



MATTHEW G. BEVIN
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE, 4TH FLOOR
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

CHARLES G. SNAVELY
SECRETARY

STREAM CONSTRUCTION PERMIT

For Construction In Or Along A Stream

Issued to: **Duke Energy**
Address: **139 E 4th St**
Cincinnati, OH 45202

Permit expires on
May 25, 2017

Permit No. **25928P**

AI: **129933**

In accordance with KRS 151.250 and KRS 151.260, the Energy and Environment Cabinet approves the application dated **May 3, 2016** for construction of **approximately 10.3 miles of a new 12" natural gas pipeline in the floodplains of Big Bone Creek, Gum Branch, Beaver Branch, Mud Lick Creek and their tributaries with a central location coordinates 38.884966, -84.729662, in Boone 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. **Please read these limitations carefully!** If you are unable to adhere to these limitations for any reason, please contact this office prior to construction.

This permit is valid from the standpoint of stream obstruction only. 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. Specifically if the project involves work in a stream, such as bank stabilization, dredging, relocation, or in designated wetlands, a 401 Water Quality Certification from the Division of Water will be required.

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 Soheyl Bigdeli at (502) 564-3410.

Issued May 25, 2016.

Ron Dutta, P.E., Supervisor
Floodplain Management Section
Surface Water Permit Branch

RD/SB/kec

pc: Florence Regional Office
Mark Martin – Boone County Floodplain Coordinator (by email)
Mike Frank, Agent (by email)
File

Duke Energy floodplain application 25928A AI: 129933 permit 25928P

Stream Construction Permit
Duke Energy Gas Pipeline - Boone Co
Facility Requirements
Permit Number:25928P
Activity ID No.: APE20160001

STRC0000000001 (AI: 129933 - Pipeline) construction of approximately 10.3 miles of a new 12" natural gas pipeline in the floodplains of Big Bone Creek, Gum Branch, Beaver Branch, Mud Lick Creek and their tributaries with a central location coordinates 38.884966, -84.729662, in Boone County.:

Submittal/Action Requirements:

Condition No.	Condition
S-1	Duke Energy must submit final construction report: Due within 90 days after completion of construction Duke Energy 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 6]

Narrative Requirements:

Condition No.	Condition
T-1	The issuance of this permit by the cabinet does not convey any property rights of any kind or any exclusive privilege. [KRS 151.250 & 401 KAR 4:060]
T-2	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-3	A copy of this permit must be available at the construction site. [KRS 151.250]
T-4	Any work performed by or for Duke Energy 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 Boone County participates in the National Flood Insurance Program, a local floodplain permit must be obtained prior to beginning of construction. Upon completion of construction Duke Energy must contact the local permitting agency for final approval of the construction for compliance with the requirements of the

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Narrative Requirements:

Condition No.	Condition
T-7	Areas disturbed by the boring equipment in the regulatory floodplain, on both banks shall be restored to its approximate original ground surface level. [401 KAR 4:060]
T-8	To prevent collapse of the stream bed, sufficient cover shall be maintained between the channel bottom and the bore hole tunnel. [401 KAR 4:060]
T-9	The permittee must obtain a Water Quality Certification (or a determination that none is required) through the Division of Water, Water Quality Branch before beginning construction. Contact the Water Quality Certification Supervisor at (502) 564-3410. [KRS 224.16-050 & Clean Water Act Section 401]
T-10	Erosion prevention measures, sediment control measures, and other site management practices shall be designed, installed, and maintained in an effective operating condition to prevent migration of sediment off site. [KRS 224.70-110]
T-11	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-12	All debris and excess material shall be removed for disposal outside of the base floodplain. [401 KAR 4:060]
T-13	Upon completion of construction all disturbed areas shall be seeded and mulched or otherwise stabilized to prevent erosion. [401 KAR 4:060]
T-14	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-15	Construction other than as authorized by this permit shall require written approval from the Division of Water. [401 KAR 4:060]
T-16	The existing stream flow shall be maintained at all times during construction using standard flow diversion or pump around methods. Cofferdams or other structures placed in the stream shall be removed immediately if adverse flooding conditions result or if a flooding event is imminent. [401 KAR 4:060 Section 4]

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Narrative Requirements:

Condition	Condition
T-17	<p>The Sub-fluvial crossing must meet the following criteria whichever is applicable: (1) During the construction of the crossing, no material may be placed in the stream or in the flood plain of the stream to form construction pads, coffer dams, access roads, etc., unless prior approval has been obtained from the cabinet. (2) The trench shall be backfilled as closely as possible to the original contour. All excess material from construction of the trench shall be disposed of outside of the flood plain unless the applicant has received prior approval from the cabinet to fill within the flood plain. (3) For subfluvial crossings of erodible channels, there shall be at least thirty (30) inches clear to the top of the pipe or conduit at all points. (4) For subfluvial crossings of nonerodible channels, there shall be at least six (6) inches of clear cover above the top of the pipe or conduit at all points, and the pipe or conduit shall be encased on all sides by at least six (6) inches of concrete. (5) The weight of a pipe and its contents during normal operating conditions at all points must exceed that of an equal volume of water, or the applicant must provide the division with sufficient information to show that the pipe and joints have sufficient strength. [401 KAR 4:050 Section 2]</p>

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FINAL CONSTRUCTION REPORT

NAME: Duke Energy

PERMIT NO: 25928P

AI NO: 129933

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

Yes: _____

No: _____ **If no, explain. You may include attachments is necessary.**

Mailing Instructions

- Fold the top edge of this page to the top edge of this box.
- Fold the bottom edge of the page up to meet the top fold and tape shut.
- Fill out return address portion
- Affix a stamp and mail.

Place
Stamp
Here

**Floodplain Management Section
Division of Water
200 Fair Oaks Lane, 4th Floor
Frankfort, KY 40601**