

ANDY BESHEAR
GOVERNOR



REBECCA W. GOODMAN
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

June 30, 2021

Stephen A. Beatty
Louisville Gas & Electric
6900 Enterprise Drive
Louisville, KY 40214

Re: §401 Water Quality Certification
LG&E Pipeline - Bullitt Co
Bullitt County, Kentucky
AI No.: 120218; Activity ID: APE20200003
WQC No: WQC 2021-055-7
USACE ID No.: LRL-2017-1046

Dear Mr. Beatty:

Pursuant to Section 401 of the Clean Water Act (CWA) and 40 CFR 121.7(c), the Commonwealth of Kentucky certifies it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, 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 a federal license or permit, and the attached conditions are met.

Other permits from the Division of Water may be required for this activity. Activities within a floodplain may require a Permit to Construct Across or Along a Stream; contact the Floodplain Management Section (502-564-3410). Projects that disturb one acre or more of land or is part of a larger common plan of development or sale that will ultimately disturb one acre or more of land require a Kentucky Pollution Discharge Elimination System (KPDES) Stormwater Permit; contact the Surface Water Permits Branch (502-564-3410 or SWPBSupport@ky.gov). A Groundwater Protection Plan is required if activities listed in Section 2(2) of 401 KAR 5:037 are conducted. A Water Withdrawal Application is required for activities proposing raw water withdrawals of 10,000 gallons per day or more; contact the Watershed Management Branch (502-564-3410).

All future correspondence on this project must reference AI No. **120218**. **The attached document is your official Water Quality Certification; please read it carefully.** Please contact Elizabeth M Harrod by phone at 502-782-6700 or email at Elizabeth.Harrod@ky.gov if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth M Harrod".

Elizabeth M Harrod, Supervisor
Water Quality Certification Section
Signed by Elizabeth M Harrod
Kentucky Division of Water

Attachment



cc: Jason Rhoades, USACE: Louisville District [Jason.w.Rhoades@usace.army.mil]
Lee Andrews, USFWS: Frankfort [via email: kentuckyes@fws.gov]
Perry Thomas, Salt River Basin Coordinator [perryt@ky.gov]
Todd Giles, KY DOW: Louisville Field Office Branch [Todd.giles@ky.gov]
Nate Beckman [Nate.Beckman@lge-ku.com]

Water Quality Certification

LG&E Pipeline - Bullitt Co

Facility Requirements

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ACTV0000000004 (Bullitt County Pipeline installation) LG&E Natural Gas Pipeline:

Submittal/Action Requirements:

Condition No.	Condition
S-1	<p>Louisville Gas & Electric (LG&E) shall submit a copy of the receipt for the purchase of 0.2 wetland Adjusted Mitigation Units (AMUs) from the Kentucky Department of Fish & Wildlife ILF program fund to the Water Quality Certification Section Project Manager or Supervisor prior to any construction activity.</p> <p>This condition is necessary to allow the impact to occur. Compensatory mitigation is the method to approve impacts and entire loss of a water resource. The Division can approve necessary impacts and loss based on the confidence that the resource will be replaced and not taken from the watershed entirely. Compensatory mitigation is the method of compliance for the Commonwealth's water quality standards. [401 KAR 10:031 Section 2(1)(a), 401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
S-2	<p>LG&E shall notify the Water Quality Certification Project Manager or Supervisor of the scheduled start of construction activities at least two weeks before the start of construction.</p> <p>This condition is necessary for the Division of Water to be informed of the ongoing activity for the purposes of site visits to ensure implementation of Kentucky Regulatory Statutes and Administrative Regulations; the Division will monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems, and to warn of emergency conditions. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
S-3	<p>LG&E shall notify the Water Quality Certification Project Manager or Supervisor of substantial completion of construction no later than two weeks post-construction.</p> <p>This condition is necessary for the Division of Water to be informed of the ongoing activity for the purposes of site visits to ensure implementation of Kentucky Regulatory Statutes and Administrative Regulations; the Division will monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems, and to warn of emergency conditions. [401 KAR 10:031 Section 2(1)(a), 401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>

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ACTV0000000004 (Bullitt County Pipeline installation) LG&E Natural Gas Pipeline:

Submittal/Action Requirements:

Condition No.	Condition
S-4	<p>LG&E shall submit to the Water Quality Certification Section Project Manager or Supervisor an as-built report and a description of the photos within 90 days after restoration of the temporary impacted wetlands and streams. Restoration of the wetlands is considered to be re-contouring and grading to the original condition and seeding/planting. Restoration of the streams is considered to be re-establishing the stream bed, re-grading the stream banks to align with the existing floodplain and seeding/planting. As-built drawings for the restored wetlands shall include: restored condition contours and seeding/planting areas. As-built drawing for the streams shall include: cross-sections showing the original channel and bank contours and the restored contours, a description of the restored channel bed material, and a description of the seeding/planting. Photos shall include the temporary wetlands and streams prior to impact and after restoration.</p> <p>This condition is necessary for the Division of Water to monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems, and to warn of emergency conditions. [401 KAR 10:031 Section 2(1)(a), 401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
S-5	<p>LG&E shall submit a monitoring report by the 31st of December beginning with the first full growing season of replanted vegetation. The beginning of the growing season is presumed to be March 1st. The report shall be written to include the photos of the area prior to construction and photos of post construction that demonstrate the temporary impacted streams and wetlands have been restored to their original condition. The report shall include description of the necessary reconstruction activities and a list of the native vegetation replaced in the areas. The report shall be submitted to the Water Quality Certification Section.</p> <p>This condition is necessary for the Division of Water to monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems, and to warn of emergency conditions. [401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]. [401 KAR 10:030]</p>

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ACTV0000000004 (Bullitt County Pipeline installation) LG&E Natural Gas Pipeline:

Narrative Requirements:

Condition

No.

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T-1 **The work approved by this certification shall be limited to:**

Impact ID, Impact (lf or acre), Perm/Temp, Impact Type, Resource Type, Latitude, Longitude

MP00 UNT0, 0, None, N/A, Intermittent, 37.98789, -85.50707
MP00 UNT2, 102, Temporary , Trenching, Intermittent, 37.98530, -85.51780
MP00 UNT3, 102, Temporary , Trenching, Intermittent, 37.98410, -85.52160
MP01 UNT1, 85, Temporary , Trenching, Intermittent, 37.98130, -85.52830
MP07 UNT2, 84, Temporary , Trenching, Intermittent, 37.96363, -85.62252
MP07 UNT3, 170, Temporary , Trenching, Intermittent, 37.96492, -85.61758
MP07 UNT3A, 119, Temporary , Trenching, Intermittent, 37.96085, -85.63348
MP08 UNT1, 164, Temporary , Trenching, Intermittent, 37.95970, -85.63920
MP09 UNT1, 144, Temporary , Trenching, Intermittent, 37.95370, -85.65810
MP09 UNT8, 80, Temporary , Trenching, Intermittent, 37.95570, -85.64950
MP10 UNT6, 124, Temporary , Trenching, Intermittent, 37.95160, -85.66890
MP10 UNT7, 77, Temporary , Trenching, Intermittent, 37.95160, -85.66960
MP10 UNT8 , 81, Temporary , Trenching, Intermittent, 37.95130, -85.67110
MP10 UNT11, 178, Temporary , Trenching, Intermittent, 37.95130, -85.67260
MP11 UNT1, 104, Temporary , Trenching, Intermittent, 37.95260, -85.68140
MP11 UNT3 , 77, Temporary , Trenching, Intermittent, 37.95250, -85.67860
MP11 UNT4 , 117, Temporary , Trenching, Intermittent, 37.95220, -85.67680
MP11 UNT5 , 79, Temporary , Trenching, Intermittent, 37.95140, -85.67400
MP11.67 UNT4, 124, Temporary , Trenching, Intermittent, 37.95254, -85.68455
MP02 Cox Creek, 0, None, HDD, Perennial, 37.97660, -85.54560
MP07 UNT1, 0, None, HDD, Perennial, 37.96447, -85.62044
MP06 UNT2(a), 18, Permanent , Access Road, Perennial, 37.96817, -85.60934
Cedar Creek, 192, Temporary , Trenching, Perennial, 37.98405, -85.57278
Licksillet Creek, 98, Temporary , Trenching, Perennial, 37.95621, -85.64854
MP09 UNT3 , 119, Temporary , Trenching, Perennial, 37.95380, -85.65620

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MP09 UNT4, 77, Temporary , Trenching, Perennial, 37.95420, -85.65440

MP02 Rocky Run, 0, None, HDD, Perennial , 37.97700, -85.54760

UNT1 to Greens Branch, 0, None, N/A, Perennial , 37.97810, -85.59830

MP00 UNT1, 101, Temporary , Trenching, Perennial , 37.98660, -85.51200

MP05 UNT2, 122, Temporary , Trenching, Perennial , 37.98230, -85.59764

Greens Branch, 129, Temporary , Trenching, Perennial , 37.98228, -85.59751

MP06 UNT2(b), 95, Temporary , Trenching, Perennial , 37.96817, -85.60934

MP06 UNT1, 77, Temporary , Trenching, Perennial , 37.96638, -85.61204

MP08 UNT2 , 79, Temporary , Trenching, Perennial , 37.96040, -85.63610

MP09 UNT2 , 25, Temporary , Trenching, Perennial , 37.95390, -85.65630

MP06 W02, 0.16 ac, Permanent conversion, Trenching, PFO, 37.96828, -85.60903

MP7.5 W01 PUB, 0 ac, None, N/A, PUB, 37.96116, -85.63284

MP05 W01 PUB, 0.07 ac, Temporary , Trenching, PUB, 37.98236, -85.59708

MP06 W01, 0.05 ac, Temporary , Trenching, PEM, 37.96798, -85.61116

MP09 W01, 0.07 ac, Temporary , Trenching, PEM, 37.95367, -85.65655

MP11 W01, 0.15 ac, Temporary , Trenching, PEM, 37.95247, -85.67929

This condition is necessary to confirm the activity approved under this certification. [401 KAR 9:010(1)(a)(2)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]

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Narrative Requirements:

Condition No.	Condition
T-2	<p>All work performed under this certification shall adhere to the design and specifications set forth in the following document(s) titled: WQC Supplement 10.7.2020 received October 16, 2020, Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification (DOW 7116) received on November 6, 2020, Table of Impacts received November 11, 2020, LG&E Biological Assessment received December 21, 2020, Jurisdictional Determination site visit summary and table received May 6, 2021, and U.S Fish and Wildlife biological Opinion received June 10, 2021.</p> <p>This condition is necessary to confirm the activity approved under this certification. [401 KAR 9:010(1)(a)(2)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-3	<p>LG&E is responsible for preventing degradation of waters of the Commonwealth from soil erosion. An erosion and sedimentation control plan must be designed, implemented, and maintained in effective operating condition at all times during construction.</p> <p>This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-4	<p>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 re-suspension of sediments and disturbance to the channel, banks, or riparian vegetation.</p> <p>This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-5	<p>Erosion and sedimentation pollution control plans and Best Management Practices must be designed, installed, and maintained in effective operating condition at all times during construction activities so that violations of state water quality standards do not occur.</p> <p>This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>

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Narrative Requirements:

Condition No.	Condition
T-6	<p>Remove all sediment and erosion control measures after re-vegetation has become well-established.</p> <p>This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-7	<p>Any fill or riprap shall be of a composition that shall not cause violations of water quality standards by adversely affecting the biological, chemical, or physical properties of waters of the Commonwealth. If riprap is used, it shall be of a weight and size that bank stress or slump conditions shall not occur.</p> <p>This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-8	<p>In-stream work shall not be conducted during the fish spawning season, April 15th through June 15th.</p> <p>This condition is necessary to protect aquatic habitat during sensitive seasons for most aquatic species. [401 KAR 10:031 Section 4(1)(c) and Section 4(1)(h)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-9	<p>Sediment and erosion control measures (e.g., check-dams, silt fencing, or hay bales) shall not be placed within surface waters of the Commonwealth, either temporarily or permanently, without prior approval by the Kentucky Division of Water's Water Quality Certification Section. If placement of sediment and erosion control measures in surface waters is unavoidable, placement shall not be conducted in such a manner that may cause instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control measures shall be removed and the natural grade restored prior to withdrawal from the site.</p> <p>This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-10	<p>Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.</p> <p>This condition is necessary to prevent water pollution as prohibited by statute. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>

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ACTV0000000004 (Bullitt County Pipeline installation) LG&E Natural Gas Pipeline:

Narrative Requirements:

Condition No.	Condition
T-11	<p>To the maximum extent practicable, all in-stream work under this certification shall be performed during low flow.</p> <p>This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-12	<p>Removal of existing riparian vegetation shall be restricted to the minimum necessary for project construction.</p> <p>This condition is necessary to minimize negative effects to the environment. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-13	<p>Should stream pollution, 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.</p> <p>This condition is necessary for the Division of Water to monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems, and to warn of emergency conditions. [401 KAR 10:031 Section 2(1)(a)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>
T-14	<p>The authorization of this certification coincides with the duration of authorization by the issued federal permit.</p> <p>This condition is necessary for the issuance of the certification to align with the issuance of the federal permit. [KRS 224.16-050(2)]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>

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ACTV0000000004 (Bullitt County Pipeline installation) LG&E Natural Gas Pipeline:

Narrative Requirements:

Condition No.	Condition
T-15	<p>If there is a transfer or conveyance of the project site during the issued WQC term for the approved activity, LG&E shall submit written notice to the Water Quality Certification Section Project Manager or Supervisor of the transfer or conveyance of the project site or any part of the project site at least 60 days prior to the transfer or conveyance of the project site. The notification shall include the WQC number; the Agency Interest (AI) No.; the name, mailing address, email address, and telephone number of the current owner; the name, mailing address, email address, and telephone number of the prospective transferee; the proposed effective date of transfer/conveyance; and a copy of the documentation evidencing the transfer/conveyance. Failure to comply with this condition does not negate the validity or enforceability of this certification.</p> <p>This condition is necessary for the Division of Water to be aware of authorized impacts, the appropriate responsible party and to monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems, and to warn of emergency conditions. [401 KAR 9:010(1)(a)(2), 401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]. [401 KAR 10:030 Section 1, KRS 224.10-100, KRS 224.70-110]</p>