



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

STREAM CONSTRUCTION PERMIT
For Construction In Or Along A Stream

Issued to: **Duke Energy**
Address: **6293 Beaver Rd**
Union, KY 41091

Permit expires on
May 16, 2018

Permit No. **26395P**

AI: **176**

In accordance with KRS 151.250 and KRS 151.260, the Energy and Environment Cabinet approves the application dated **December 12, 2016** for **Modifications to East Bend Ash Pond including lowering the crest and constructing an intermediate dike in the existing CCR basin in the left descending floodplain, with coordinates 38.901038, -84.844262, 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 Marilyn Thomas at 502-782-7091.

Issued May 16, 2017.

Ron Gruzesky, P.E., Supervisor
Dam Safety and Floodplain Compliance
Water Infrastructure Branch
Division of Water

RG/MT/ka

pc: Florence Regional Office
Mark Martin – Boone County Floodplain Coordinator
File



FINAL CONSTRUCTION REPORT

NAME: Duke Energy

PERMIT NO: 26395P

AI NO: 176

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 if 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
300 Sower Boulevard
Frankfort, KY 40601

Stream Construction Permit (Dam)
Duke Energy KY East Bend
Facility Requirements

Activity ID No.: APE20160012

Submittal/Action Requirements:

Condition No.	Item ID	Condition
S-1	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	Duke Energy must submit final construction report within 90 days after completion of construction. or Duke Energy must certify 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 3(2)]
S-2	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	The design engineer will supervise and inspect construction and upon completion certify that the work is in accordance with the approved plans and specifications within 90 days after completion of construction. [401 KAR 4:030 Section 14]
S-3	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	One copy of all material testing such as concrete cylinder tests, steel tests, and soil density tests, shall be submitted to this Division. The applicant shall submit material tests within 90 days after completion of construction. [401 KAR 4:030 Section 14]
S-4	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	Daily inspection reports will be required and shall be submitted on a monthly basis during the construction phase of the project in the form of a progress report. The applicant shall submit daily inspection reports: Due every 30 days after construction commencement. [401 KAR 4:030 Section 14]

Stream Construction Permit (Dam)
Duke Energy KY East Bend
Facility Requirements

Activity ID No.:APE20160012

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Narrative Requirements:

Condition No.	Item ID	Condition
Γ-1	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	This permit is issued from the standpoint of dam modification 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]
Γ-2	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	A copy of this permit must be available at the construction site. [KRS 151.250]
Γ-3	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	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]
Γ-4	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	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]
Γ-5	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	Duke Energy must use standard silt control practices in such quantity to prevent siltation of the Ohio River. Silt fences, rock check dams and/or straw-bales are acceptable. [KRS 224.70-110]

Stream Construction Permit (Dam)
Duke Energy KY East Bend
Facility Requirements

Activity ID No.: APE20160012

Narrative Requirements:

Condition No.	Item ID	Condition
T-6	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	All debris and excess material shall be removed for disposal outside of the base floodplain. [401 KAR 4:060]
T-7	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	Upon completion of construction all disturbed areas shall be seeded and mulched or otherwise stabilized to prevent erosion. [401 KAR 4:060]
T-8	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	Measures shall be taken to prevent possible spills of fuels and lubricants from entering the stream. [KRS 224.70-110]
T-9	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	Construction other than as authorized by this permit shall require written approval from the Division of Water. [401 KAR 4:060]
T-10	ACTV11 (2017 East Bend Ash Pond Dam Modifications)	The permittee shall notify the Dam Safety and Floodplain Compliance Section upon commencement of work on this project. [401 KAR 4:060 Section 7]