



an e-on company

Mr. Jeff DeRouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

RECEIVED

FEB 25 2010

PUBLIC SERVICE  
COMMISSION

Louisville Gas and  
Electric Company  
State Regulation and Rates  
220 West Main Street  
PO Box 32010  
Louisville, Kentucky 40232  
www.eon-us.com

Robert M. Conroy  
Director - Rates  
T 502-627-3324  
F 502-627-3213  
robert.conroy@eon-us.com

February 25, 2010

**RE: In the Matter Of: The Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge Case No. 2009-00198**

Dear Mr. DeRouen:

As indicated in the direct testimony of John N. Voyles at page 11 in the above-referenced docket, Louisville Gas and Electric Company ("LG&E") committed to provide copies of the permit applications for ECR Project No. 22 once filed with the appropriate agencies. Enclosed please find an original and eight (8) copies of LG&E's Cane Run Station Landfill, 401 and 404 Permit Applications in the above-referenced docket.

As the attachments are voluminous (comprising of a large bankers' box with numerous maps and drawings of various sizes), LG&E has a copy of the attachments to each permit application available upon request.

Should you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,

Robert M. Conroy

cc: Parties of Record

**Section 401  
Water Quality Certification  
Application**

## **Permit Application Form**

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

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM  
AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water. This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

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: E.ON-US: Attn: W. Paul Puckett  
Give name of person(s), company, governmental unit, or other owner of proposed project.  
MAILING ADDRESS: 220 West Main Street  
Louisville, KY 40232  
TELEPHONE #: (502) 527-4659 EMAIL: Paul.Puckett@eon-us.com
2. AGENT: Stantec Consulting, Inc., Attn: Stephen Hall  
Give name of person(s) submitting application, if other than owner.  
ADDRESS: 350 Missouri Avenue, Suite 100  
Jeffersonville, IN 47130  
TELEPHONE #: (812) 285-4060 EMAIL: Stephen.Hall@stantec.com
3. ENGINEER: \_\_\_\_\_ P.E. NUMBER: \_\_\_\_\_  
Contact Division of Water if waiver can be granted.  
TELEPHONE #: \_\_\_\_\_ EMAIL: \_\_\_\_\_
4. DESCRIPTION OF CONSTRUCTION: E.ON-US is proposing to expand their landfill operations for the purpose of  
Describe the type and purpose of construction and describe stream impact  
storing coal combustion by-products (CCB) produced at the Cane Run Power Station. The proposed landfill design is approximately 61.2 acres in size, with an estimated 5.7 million cubic yards of storage capacity. The landfill will include an FML liner overlain by a drainage layer of graded bottom ash (CCB material produced at the site and beneficially reused for this construction). Clay fill materials will be borrowed to construct 24-inch thick cover on all exposed sides. Once operational storage capacity is met, the landfill will be capped with at least 24 inches of vegetated soil cover.
5. COUNTY: Jefferson NEAREST COMMUNITY: Louisville
6. USGS QUAD NAME: Lanesville LATITUDE/LONGITUDE: 38.181° N, 85.883° W
7. STREAM NAME: UT's to Mill Creek WATERSHED SIZE (in acres): 1925 acres
8. LINEAR FEET OF STREAM IMPACTED: 3.462 Linear Feet of Ephemeral and Intermittent Stream Impact
9. DIRECTIONS TO SITE: From Louisville, take I-264/Watterson Expressway to Exit 5 B to Cane Run Road/ KY-1934. Head southwest on Cane Run Road for approximately 3.3 miles. Turn right from Greenbelt Highway onto Dover Road/KY-1934 and follow KY-1934 to the left less than 1 mile to the E.ON-US/LG&E Cane Run Facility on the right.

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.
11. ESTIMATED BEGIN CONSTRUCTION DATE: May 2012
12. ESTIMATED END CONSTRUCTION DATE: December 2013
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:

- 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:

Stantec and E.ON-US will publish public notices and/or hold public meetings during waste permitting process and 404 permitting process.  
 Contact Division of Water for requirements.

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:

MSD has been contacted on several occasions regarding the proposed activities. MSD personnel have participated in preliminary planning associated with the proposed construction and their input was sought regarding potential flooding impacts presented by the proposed locations. Stantec and E.ON-US will continue to involve appropriate members of City and County government to ensure the proposed project meets City and County Regulations.


Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: \*\*See Attached 'Permit Application Outline'\*\*  
 List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

17. I, Paul Puckett (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).

18. REMARKS: Floodplain Permit Application submission is awaiting Louisville Metro Sewer District Approval.

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

DATE: 4/6/09

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

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

DATE: \_\_\_\_\_

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section  
 Kentucky Division of Water  
 Water Quality Certification Section  
 200 Fair Oaks Lane  
 Frankfort, KY 40601

**Water Quality Certification  
Fee Payment Form**

**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER**

**INDIVIDUAL KENTUCKY WATER QUALITY CERTIFICATION  
FEE PAYMENT**

401 KAR 9:020 Section 401 Water Quality Certification Fees and Certification Timetable

KRS 224.16-050 authorizes the cabinet to certify pursuant to 33 U.S.C. 1341 that applicants for a federal permit regarding the construction or operation of facilities, which may result in a discharge of dredged or fill material into the waters of the Commonwealth, as defined in KRS 224.01-010(33), shall comply with the applicable provisions of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq. KRS 224.10-100 authorizes the cabinet to establish a fee for the cost of processing applications for permits authorized under KRS Chapter 224. The project may not start until all necessary fees are paid and approvals are received from KDOW. For questions concerning the WQC process, contact the WQC Section at 502-564-3410. For more information: <http://www.water.ky.gov/permitting/wqcert/>

1. OWNER: E.ON-US  
Provide name of person(s), company, governmental unit or other owner of proposed project.

MAILING ADDRESS: Attn: W. Paul Puckett, 220 West Main Street, Louisville, KY 40232

TELEPHONE #: (502) 627-4659 E-MAIL: Paul.Puckett@eon-us.com

AGENCY INTEREST (AI) # OF PROJECT: \_\_\_\_\_ (assigned by KDOW)

2. AGENT: Stephen Hall  
Provide name of person(s) submitting application, if other than owner.

ADDRESS: Stantec Consulting Services Inc., 350 Missouri Ave., Suite 100, Jeffersonville, IN 47130

TELEPHONE #: (812) 285-4060 E-MAIL: Stephen.Hall@stantec.com

3. BRIEF DESCRIPTION OF CONSTRUCTION: E.ON-US is proposing to expand their landfill facilities for the purpose of storing coal combustion by-products (CCB) produced at the Cane Run Power Station. The proposed landfill design is approximately 61.2 acres in size, with an estimated 5.7 million cubic yards of storage capacity. The landfill will include an FML liner overlain by a drainage layer of graded bottom ash (CCB material produced at the site and beneficially reused for this construction). Clay fill materials will be borrowed to construct 24-inch thick cover on all exposed sides. Once operational storage capacity is met, the landfill will be capped with 24 inches of vegetative soil cover.

4. COUNTY: Jefferson NEAREST COMMUNITY: Louisville, KY

5. STREAM NAME(S): UT's to Mill Creek LATITUDE/LONGITUDE: 38.181° N, 85.883° W  
(Start and end points of each individual impact; add more sheets if necessary.)

7. TOTAL LINEAR FEET OF STREAM IMPACTED: 3,462 WETLAND ACRES IMPACTED: 1.597

8. EXEMPTED FROM FEE BECAUSE:

(A) Personal Residence: \_\_\_\_\_ (B) Agricultural Operation: \_\_\_\_\_

9. FEES:

Stream impact greater than 500 linear feet and less than 1,000 linear feet:	Fee - \$1,000.00	_____
Stream impact 1,000 linear feet to 5,000 linear feet:	Fee - \$2,500.00	<u>\$2,500</u>
Stream impact greater than 5,000 linear feet:	Fee - \$5,000.00	_____
Wetland impacts	Fee \$500.00 per acre not to exceed \$5,000.00	<u>\$798.50</u>
	Total Fee Paid:	<u>\$3,298.50</u>

To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
Owner or Agent sign here. (If signed by Agent, attach Power of Attorney.)

Make check to: KY STATE TREASURER

MAIL TO:

Kentucky Division of Water  
Water Quality Certification Section  
200 Fair Oaks Lane  
Frankfort, KY 40601

**Section 404 CWA  
Department of the Army  
Permit Application**



## **Permit Application Form**

## APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

OMB APPROVAL NO.

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

## PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require authorizing activities in, or affecting, navigable waters of the United States, the discharge or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

## (ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
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## (ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME E.ON-US (LG&E)	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Stantec Consulting Services Inc.
6. APPLICANT'S ADDRESS E.ON-US Attn: W. Paul Puckett 220 West Main Street Louisville, KY 40232	9. AGENT'S ADDRESS Stantec Consulting Services Inc. Attn: Stephen Hall 350 Missouri Ave., Suite 100 Jeffersonville, IN 47130
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business 502-627-4659	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business 812-786-3154

## STATEMENT OF AUTHORIZATION

I hereby authorize, Stephen Hall, Stantec Consulting Services, Inc. to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

W. Paul Puckett  
APPLICANT'S SIGNATURE

11/6/09  
DATE

## NAME, LOCATION, AND DESCRIPTION OR PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)  
Cane Run Generating Station Landfill Expansion

13. NAME OF WATERBODY, IF KNOWN (if applicable)  
Un-named Tributaries to Mill Creek

14. PROJECT STREET ADDRESS (if applicable)  
5252 Cane Run Road  
Louisville, KY 40216

15. LOCATION OF PROJECT  
Jefferson COUNTY      Kentucky STATE

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) Section, Township, Range, Lat/Lon, and/or Accessors's Parcel Number, for example.

The proposed E.ON-US Cane Run Landfill Expansion project encompasses approximately 60 acres within the Cane Run facility property, near Mill Creek in Louisville, Jefferson County, Kentucky. The project site is located off Cane Run Road within the USGS Lanesville Quad, at latitude / longitude coordinates 38.181° N, 85.893° W.

17. DIRECTIONS TO THE SITE

From Louisville, take I-254/Watterson Expressway to Exit 5B to Cane Run Road/KY-1934. Head southwest on Cane Run Road for approximately 3.3 miles. Turn right onto Dover Rd/KY-1934 and then left onto KY-1934. The E.ON-US/LG&E Cane Run Facility will be on the right.

18. Nature of Activity (Description of project, include all features)

E.ON-US is proposing to expand their landfill operations for the purpose of storing coal combustion by-products (CCB) produced at the Cane Run Power Station. The proposed landfill design is approximately 61.2 acres in size, with an estimated 5.7 million cubic yards of storage capacity. Clay fill materials will be borrowed to create a liner system before dry CCB materials would be compacted in the landfill. Once operational storage capacity is met, the landfill will be capped with 24 inches of vegetated soil cover.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the project is to provide storage capacity for CCB generated from the Cane Run Station.

**USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

In order to provide adequate, safe and cost-effective storage for the CCB generated by this facility, it is necessary to construct an on-site landfill

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

Soil and rock will be borrowed and used to fill waters; approximately 1,578 cubic yards.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Proposed activities involve impacts to 8 ephemeral streams (1,845 feet, 0.403 acres), and 2 intermittent streams (1,617 feet, 0.137 acres).  
SEE ATTACHMENTS FOR MORE DETAIL

23. Is Any Portion of the Work Already Complete? Yes  No  IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

All property directly adjoining the project area is owned by the permittee.

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

  
SIGNATURE OF AGENT

11/9/09  
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

## **Block 22: Project Impacts Summary Tables**

**BLOCK 22: PROJECT IMPACTS SUMMARY TABLE  
 E.ON-US/LG&E CANE RUN POWER STATION  
 PROPOSED LANDFILL PROJECT  
 LOUISVILLE, JEFFERSON COUNTY, KENTUCKY**

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**Table 1. Impacts to Wetlands**

Impact Type	JWUS <sup>1</sup> Wetland ID	Cowardin Classification	Area of Impact (acres)
Landfill	Wetland A	PEM1	1.504
Landfill	Wetland L	PFO1	0.093
<b>TOTAL:</b>			<b>1.597</b>

**Table 2. Impacts to Streams**

Impact Type	JWUS <sup>1</sup> Stream ID	Flow Regime	Linear Feet of Impact	Area of Impact (acres)
Landfill	E-1a	Ephemeral	846	0.194
Landfill	E-1	Ephemeral	71	0.016
Landfill	E-2	Ephemeral	57	0.013
Landfill	E-3	Ephemeral	96	0.022
Landfill	E-4	Ephemeral	543	0.125
Landfill	E-6	Ephemeral	6	0.001
Landfill	E-7	Ephemeral	87	0.016
Landfill	E-9	Ephemeral	139	0.016
Landfill	I-1	Intermittent	1094	0.101
Landfill	I-2	Intermittent	523	0.036
<b>TOTAL:</b>			<b>3,462</b>	<b>0.540</b>

<sup>1</sup>Jurisdictional Waters of the United States

**Block 24: Adjacent Property Owners**

**BLOCK 24: ADJACENT PROPERTY OWNERS  
E.ON-US/LG&E CANE RUN POWER STATION  
PROPOSED LANDFILL PROJECT  
LOUISVILLE, JEFFERSON COUNTY, KENTUCKY**

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Name of Property Owner(s) Louisville and Jefferson County Riverport  
Address 6900 Riverport Drive (multiple)  
City Louisville State KY Zip Code 40258  
Phone No. (502) 935-6024

Name of Property Owner(s) Walker, Gregory & Debra  
Address 5349 Cane Run Road  
City Louisville State KY Zip Code 40258  
Phone No. (502) 290-0612

Name of Property Owner(s) Burkhead, Sherry G & Boyd Bruce  
Address 5307 Galaxie Dr. (multiple)  
City Louisville State KY Zip Code 40258  
Phone No. (502) 449-1068

Name of Property Owner(s) Desantiago, Panfilio  
Address 5345 Cane Run Road  
City Louisville State KY Zip Code 40258  
Phone No. (502) 447-9522

Name of Property Owner(s) Fraley, Curtis & Bonnie  
Address 3416 Kramers Lane, Trlr 105  
City Louisville State KY Zip Code 40216  
Phone No. Unlisted

Name of Property Owner(s) Miles, Philburn E. Jr. & Tammy M.  
Address 5339 Cane Run Road  
City Louisville State KY Zip Code 40258  
Phone No. (502) 448-1192

Name of Property Owner(s) Cunningham, Mitchell  
Address 5337 Cane Run Road  
City Louisville State KY Zip Code 40258  
Phone No. (502)448-3287

Name of Property Owner(s) Givens, Joe D. & Theda D.  
Address 5335 Cane Run Road  
City Louisville State KY Zip Code 40258  
Phone No. (502) 447-5320

Name of Property Owner(s) Miller, Cecil D. & Magdalen  
Address 5333 Cane Run Road  
City Louisville State KY Zip Code 40258  
Phone No. (502) 447-3809

**BLOCK 24: ADJACENT PROPERTY OWNERS  
 E.ON-US/LG&E CANE RUN POWER STATION  
 PROPOSED LANDFILL PROJECT  
 LOUISVILLE, JEFFERSON COUNTY, KENTUCKY**

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Name of Property Owner(s) Fey, Bill & Janet  
 Address 6519 Astral Dr.  
 City Louisville State KY Zip Code 40258  
 Phone No. Unlisted

Name of Property Owner(s) Schrader, Stanley & Anna  
 Address 3429 Rudd Ave  
 City Louisville State KY Zip Code 40212  
 Phone No. (502) 290-5958

Name of Property Owner(s) Boaz, Shirley A.  
 Address 5319 Cane Run Road  
 City Louisville State KY Zip Code 40258  
 Phone No. (502) 449-6077

Name of Property Owner(s) Hack, David  
 Address 5317 Cane Run Road  
 City Louisville State KY Zip Code 40258  
 Phone No. Unlisted

Name of Property Owner(s) Wheeler, Donald L. & Doris  
 Address 5315 Cane Run Road  
 City Louisville State KY Zip Code 40258  
 Phone No. (502) 448-8610

Name of Property Owner(s) Wheeler, Ronald L. & Betty L.  
 Address 5313 Cane Run Road  
 City Louisville State KY Zip Code 40258  
 Phone No. (502) 447-5778

Name of Property Owner(s) Greer, Patrick N. & Dena R.  
 Address 5311 Cane Run Road  
 City Louisville State KY Zip Code 40258  
 Phone No. (502) 448-2561

Name of Property Owner(s) Wolf, Charles  
 Address 5200 Cane Run Road  
 City Louisville State KY Zip Code 40258  
 Phone No. (502) 448-8823

Name of Property Owner(s) Little, Kathy G.  
 Address 5307 Cane Run Road  
 City Louisville State KY Zip Code 40258  
 Phone No. (502) 742-8879



**BLOCK 24: ADJACENT PROPERTY OWNERS  
 E.ON-US/LG&E CANE RUN POWER STATION  
 PROPOSED LANDFILL PROJECT  
 LOUISVILLE, JEFFERSON COUNTY, KENTUCKY**

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Name of Property Owner(s) Shamrock Group, LLC (c/o Michael Cushing)  
 Address 3001 Fort Pickens Road  
 City Lagrange State KY Zip Code 40031  
 Phone No. (502) 222-5605

Name of Property Owner(s) Cissell, Frank M.  
 Address 5013 Tumeric Lane  
 City Louisville State KY Zip Code 40258  
 Phone No. (502) 935-6812

Name of Property Owner(s) Lashley, Garry & Cheryl  
 Address 5233 Cane Run Road  
 City Louisville State KY Zip Code 40216  
 Phone No. (502) 447-1970

Name of Property Owner(s) Skaggs, Jon T. & Elizabeth  
 Address 5253 Cane Run Road  
 City Louisville State KY Zip Code 40216  
 Phone No. (502) 447-4712

Name of Property Owner(s) Cravens, Bill & Mary L.  
 Address 2272 Blue Lick Rd  
 City Shepherdsville State KY Zip Code 40165  
 Phone No. (502) 921-0186

Name of Property Owner(s) Vogt, Bernard & Shirley J.  
 Address 5225 Cane Run Road  
 City Louisville State KY Zip Code 40216  
 Phone No. (502) 448-0547

Name of Property Owner(s) Louisville and Jefferson County Metro Government  
 Address 444 S.5<sup>th</sup> Street  
 City Louisville State KY Zip Code 40202  
 Phone No. (502) 574-5810

Name of Property Owner(s) C.T. Gernert Inc., (c/o Dave Kelton)  
 Address 473 Stone Creek Dr.  
 City Lexington State KY Zip Code 40503  
 Phone No. (859) 294-0618

Name of Property Owner(s) Sadler, Lavenia  
 Address 6730 Elmwood Avenue  
 City Louisville State KY Zip Code 40258  
 Phone No. (502) 448-0970

**BLOCK 24: ADJACENT PROPERTY OWNERS  
 E.ON-US/LG&E CANE RUN POWER STATION  
 PROPOSED LANDFILL PROJECT  
 LOUISVILLE, JEFFERSON COUNTY, KENTUCKY**

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Name of Property Owner(s) Wallace, James Roy  
 Address 6628 Huff Lane  
 City Louisville State KY Zip Code 40258  
 Phone No. (502) 447-9979

Name of Property Owner(s) Bramer, John & Sharon  
 Address 7003 Ridge Run Road  
 City Georgetown State IN Zip Code 47122  
 Phone No. (812) 951-3185

Name of Property Owner(s) IC and K & I Terminal  
 Address Address Unknown - Franchise  
 City \_\_\_\_\_ State KY Zip Code \_\_\_\_\_  
 Phone No. \_\_\_\_\_

Name of Property Owner(s) Jerry Hargrove  
 Address 213 Marengo Dr.  
 City Louisville State KY Zip Code 40243  
 Phone No. Unlisted

## **Avoidance and Minimization Statement**

**AVOIDANCE AND MINIMIZATION STATEMENT  
E.ON-US/LG&E CANE RUN POWER STATION  
PROPOSED LANDFILL PROJECT  
LOUISVILLE, JEFFERSON COUNTY, KENTUCKY**

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To avoid and minimize impacts to Jurisdictional Waters of the U.S. (JWUS) from the proposed project, Stantec Consulting Services, Inc. identified the opportunity to partner with the Louisville Metro Sewer Department (MSD) to obtain excess material generated from a planned equalization basin project at the Derrick R. Guthrie Water Quality Treatment Center on Lower River Road in Louisville, Kentucky.

MSD's planned project includes the construction of an open air basin that will store up to 19.3 million gallons of excess flow during extreme wet weather events. The contents of the equalization basin will be released back into the treatment process at a later time when other flows to the plant have subsided enough to accommodate the additional volume of wastewater. The basin will generate approximately 78,000 cubic yards of excess material that will be hauled to the proposed Cane Run landfill. No JWUS will be impacted by MSD's equalization basin project.

By obtaining this excess material from MSD, E.ON-US/LG&E will be able to avoid impacts to more than 4,000 feet of ephemeral and intermittent streams and wetland acreage. Compared to the original Jurisdictional Determination study, utilizing this excess material will reduce JWUS impacts by approximately 15 of the total stream lengths/wetland acreages previous identified. Other alternatives explored in preliminary landfill design studies were estimated to cause greater impact to streams and wetlands.

**Special Waste Landfill  
Application**

## APPLICATION FOR A SPECIAL WASTE LANDFILL PERMIT

### A. GENERAL INFORMATION

APPLICATION NO. \_\_\_\_\_ (LEAVE BLANK ON FIRST SUBMISSION)

FEE SUBMITTED \$ 5,000.00 COUNTY Jefferson DATE 12-10-09..

Method of Payment:  Check \_\_\_\_\_  Certified Check \_\_\_\_\_  Money Order No. \_\_\_\_\_

1. Applicant E.ON U.S. (Louisville Gas and Electric Company)

Address 220 West Main Street

City Louisville State KY Zip Code 40202

Phone No. (502) 627-3313

2. Name of Facility Cane Run Station

Address 5252 Cane Run Road

City Louisville State Kentucky Zip Code 40216

Phone No. (502) 499-8172

3. Operator of Facility (If different from applicant)

-

Address -

City - State - Zip Code -

Phone No. (-) -

4. Name of Property Owner (s) Louisville Gas & Electric Company

Address 220 West Main Street

City Louisville State KY Zip Code 40202

Phone No. (502) 627-3313

List information concerning additional property owners in **Attachment 1**.

5. List information concerning owners of mineral rights in **Attachment 2**. Include name of property owner, address, city, state, zip code, and phone number.

6. If an existing special waste landfill, designate the type of modification application:

Vertical Expansion

Horizontal Expansion

Closure

Groundwater Monitoring

Other. Describe \_\_\_\_\_

7. Provide, as **Attachment 3**, a list of all adjacent property owners. Include name, address, city, state, zip code, and phone number.

8. Provide, as **Attachment 4**, a copy of the deed or option to the property and a copy of the lease showing a five (5) year right of re-entry following cabinet approved closure of the facility.

Provide, as **Attachment 5**, a description of the facility's impact on transportation routes, prime agricultural lands, water resources, historic properties, and endangered or threatened species.

10. List, in **Attachment 6**, any variances applied for. Include a cite for each regulation for which the applicant proposes to vary

11. Provide, as **Attachment 7**, a notarized statement from applicable jurisdictions that the proposed facility complies with all local planning and zoning laws.

12. Provide, as **Attachment 8**, a description of assistance provided by the local fire district.

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**B. OWNERSHIP AND PAST PERFORMANCE INFORMATION**

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1. Indicate by checking the appropriate blank, the legal organizational structure of the applicant.

\_\_\_\_\_ Proprietorship

\_\_\_\_\_ Partnership \_\_\_\_\_ General \_\_\_\_\_ Limited

X  Corporation

\_\_\_\_\_ Joint venture

\_\_\_\_\_ Governmental agency. Type \_\_\_\_\_ (City, County, State, Federal)

\_\_\_\_\_ Other. Describe: \_\_\_\_\_

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2. If the owner is a corporation, is it registered with the Kentucky Secretary of State?

X  Yes \_\_\_\_\_ No

3. For the applicant and each person meeting the definition of key personnel, provide a Past Performance Information form as required by KRS 224.40-330(1) and (3). The Cabinet has developed form DEP 7094J for submittal of this information. Complete this form and include it as part of this application as **Attachment 9**.



NOTE: DEP Form No. 7094J may be obtained by contacting the Division of Waste Management at the address specified on the "General Instructions" page of this application.

**C. OPERATIONAL AND PERMIT INFORMATION**

1. Complete the waste information below and in **Attachment 10**.

Estimated Average Daily Fill Rate	<u>1216</u> Tons/Day	<u>980</u> Cu. Yds./Day
Estimated Maximum Daily Fill Rate	<u>1520</u> Tons/Day	<u>1225</u> Cu. Yds./Day
Estimated Disposal Rate	44 <u>3,920</u> Tons/Year	35 <u>8,000</u> Cu. Yds./Yr.
Site Life	<u>16</u> Years	
Total Site Volume	<u>5.8m</u> Cubic Yards	
Number of acres to be filled:	<u>49.4</u> Acres	
Number of acres to be permitted:	<u>68.7</u> Acres	

2. For industrial facilities, complete the following:

(a) List the major U.S. Department of Commerce Standard Industrial Codes.

(SIC) 4911 \_\_\_\_\_

(b) Provide, as **Attachment 11**, the description of the raw materials used for production and the generation process for each waste.

(c) Describe the physical; chemical; and, if applicable, biological characteristics of the waste. Also, provide a TCLP analysis of the wastes. Label as **Attachment 12**.

3. Provide, as **Attachment 13**, a list of all equipment that is to be used at the facility.

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**D. SITING INFORMATION**

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1. Provide directions to the site using roads or highways from a commonly known landmark\_\_\_\_\_  
Starting from the Louisville International Airport, take I-264W.  
Take exit 5 for Cane Run Road/KY-1934. Turn Left at Cane Run  
Road/KY 1934. Turn right at Dover Avenue/KY-1230. Turn left  
on Cane Run Road to plant entrance (on the right).
  
2. Center of Landfill Location:  
Latitude 38° 10'51" Longitude 85° 52'56"  
Nearest Community:  
Louisville, Kentucky  
  
Nearest Public Road Intersection:  
Cane Run Road and Lower Hunters Trace  
  
Nearest Named Stream:  
Mill Creek Cutoff
  
3. Provide an original current USGS 7.5 minute topographic map, as **Attachment 14**, showing the existing or proposed waste boundaries and property boundaries. Show the locations of the following features located within a one mile radius of the waste boundaries:
  - a. all surface water intake and discharge structures
  - b. all waste management, storage, processing, or disposal facilities
  - c. all injection wells
  - d. all wells, springs, ephermal, intermittent, and perennial streams, other surface water bodies, and drinking water wells
  - e. airports
  - f. fault areas
  - g. sinks or sinkholes

4. (a) Show the following on a site map of a scale 1" = 400' for existing or proposed facilities and label as **Attachment 15**. (Check blanks, if applicable):

- Property lines
- Adjacent property owners
- Permit area
- Fill area
- Surrounding residences (within 1500' of the waste boundary)
- 100 year floodplain
- Mine works
- Un-Plugged wells
- Gas, sewer and water lines
- Cultural or historic resources listed, or eligible for listing on the Natural Register of Historic Places
- Known archaeological sites
- Critical habitats of federally protected threatened and endangered species
- Wetlands

- (b) Provide, as **Attachment 16, 17, and 18**, the published information to confirm the presence or absence of archaeological sites, critical habitats and wetlands, respectively.

5. Include a general county highway map published by the Kentucky Transportation Cabinet showing the location of the site label as **Attachment 19**.

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## E. DESIGN PLANS

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Submit an original and 3 copies of the plans showing the design of the site. Label as **Attachment 20**.

Number the drawings as follows:

1. A drawing of the entire site on one sheet showing:
  - Current site conditions
  - Site development plan including buffer zones
  - Location of monitoring points for:
    - Surface Water
    - Ground Water
    - Methane; and
    - Baselines

2. Site plans drawn to 1 inch = 100 feet (or Cabinet-approved alternative scale) showing:
    - Development Plan
    - Location of monitoring points
    - Baseline or off-set baseline
  3. Cross-Sections at:
    - 100 Foot intervals
    - Vertical scale of 1 inch = 10 feet
    - Horizontal scale of 1 inch = 100 feet
  4. Drawing of the profile along each baseline.
  5. Proper site development including the sequence of filling (i.e. units, phases, working areas).
  6. Construction details.
  7. Include typical details for the following features of the cell:
    - Lifts
    - Liners (if required)
    - Final Cover
- 

**F. NARRATIVE**

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1. (a) Will waste be placed within 250 feet of an intermittent or perennial stream?  
Yes X No \_\_\_\_\_
- (b) If yes, enclose the 401 Water quality certification that has been issued pursuant to 401 KAR 5:029 through 5:031. Label as **Attachment 21**.
2. Is the waste disposal area within:
  - (a) The zone of collapse of deep-mine workings or within the critical angle of draw?  
Yes \_\_\_\_\_ No X
  - (b) 250 feet of a karst Terrain feature? Yes \_\_\_\_\_ No X
  - (c) 100 feet of the property line? Yes \_\_\_\_\_ No X
  - (d) 250 feet of a residence? Yes \_\_\_\_\_ No X
  - (e) 50 feet of a gas, sewer, or water line? Yes X No \_\_\_\_\_ -To be relocated
  - (f) 250 feet of an unplugged well (other than monitoring)? Yes \_\_\_\_\_ No X

3. Is the depth to the seasonal high groundwater table to the bottom of the liner system or the waste for those residual landfills without liners four feet or greater? Yes \_\_\_\_\_ No \_\_\_\_\_ N/A site will be lined
4. (a) Does the leachate analysis indicate the presence of any metal in excess of drinking water standards? Yes \_\_\_\_\_ No \_\_\_\_\_ N/A No Leachate Analysis Available.
- (b) If yes, will the depth from the bottom of the waste to the seasonal high groundwater table exceed 5 feet? Yes X No \_\_\_\_\_
5. (a) Is this proposed site located in the 100 year floodplain? Yes X No \_\_\_\_\_
- (b) If yes, enclose a report describing how you will meet Section 2 of 401 KAR 30:031 concerning floodplains. Label as **Attachment 22**.
6. Is any proposed waste cell within 200 feet of a fault that has had displacement in holocene time? Yes \_\_\_\_\_ No X
7. Enclose as **Attachment 23**, a description of the surface water controls which meet the Environmental Performance Standards.
8. Describe, in **Attachment 24**, the potential for gas emissions and odors based on the waste characteristics and the proposed landfill design. If applicable, describe the proposed explosive gas monitoring program.
9. Describe, in **Attachment 25**, the procedures to control access by the public.
10. Describe, in **Attachment 26**, how the applicant will comply with working face requirements.
11. Complete the information requested below for placement on the landfill sign at the landfill entrance as required by 48:090 Section 14:

Landfill Name Not Applicable-Cane Run Special Waste

Name of Owner Disposal Facility is not open to the public

Name of Operator -

Hours to Receive Waste - to -

Days to Receive Waste - to -

Permit Number (To be assigned by Division upon Permit Issuance) -

Emergency Telephone Number (-) -

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**G. LINER DESIGN**

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1. If applicable, submit, as **Attachment 27**, the design specifications for the bottom liner.
  2. Enclose the risk analysis study showing how the proposed bottom liner design will meet the environmental performance standards of 401 KAR 30:031, specific attention should be given to Sections 5 and 6 of 401 KAR 45:160 concerning protection of groundwater. Label as **Attachment 28**.
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**H. GEOLOGIC AND HYDROGEOLOGIC INFORMATION**

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1. Provide, in **Attachment 29**, a description of the type, texture, thickness, and range in thickness of unconsolidated materials within the disposal area.
2. Provide the following information for the regional bedrock geologic structure.

Strike and dip of bedrock In the immediate site area, and as shown on the Louisville West and Lanesville Geologic Quad(GQ-1202), there are no structural contours delineated

Attitude of faults N/A

Location of faults relative to the site N/A

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Has fault displacement occurred in holocene times?        Yes   X   No

Attitude of folds? N/A

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Location of fold relative to site N/A

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Jointing trends N/A

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3. Provide the following information for the site specific geologic structure.

Strike and dip of bedrock N/A - Depth to bedrock > 100 feet

Attitude of faults N/A

Location of faults relative to the site N/A

Has fault displacement occurred in holocene times?  Yes  No

Attitude of folding N/A

Location of fold relative to site N/A

Jointing attitudes N/A

Location of faults relative to the site N/A

Has fault displacement occurred in holocene times?  Yes  No

Attitude of folds? N/A

Location of fold relative to site N/A

Joint attitudes N/A

Joint spacing N/A

4. Provide, as **Attachment 30**, a description of the influence of fracture zones on the infiltration and movement of water and groundwater.
5. Provide, as **Attachment 31**, a minimum of two (2) geologic cross sections drawn with vertical exaggeration using published data, bedrock outcrops and rock core boring information. This drawing must adequately illustrate the geology of the site and include the season high groundwater table and rock outcrops.
6. List on **Attachment 32**, any extractable coal seams or other minerals of economic value beneath the site.

7. List on Attachment 33, any active or inactive deep mines located within 1,500 feet of the waste boundaries.
8. Provide, as Attachment 34, all rock core log data.
9. Provide, as Attachment 35, a map of geologic features and rock coring locations for the waste disposal site, including the area 1,500 feet beyond the waste boundary. This map is to be of a scale of one (1) inch equals four hundred (400) feet. Include the following information:
  - Geologic units
  - Rock outcrop
  - Surface depressions
  - Sinkholes
  - Springs
  - Injection wells
  - Water withdrawal wells
  - Surface contours
  - Location of rock corings
  - Legend to include symbols
  - Bar scale
  - Date
  - North arrow



10. Provide, as **Attachment 36**, a hydrogeologic characterization of the site. This characterization must include data procedures, calculations, and the following information:

A description of the hydrogeologic characteristics of the:

- Uppermost aquifer
- Geologic units hydraulically connected to the uppermost aquifer

Field Test Data for:

- Hydraulic conductivity
- Storage coefficient
- Transmissivity
- Groundwater hydraulic gradient
- Groundwater hydraulic velocity

Based on:

- Multiple well aquifer tests
- Piezometer test evaluation
- Core evaluation
- Tracer studies (Karst Areas)
- Another cabinet-approved method

Characterization of karst conditions for:

- Diffuse flow conditions
- Discrete flow conditions
- List, on Attachment 37, all springs and upgradient wells

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**I. SOILS INFORMATION**

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1. List, on **Attachment 38**, the type, thickness, and range in thickness of unconsolidated materials. The applicant may submit a cross-section in lieu of completing attachment.
2. Show, on **Attachment 39**, a soils inventory consisting of a description of the total volume and source of borrow material available, the total estimated volume and source of required daily cover, interim cover, long-term cover, final cover, and low permeability soils.

Also, show the soils as determined by the approved site investigation: location, depth, thickness, classification of soils for engineering purposes, particle size distribution, atterburg limits, optimum moisture, permeability, and recoverable volume in compacted cubic yards for each soil classification and permeability.

3. Provide, as **Attachment 40**, a soils inventory map at a scale of one (1) inch equals 400 feet, depicting the distribution of the soils that is keyed to a list of the soils by engineering classification. The approximate volume and depth of each type of soil shall be recorded on the map.

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**J. CONSTRUCTION QUALITY CONTROL PLAN**

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1. Describe, in **Attachment 41**, the Construction Quality Control (CQC) Plan as required by 45:110 Section 2.

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**K. RECORDKEEPING AND REPORTING**

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1. Enclose, as **Attachment 43**, the landfill recordkeeping and reporting system. The applicant may use the record keeping forms provided by the Cabinet or submit a different form for review by the Cabinet.

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**L. SURFACE WATER, GROUNDWATER, AND CORRECTIVE ACTION**

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1. Submit, as **Attachment 43**, the Surface Water Monitoring Plan as required by 401 KAR 45:110 and 401 KAR 45:160. At a minimum, the plan must include:
  - a. The proposed locations of the monitoring points shown on the site plans.
  - b. A written description of how the monitoring point locations ensure that sampling will characterize the quality of the water unaffected by the landfill, as well as determining if water leaving the landfill as surface drainage is contaminated with leachate.
  - c. A description of sampling protocol and analytical parameters.
  - d. A monitoring schedule and list of analytical parameters.
  - e. A sample form for reporting results of the analyses to the Division.
  - f. Documentation that the applicant currently holds or has applied for a K.P.D.E.S. permit for all structures to be used to control stormwater run-off and all point source discharges.
  - g. Provide the information requested in **Attachment 43A**, concerning location of the monitoring points.
  
2. Submit, as **Attachment 44**, a Groundwater Monitoring Plan that meets the requirements of 401 KAR 45:110 and 401 KAR 45:160. At a minimum that plan must provide the following information:
  - a. A list and description of the specific aquifer(s) proposed for monitoring.
  - b. The number, location, and depth of proposed monitoring points. Show the locations of the monitoring points on the site plans.
  - c. Provide a brief discussion of the groundwater quality that currently exists based on the Groundwater Quality Characterization required by 401 KAR 45:160.
  - d. Provide a Groundwater Sampling and Analysis Plan which describes the procedures and techniques designed to accurately measure groundwater quality upgradient and downgradient of the waste disposal area. Include a discussion regarding the chain of custody, as well as field and lab quality assurance and quality control.
  - e. Provide a monitoring schedule and list of analytical parameters in accordance with 401 KAR 45:160 Section 8.
  - f. Provide monitoring well construction specifications which meet the requirements of 401 KAR 45:160 Section 3.

g. Is the proposed special waste disposal site located in karst terrain? \_\_\_\_\_ Yes  X  No

If yes, the groundwater monitoring plan must include dye trace studies to determine the nature and extent of karst drainage beneath the site and proposed monitoring locations.

h. Provide the information requested in **Attachment 44A**, concerning proposed well locations and depth.

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**M. CLOSURE, CLOSURE CARE AND PERFORMANCE BOND**

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1. Submit, as **Attachment 45**, the specifications of the closure cap as required by 45:110 Section 5 and 401 KAR 30:031.
  2. Applicants must enclose the risk analysis study showing how the proposed cap will meet the environmental performance standards of 401 KAR 30:031, especially Sections 4, 5, and 6 concerning surface and groundwater. Address each of the factors listed in 401 KAR 45:110 Section 5. Label as **Attachment 46**.
  3. Submit, as **Attachment 47**, the closure plan as required.
  4. Submit, in **Attachment 48**, the post-closure plan as required by 45:110, Section 5.
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**N. PERMIT PREPARATION INFORMATION**

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1. Engineer John W. Storm  
Kentucky Registration No. 14073  
Address 1901 Nelson Miller Parkway  
City Louisville State KY Zip Code 40223  
Company Name Stantec Consulting Services Inc.  
Phone No. (502) 212-5000
2. Geologist or Geotechnical Engineer John W. Storm  
Address 1901 Nelson Miller Parkway  
City Louisville State Ky Zip Code 40223  
Company Name Stantec Consulting Services Inc.  
Phone No. (502) 212-5000

- 3. Indicate the individual(s) authorized to make any necessary corrections to this application and to receive related correspondence from the Division:

Name(s) John W. Storm

Address 1901 Nelson Miller Parkway

City Louisville State KY Zip Code 40223

Phone No. ( 502 ) 212-5000

**O. PUBLIC NOTICE**

- 1. Public notices are required for a new site or a significant expansion to an existing site in accordance with KRS 224.40-310. Draft notices are found in **Attachments 49 and 50**. Complete the public notice forms; however, only those applicants notified by correspondence from the Cabinet may publish the notices.

**P. CERTIFICATION**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted in, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations."

Original Signature of Responsible Official	Date
<u>Steven B. Turner</u>	<u>General Manager Cane Run Station Ohio Falls and Turbines</u>
Typed Name of Responsible Official	Title
<u>E. ON US (Louisville Gas and Electric Company)</u>	
Name of Applicant, i.e. Corporation or Unit of Government	

Subscribed and sworn to before me by \_\_\_\_\_

Notary Public Signature \_\_\_\_\_

My Commission Expires \_\_\_\_\_