



ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF WATER

14 REILLY ROAD

FRANKFORT, KENTUCKY 40601-1190

www.kentucky.gov

May 28, 2004

LAJUANA S. WILCHER
SECRETARY

Mr. Gerard B. Mack
Estill County Energy Partners, LLC
121 Hermitage Rd.
Charlotte, NC 28207

RE: Revision to Water Withdrawal Letter of Availability at River Mile 216 of the Kentucky River in Estill County
Originally Issued December 16, 2003.

Dear Mr. Mack:

Thank you for your patience in allowing us to evaluate thoroughly your inquiry about water withdrawals from the referenced site. We have completed a preliminary analysis and have determined that your proposed withdrawal of 4.0 MGD is well within the value that the Division of Water would determine as available at this site. The proposed intake site is located 1.5 miles downstream from the City of Irvine's intake. The nearest downstream user, Richmond Utilities, is located approximately 16 miles from the proposed intake and less than 0.5 miles upstream of Dam II. The permitted withdrawals of 2.0 MGD by the City of Irvine and 9.0 MGD for Richmond Utilities account for approximately 10% of what the Division of Water might consider a safe yield from pool 11.

As part of any permit that would be issued to Estill County Energy Partners, LLC there would be included a low flow condition. Estimates by the KPDES Branch indicate a 7Q10 flow of 100 cubic feet per second for pool 11 of the Kentucky River. Therefore, a minimum flow of 100 cubic feet per second would be protected at the intake site.

There will be other conditions attached to the permit that will require you to monitor your withdrawals and maintain accurate records.

Please note that we are unable to issue a water withdrawal permit for future use. You should submit a water withdrawal application no sooner than six (6) months prior to the date that water withdrawals will begin.

If we can be of additional assistance or if you have any questions, please contact Bill Caldwell or Chris Yeary at (502) 564-3410.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Shanks".

Margaret Shanks, Manager
Watershed Management Branch
Division of Water

MS:CY

Enclosures

c: Frankfort Regional Office

