

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

July 24, 2020

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

Re: §401 Water Quality Certification
WQC No: WQC2019-040-7R
LG&E Pipeline - Bullitt Co
AI No.: 120218; Activity ID: APE20200002
USACE ID No.: LRL-2017-1046
Bullitt County, Kentucky

Dear Mr. Beatty:

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 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.

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,

X Handwritten signature of Elizabeth M Harrod in black ink.

Elizabeth M Harrod, Supervisor
Water Quality Certification Section
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]
Dale Booth, KY DOW: Tennessee River Basin Coordinator [dale.booth@ky.gov]
Todd Giles, KY DOW: Louisville Field Office Branch [Todd.giles@ky.gov]
Nate Beckman [Nate.Beckman@lge-ku.com]
Timothy Meeks [timothy.meeks@cardno.com]



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An Equal

Water Quality Certification

LG&E Pipeline - Bullitt Co

Facility Requirements

Permit Number: WQC2019-040-7R

Activity ID No.:APE20200002

ACTV0000000002 (AI 120218 - LG&E Pipeline Bullitt Co.) Buried natural gas transportation line open trench installation and horizontal directional drill .:

Submittal/Action Requirements:

Condition No.	Condition
S-1	Louisville Gas & Electric (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. [Clean Water Act]
S-2	LG&E shall notify the Water Quality Certification Project Manager or Supervisor of the substantial completion of construction no later than two weeks post-construction. [Clean Water Act]
S-3	LG&E shall submit photographs of the wetlands, intermittent and perennial streams sites prior to impacts performed, as-built drawings, and photographs following complete restoration of the restored wetlands, intermittent and perennial streams within 90 days after substantial completion of construction to the Water Quality Certification Section Project Manager or Supervisor. [Clean Water Act]

Water Quality Certification

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ACTV0000000002 (AI 120218 - LG&E Pipeline Bullitt Co.) Buried natural gas transportation line open trench installation and horizontal directional drill .:

Narrative Requirements:

Condition

No.	Condition
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T-1	The work approved by this certification shall be limited to:
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Permanent Impacts:

Site ID, Latitude Longitude, Impacted acreage or linear feet, Type of aquatic resource:

MP06 W02, 37.96828 -85.609, 0.16 ac PFO wetland

MP06 UNT2A, 37.96888 -85.6086, 18 ft Intermittent stream

Temporary Wetland Impacts (acres) and open water:

Site ID, Latitude Longitude, acreage, Type of wetland:

MP06 W01, 37.96798 -85.6112, 0.05 ac PEM

MP09 W01, 37.95367 -85.6566, 0.07 ac PEM

MP11 W01, 37.95247 -85.6793, 0.15 ac PEM

MP05 W01 PUB, 37.98236 -85.5971, 0.07 ac Pond Open Water

Temporary Ephemeral stream Impacts (linear feet):

Site ID, Latitude Longitude, linear feet:

MP01 UNT2, 37.9812 -85.53, 101

UNT1 to Greens Branch, 37.9781 -85.5983, 128

UNT1A to Greens Branch, 37.97674 -85.5988, 179

Coyler UNT1, 37.9603 -85.6244, 15

Coyler UNT2, 37.9584 -85.6271, 15

Coyler UNT3, 37.9584 -85.6286, 15

Coyler UNT4, 37.9589 -85.6299, 15

MP08 UNT1 to Lickskillet, 37.95631 -85.648, 248

MP09 UNT5, 37.9547 -85.6515, 77

MP09 UNT6, 37.955 -85.6511, 33

MP09 UNT7, 37.9554 -85.6501, 99

MP10 UNT1, 37.9524 -85.6635, 147

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Narrative Requirements:

Condition

No. Condition

MP10 UNT2, 37.9524 -85.6653, 49
MP10 UNT3, 37.9523 -85.6656, 40
MP10 UNT4, 37.9524 -85.6658, 9
MP10 UNT5, 37.9519 -85.6678, 106
MP10 UNT6A, 37.9515 -85.6688, 1.1
MP10 UNT7A, 37.9516 -85.6699, 86
MP10 UNT7A1, 37.9516 -85.6703, 114
MP10 UNT9, 37.9513 -85.6714, 78
MP10 UNT10, 37.9513 -85.672 , 13
MP11 UNT1A, 37.9529 -85.6823, 348
MP11 UNT2, 37.9528 -85.6796, 50
MP11 UNT4A, 37.952 -85.6763, 90
MP11 UNT5, 37.9514 -85.674 , 79
MP11.67 UNT1, 37.9485 -85.6846, 254
MP11.67 UNT1A, 37.9481 -85.6845, 73
MP11.67 UNT1B, 37.9482 -85.6844, 66
MP11.67 UNT1C, 37.9489 -85.6844, 116
MP11.67 UNT2, 37.9493 -85.6847, 104
MP11.67 UNT3, 37.9514 -85.6847, 149
MP11.67 UNT4A, 37.9522 -85.6848, 104
MP11.67 UNT4B, 37.9527 -85.6848, 103
MP11.67 UNT5, 37.9532 -85.6844, 132

Temporary, Intermittent stream Impacts (linear feet):

Site ID, Latitude, Longitude, linear feet:

MP00 UNT2, 37.9853 -85.5178, 102

MP00 UNT3, 37.9841 -85.5216, 102

MP01 UNT1, 37.9813 -85.5283, 85

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ACTV0000000002 (AI 120218 - LG&E Pipeline Bullitt Co.) Buried natural gas transportation line open trench installation and horizontal directional drill .:

Narrative Requirements:

Condition

No. Condition

MP06 UNT2, 37.96817 -85.6093, 95
MP07 UNT2, 37.96492 -85.6176, 84
MP07 UNT3, 37.96085 -85.6335, 170
MP08 UNT1, 37.9597 -85.6392, 164
MP09 UNT1, 37.9537 -85.6581, 144
MP09 UNT8, 37.9557 -85.6495, 80
MP10 UNT6, 37.9516 -85.6689, 124
MP10 UNT7, 37.9516 -85.6696, 77
MP10 UNT8, 37.9513 -85.6711, 81
MP10 UNT11, 37.9513 -85.6726, 178
MP11 UNT1, 37.9526 -85.6814, 104
MP11 UNT3, 37.9525 -85.6786, 77
MP11 UNT4, 37.9522 -85.6768, 117
MP11.67 UNT4, 37.95254 -85.6846, 124

Temporary, Perennial stream Impacts (linear feet):

Site ID, Latitude Longitude, linear feet:

MP00 UNT1, 37.9866 -85.512 , 101
Cedar Creek, 37.98405 -85.5728, 192
MP05 UNT2, 37.8926 -85.5976, 122
Greens Branch, 37.98228 -85.5975, 129
MP06 UNT1, 37.96638 -85.612 , 77
MP08 UNT2, 37.9604 -85.6361, 79
Licksillet Creek, 37.95621 -85.6485, 98
MP09 UNT2, 37.9539 -85.6563, 25
MP09 UNT3, 37.9538 -85.6562, 119
MP09 UNT4, 37.9542 -85.6544, 77. [Clean Water Act]

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ACTV0000000002 (AI 120218 - LG&E Pipeline Bullitt Co.) Buried natural gas transportation line open trench installation and horizontal directional drill .:

Narrative Requirements:

Condition No.	Condition
T-2	All work performed under this certification shall adhere to the design and specifications set forth in the following document(s): Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification received on March 14, 2019 and the email received April 9, 2019 that includes wetland and stream impact coordinates. Temporary stream and wetland impacts shall be restored to their original condition. [Clean Water Act]
T-3	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]
T-4	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. [Clean Water Act]
T-5	Sediment control structures including, but not limited to, check dams, silt fencing, and hay bales shall not be placed in the stream channel(s). [Clean Water Act]
T-6	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. [Clean Water Act]
T-7	Remove all sediment and erosion control measures after re-vegetation has become well-established. [Clean Water Act]
T-8	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. [Clean Water Act]
T-9	Where a pump around method is employed for in-stream activity, no water is to be released back into the stream channel until the channel reconstruction is complete and is stabilized. [Clean Water Act]
T-10	A representative from the design team who is familiar with the details of the approved plan and has experience with the construction of in-stream structures, must be on-site during construction to ensure that the construction is being done in accordance with the permitted design. [Clean Water Act]
T-11	If the scope of work or construction plans change, including, but not limited to, Department of the Army permit modification, a letter requesting a modification should be submitted to the Water Quality Certification Project Manager or Supervisor. [Clean Water Act]
T-12	Attached to this certification and cover letter is a listing of General Conditions for Water Quality Certification that apply to this project. [Clean Water Act]

Water Quality Certification

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Condition No.	Condition
T-13	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 to the Water Quality Certification Project Manager or Supervisor at least one month prior to expiration. [Clean Water Act]
T-14	Other permits from the Division of Water may be required for this activity. If this activity occurs within a floodplain, a Permit to Construct Across or Along a Stream may be required. Please contact the Floodplain Management Section Supervisor (502-564-3410) for more information. If the project will 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, a Kentucky Pollution Discharge Elimination System (KPDES) Stormwater Permit shall be required. Please contact the Surface Water Permits Branch (502-564-3410 or SWPBSupport@ky.gov) for more information. [Clean Water Act]



ENERGY AND ENVIRONMENT CABINET
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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: Surface Water Permits Branch (SWPB) Support at SWPBsupport@ky.gov
- **Projects that involve filling in the floodplain will require a floodplain construction permit from the Water Resources Branch.**
Contact: Floodplain Management Section Supervisor at (502) 564-3410
- **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: Elizabeth Harrod at (502) 782-6700

A complete listing of environmental programs administered by the Kentucky Department for Environmental Protection is available from Director Paul Miller by calling (502) 782-4505.

GENERAL CONDITIONS FOR WATER QUALITY CERTIFICATION

1. The Kentucky Division of Water may require submission of a formal application for an Individual Certification for any project if the project has been determined to likely have a significant adverse effect upon water quality or degrade the waters of the Commonwealth so that existing uses of the water body or downstream waters are precluded.
2. Nationwide permits issued by the U.S. Army Corps of Engineers for projects in Outstanding State Resource Waters, Cold Water Aquatic Habitats, and Exceptional Waters as defined by 401 KAR 10:026 shall require individual water quality certifications.
3. Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
4. 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.
5. 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.
6. Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
7. To the maximum extent practicable, all in-stream work under this certification shall be performed during low flow.
8. 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 in-stream 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.
9. If there are water supply intakes located downstream that may be affected by increased turbidity, the permittee shall notify the operator when work will be performed.
10. Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
11. 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.

From: [Beckman, Nate](#)
To: ["Harrod, Elizabeth M \(EEC\)"](#)
Subject: WQC No: WQC2019-040-7 renewal request
Date: Monday, May 04, 2020 9:45:06 AM

Ms. Harrod, We have not commenced construction on the project authorized under WQC2019-040-7 (issued 6/12/2019). In compliance with Condition T-13 we would like to request renewal of the WQC.

Let me know if you need additional information in order to process the renewal request.

Thanks,
Nate

Nate Beckman

Environmental Scientist III | Environmental Affairs | LG&E and KU
220 West Main Street, Louisville, KY 40202

M: 502-292-9148 | **O:** 502-627-3117 | **F:** 502-627-2550

lge-ku.com