sup> OR 0.003 ACRES OF PERMANENT IMPACTS TO THE KENTUCKY RIVER AND WILL REQUIRE APPROXIMATELY 80 CUBIC YARDS (CY) OF FILL. DREDGED AND/OR FILL MATERIALS WILL BE DISCHARGED INTO WETLANDS AND STREAMS ALONG THE TRANSMISSION MAIN ALIGNMENT. FILL MATERIAL WILL INCLUDE SOIL AND ROCK USED FOR ROCK ARMORING, EROSION CONTROL, STREAMBANK STABILIZATION AND TEMPORARY STREAM DIVERSIONS RESULTING IN TEMPORARY IMPACTS DURING INSTALLATION OF THE TRANSMISSION MAIN. SEE CHAPTER 2 PROJECT SITE PLANS, INCLUDING INTAKE, PUMP STATIONS, TREATMENT PLANT AND TRANSMISSION MAIN LOCATIONS AND IMPACTS TO WATERS OF THE U.S.**
5. **COUNTY: FAYETTE, FRANKLIN, OWEN AND SCOTT**  
**NEAREST COMMUNITY: SWALLOWFIELD AT WESTERN LIMIT & GEORGETOWN AT EASTERN LIMIT**
6. **USGS QUAD NAMES: SWITZER, STAMPING GROUND, FRANKFORT EAST, MIDWAY, GEORGETOWN AND CENTERVILLE**  
**LATITUDE/LONGITUDE: THE WESTERN END OF THE PROJECT IS LOCATED IN THE KENTUCKY RIVER ON THE FRANKLIN/OWEN COUNTY LINE AT 38°21'22" LATITUDE AND 84°52'12" LONGITUDE. THE EASTERN END OF THE PROJECT IS LOCATED NORTH OF LEXINGTON NEAR THE INTERSECTION OF S.R. 1973 AND U.S. 922 IN FAYETTE COUNTY AT 38°07'55" LATITUDE AND 84°29'13" LONGITUDE. ALSO SEE FIGURE 1: PROJECT LOCATION MAP.**
7. **STREAM NAME: THE PROPOSED INTAKE STRUCTURE IS LOCATED WITHIN THE KENTUCKY RIVER. ADDITIONAL NAMED WATERWAYS CROSSED BY THE PROPOSED PIPELINE PROJECT INCLUDE NORTH ELKHORN CREEK, ROCKY BRANCH, MORGADORE CREEK, LONG BRANCH, CAMP PLEASANT BRANCH, SULPHUR LICK CREEK, BUCK RUN AND CANE RUN. IN ADDITION TO THESE NAMED WATERWAYS, THE PROPOSED PIPELINE WILL CROSS FIFTEEN EPHEMERAL WATERWAYS, TWO INTERMITTENT WATERWAYS AND TWENTY UNNAMED PERENNIAL WATERWAYS. WITH THE EXCEPTION OF THE CONSTRUCTION OF THE INTAKE SCREEN IN THE KENTUCKY RIVER, ALL STREAM IMPACTS ASSOCIATED WITH THE CONSTRUCTION OF THE PROPOSED PIPELINE ARE TEMPORARY.**  
**WATERSHED SIZE (in acres): REFER TO PLANS. ALTHOUGH THE PROJECT AREA IS LOCATED WITHIN THE KENTUCKY RIVER WATERSHED, THE 30-MILE LINEAR PROJECT STUDY AREA CROSSES THE WATERSHEDS OF NINE NAMED STREAMS (NORTH ELKHORN CREEK, ROCKY BRANCH, MORGADORE CREEK, LONG BRANCH, CAMP PLEASANT BRANCH, SULPHUR LICK CREEK, BUCK RUN AND CANE RUN), FIFTEEN EPHEMERAL STREAMS, ONE UNNAMED INTERMITTENT STREAM AND TWENTY UNNAMED PERENNIAL STREAMS.**





ERNIE FLETCHER  
GOVERNOR

## ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF WATER

14 REILLY ROAD

FRANKFORT, KENTUCKY 40601

www.water.ky.gov

TERESA J. HILL  
SECRETARY

### STREAM CONSTRUCTION PERMIT

#### For Construction In Or Along A Stream

Issued to: **KY American Water Co**  
Address: **2300 Richmond Rd**  
**Lexington, KY 40502**

Permit expires on  
**September 6, 2008**

Permit No. **16687**

In accordance with KRS 151.250 and KRS 151.260, the Environmental and Public Protection Cabinet approves the application dated **April 3, 2007** for construction of a water intake system to be located in the Kentucky River at about river mile 47.6 with coordinates of N38.356680, W54.869087, near pool #3, in Owen County and about 31 miles of 42" dia. transmission pipe line spanning 4 counties, Owen, Franklin, Scott and Fayette with multiple stream crossings and ending at N38.131944, W84.486944 in Fayette County.

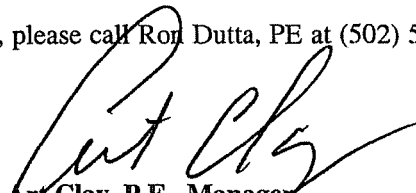
There shall be no deviation from the plans and specifications submitted and hereby approved unless the proposed change shall first have been submitted to and approved in writing by the Cabinet. This approval is subject to the attached limitations.

This permit is nontransferable and is not valid unless actual construction of this authorized work is begun prior to the expiration date noted above. Any violation of the Water Resources Act of 1966 as amended is subject to penalties as set forth in KRS 151.990.

If you have any questions regarding this permit, please call Ron Dutta, PE at (502) 564-3410.

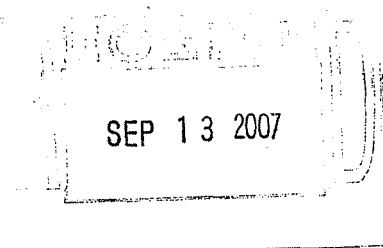
Issued September 6, 2007.

By:

  
**Art Clay, P.E., Manager**  
Water Resources Branch

AC/RD/kl

pc: Louisville/Frankfort Regional Offices  
Vicki Sewell – Franklin County  
Marwan Rayan, PE – Fayette County  
William O'Banion – Owen County  
Jim Burgess – Scott County  
Gannett Flanning, Inc.  
File



## Stream Construction Permit

KY American Water

Facility Requirements

Permit Number: 16687

Activity ID No.: APE20070002

Page 1 of 2

**PORT1 (pipes) construction of a water intake system to be located in the Kentucky River at about river mile 47.6 with coordinates of N38.356680, W54.869087, near pool #3, in Owen County and about 31 miles of 42" dia. transmission pipe line spanning 4 counties. Owen, Franklin, Scott and Submittal/Action Requirements:**

Condition No.	Condition
S-1	Linda C. Bridwell Of Kentucky American Water Company must submit final construction report: Due within 90 days after completion of construction Linda C. Bridwell Of Kentucky American Water Company must notify in writing that the project has been completed in accordance with the approved plans and specifications. A Final Construction Report Form is enclosed. [401 KAR 4:060 Section 3(2)]

### Narrative Requirements:

Condition No.	Condition
T-1	This permit is issued from the standpoint of stream obstruction only and does not constitute certification of any other aspect of the proposed construction. The applicant is liable for any damage resulting from the construction, operation, or maintenance of this project. This permit has been issued under the provisions of KRS Chapter 151.250 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies. [KRS 151.250]
T-2	A copy of this permit must be available at the construction site. [KRS 151.250]
T-3	This permit holder must obtain a permit from the U.S. Army Corps of Engineers, (Louisville District), pursuant to Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act, as may be required. [Clean Water Act Section 404 and River & Harbor Act of 1899]
T-4	Any work performed by or for Kentucky American Water Company that does not fully conform to the submitted application or drawings and the limitations set forth in this permit, is subject to partial or total removal and enforcement actions pursuant to KRS 151.280 as directed by the Kentucky Department for Environmental Protection. [KRS 151.280]
T-5	Any design changes or amendments to the approved plans must be submitted to the Division of Water and approved in writing prior to implementation. [KRS 151.250]
T-6	Since Owen, Franklin, Scott and Fayette Counties participate in the National Flood Insurance Program, a local floodplain permit must be obtained prior to beginning of construction. Upon completion of construction Kentucky American Water Company must contact the local permitting agencies for final approval of the construction for compliance with the requirements of the local floodplain ordinances. [401 KAR 4:060 Section 1(16)]

## Stream Construction Permit

KY American Water

Facility Requirements

Permit Number: 16687

Activity ID No.: APE20070002

Page 2 of 2

### PORT1 (continued):

#### Narrative Requirements:

Condition No.	Condition
T-7	At no point below the base flood elevation 498.0 feet MSL shall the use of construction materials or the permanent storage of materials subject to flood damage be allowed. [401 KAR 4:060]
T-8	The permittee must obtain a Water Quality Certification through the Division of Water, Water Quality Branch before beginning construction. Contact Water Quality Branch of this cabinet at (502) 564-3410. [KRS 224.16-050 & Clean Water Act Section 401]
T-9	Any electrical components should be elevated above the base flood elevation of 498.0 feet MSL or provided with ground fault breakers. [KRS 151.250]
T-10	All pipe crossing below the stream bed must meet the criteria as set in the Section 2 of 401 KAR 4:050, see attached copy of the Section 2. [401 KAR 4:060 Section 3(3)]
T-11	The coffer dam built in the river during the construction of the intake structure must be removed immediately after the completion and the river restored to approximate original condition. As noted in the application, the coffer dam will remain place for 4 months. For additional time, an approval will be required from this cabinet.. [401 KAR 4:060 Section 4(1)]
T-12	To avoid secondary adverse impacts, all materials used shall be stable and inert, free from pollutants and floatable objects, and shall meet all appropriate engineering standards. (Inert here means materials that are not chemically reactive and that will not rot or decompose, such as soil, rock, broken concrete or similar materials.). [401 KAR 4:060 Section 7]
T-13	Stream bank restoration and stabilization shall be limited to that necessary to restore the stream bank as closely as possible to its original location and configuration, and shall be completed without compromising the conveyance capacity of the stream at any time. [401 KAR 4:060]
T-14	All debris and excess material shall be removed for disposal outside of the base floodplain. [401 KAR 4:060]
T-15	Upon completion of construction all disturbed areas shall be seeded and mulched or otherwise stabilized to prevent erosion. [401 KAR 4:060]
T-16	The entry of mobile equipment into the stream channel shall be limited as much as reasonably possible to minimize degradation of the waters of the Commonwealth. [401 KAR 4:060]
T-17	Construction other than as authorized by this permit shall require written approval from the Division of Water. [401 KAR 4:060]

# FINAL CONSTRUCTION REPORT

NAME: K. Anderson Water Co  
PERMIT NO: 100-57

Has all work on this project been completed according to plans and specifications on file with the Division of Water?

Yes: ☐

No: ☐

If not explain: you may mail an attachment if necessary.

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PLACE  
STAMP  
HERE

FLOODPLAIN MANAGEMENT SECTION  
DIVISION OF WATER  
14 REILLY ROAD  
FRANKFORT KENTUCKY 40601



ERNIE FLETCHER  
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF WATER

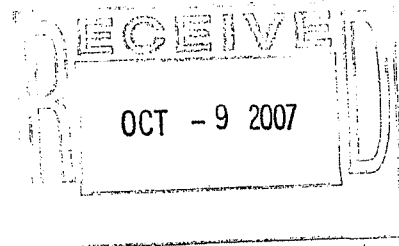
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TERESA J. HILL  
SECRETARY

October 5, 2007



Michael D. Galavotti, P.E.  
Senior Operations Engineer  
Kentucky American Water Company  
2300 Richmond Road  
Lexington, KY 40502

Re: Water Quality Certification #2007-0119-1  
Kentucky American Water Company  
AI No.: 84662, Activity ID: APE20070001  
Perennial and intermittent stream crossings  
Owen, Franklin, Scott, and Fayette Counties, Kentucky

Dear Mr. Galavotti:

Pursuant to Section 401 of the Clean Water Act (CWA), the Commonwealth of Kentucky certifies it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 303, 304, 306, and 307 of the CWA, will not be violated by the above referenced project provided that the U.S. Army Corps of Engineers authorizes the activity under 33 CFR part 330, and the attached conditions are met.

All future correspondence on this project must reference AI No. 84662. **The attached document is your official Water Quality Certification; please read it carefully.** If you should have any questions concerning the conditions of this water quality certification, please contact Adam Jackson of my staff by calling (502) 564-3410.

Sincerely,

Tom C. VanArsdall, Manager  
Water Quality Branch  
Kentucky Division of Water

TCV:AJ:tw

Attachment

cc: Greg McKay, USACE: Louisville District  
Lee Andrews, USFWS: Frankfort  
Malissa McAlister, Kentucky River Basin Coordinator

## Water Quality Certification

KY American Water

Facility Requirements

Permit Number: WQC #2007-0119-1

Activity ID No.: APE20070001

Page 1 of 2

### AAZZ1 (KAWC pipeline) Pool No. 3 Intake and transmission main line construction:

#### Narrative Requirements:

Condition No.	Condition
T-1	<p>The work approved by this certification shall be limited to crossings of intermittent and perennial streams in Owen, Franklin, Scott, and Fayette counties by a 42-inch finished water transmission pipeline. The specific stream crossings along with their lat/long coordinates are as follows: Stream S1 (Morgadore Creek): 38-21-24, 84-51-38; Stream S9: 38-19-37, 84-50-55; Stream 10: 38-19-28, 84-50-35; Stream S10: 38-19-21, 84-50-06; Stream S13: 38-19-21, 84-50-00; Stream S10: 38-19-23, 84-49-52; Stream S14: 38-19-03, 84-49-36; Stream S15 (Camp Pleasant Branch): 38-18-28, 84-48-52; Stream S16: 38-18-15, 84-48-48; Stream S24: 38-16-37, 84-47-21; Rocky Branch: 38-16-26, 84-47-02; Stream S31: 38-15-27, 84-45-33; Stream S35 (Buck Run): 38-13-09, 84-44-54; Stream S29: 38-15-40, 84-45-54; Stream S30: 38-15-43, 84-45-44; Stream S37: 38-12-28, 84-43-06; Stream S38: 38-12-08, 84-41-54; Stream S39: 38-11-55, 84-41-17; Stream S43: 84-44-58; Stream S36: 38-12-33, 84-44-34; Stream S40: 38-11-15, 84-39-07; Stream S41: 38-11-09, 84-38-50; Stream S42: 38-11-08, 84-38-44; Stream S49: 38-10-18, 84-36-07; Stream S45: 38-09-46, 84-34-27; Stream S46: 38-09-08, 84-32-32; Stream S48 (Cane Run): 38-09-37, 84-31-09. [Clean Water Act]</p> <p>All work performed under this certification shall adhere to the design and specifications set forth in the Kentucky Division of Water Certification Application, "Pool No. 3 Intake and Transmission Main Project", received by the Kentucky Division of Water (KDOW) March 2007. [Clean Water Act]</p>
T-2	
T-3	<p>The Kentucky American Water Company is responsible for preventing degradation of waters of the Commonwealth from soil erosion. Erosion and sedimentation control plans set forth in the "High service mains for WTP on Pool 3, Contract A, ESPC Plan" submitted to the Kentucky Division of Water (KDOW) in September 2007, and "Erosion and Sedimentation Control" located on pages 3-6 within the "Pool No.3 Intake and Transmission Main Project" Executive Summary received by the KDOW March 2007 must be implemented and maintained in effective operating condition at all times during construction. [Clean Water Act]</p>
T-4	<p>Sections of the Kentucky River, North Elkhorn Creek, Buck Run, and Cane Run are listed within the KDOW generated 305b report to Congress, and considered to be "fully-supporting" or "partially-supporting" streams for aquatic life, water quality, fish consumption, drinking water, and primary contact recreation. The applicant must implement the aforementioned erosion and sedimentation control plans to assure the continued biological and recreational quality of these waters. [Clean Water Act]</p>
T-5	<p>Kentucky American Water Company shall notify the Kentucky Division of Water, Water Quality Certification Section two (2) weeks prior to the beginning of the project. [Clean Water Act]</p>
T-6	<p>The Division of Water reserves the right to modify or revoke this certification should it be determined that the activity is in noncompliance with any condition set forth in this certification. [Clean Water Act]</p>
T-7	<p>If construction does not commence within one year of the date of this letter, this certification will become void. A letter requesting a renewal should be submitted. [Clean Water Act]</p>



**Water Quality Certification**

KY American Water

Facility Requirements

Permit Number: WQC #2007-0119-1

Activity ID No.: APE20070001

**AZZ1 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-8	Other permits may be required from the Division of Water for this project. If this project takes place within the floodplain, a permit may be required from the Water Resources Branch. The contact person is Ron Dutta. If this project will disturb one acre or more of land, a KPDES general storm water permit will be required from the KPDES Branch. The contact person is Ronnie Thompson. Both can be reached at 502/564-3410. [Clean Water Act]



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GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET  
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SECRETARY

## **ATTENTION APPLICANT**

**If your project involves one or more of the following activities, you may need more than one permit from the Kentucky Division of Water.**

**\*building in a floodplain      \*road culvert in a stream**  
**\*streambank stabilization      \*stream cleanout**  
**\*utility line crossing a stream**  
**\*construction sites greater than 1 acre**

- Construction sites greater than 1 acre will require the filing of a Notice of Intent to be covered under the KPDES General Stormwater Permit. This permit requires the creation of an erosion control plan.  
Contact: Ronnie Thompson
- Projects that involve filling in the floodplain will require a floodplain construction permit from the Water Resources Branch.  
Contact: Ron Dutta
- Projects that involve work IN a stream, such as bank stabilization, road culverts, utility line crossings, and stream alteration will require a floodplain permit and a Water Quality Certification from the Division of Water.  
Contact: Jenni Garland

All three contacts listed above can be reached at (502) 564-3410. A complete listing of environmental programs administered by the Kentucky Department for Environmental Protection is available from Pete Goodmann by calling (502) 564-3410.

## **GENERAL CONDITIONS FOR WATER QUALITY CERTIFICATION**

1. Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
2. All dredged material shall be removed to an upland location and/or graded on adjacent areas (so long as such areas are not regulated wetlands), to obtain original streamside elevations, i.e. overbank flooding shall not be artificially obstructed.
3. In areas not riprapped or other wise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
4. To the maximum extent practicable, all instream work under this certification shall be performed during low flow.
5. Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such instream work is unavoidable, then it shall be performed in such a manner and duration as to minimize resuspension of sediments and disturbance to substrates and bank or riparian vegetation.
6. Any fill or riprap including refuse fill, shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
7. If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
8. Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
9. Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/564-2380.