

**COMMONWEALTH OF KENTUCKY  
BEFORE THE KENTUCKY STATE BOARD  
ON ELECTRIC GENERATION AND TRANSMISSION SITING**

**ELECTRONIC APPLICATION OF ASHWOOD )  
SOLAR I, LLC FOR A CERTIFICATE OF )  
CONSTRUCTION FOR AN APPROXIMATELY )  
86 MEGAWATT MERCHANT ELECTRIC ) Case No. 2020-00280  
SOLAR GENERATING FACILITY IN LYON )  
COUNTY, KENTUCKY PURSUANT TO KRS )  
278.700 AND 807 KAR 5:110 )**

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**NOTICE OF FILING**

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Ashwood Solar I, LLC, (“Ashwood Solar I”) by counsel, provides notice of its filing of the attached letter from the Energy and Environment Cabinet, which is in response to Ashwood Solar I’s submission of the Cumulative Environmental Assessment to the Cabinet.

Ashwood Solar I is in the process of obtaining all necessary federal, state, and local environmental permits. Additional coordination with the appropriate agencies will occur as needed throughout the construction phase of the project. The Cumulative Environmental Assessment was submitted as a requirement of the Setback Deviation Request for review of state environmental regulations, it was not submitted to fulfill any National Environmental Policy Act requirements as stated in the response from the Kentucky Department of Environmental Protection

Respectfully submitted,  
Sturgill, Turner, Barker, & Moloney, PLLC



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James W. Gardner  
M. Todd Osterloh  
333 West Vine Street, Suite 1500  
Lexington, KY 40507  
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ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

ANTHONY R. HATTON  
COMMISSIONER

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-2150  
TELEFAX: 502-564-4245

April 16, 2021

Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street, Suite 1500  
Lexington, KY 40507

Re: Ashwood Solar I, LLC--SERO 2021-07

Dear Mr. Gardner,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies. We received your letter requesting an environmental review for this project. We have reviewed the document and provided comments below.

**Division of Water**

**Water Quality Branch:**

No comments. Questions should be directed to Andrea Fredenburg, Water Quality Branch, (502) 782-6950, [Andrea.Fredenburg@ky.gov](mailto:Andrea.Fredenburg@ky.gov).

**Water Resources Branch:**

Further review of this proposed project is needed to determine if a Kentucky Division of Water Application for Permit to Construct Across or Along a Stream is required, please contact the floodplain management section for project. Questions should be directed to Shawn Hokanson, Floodplain Management Section, (502) 782-6977, [Shawn.Hokanson@ky.gov](mailto:Shawn.Hokanson@ky.gov).

If the activity requires a federal permit due to activities in or near Waters of the U.S., a Clean Water Act Section 401 Water Quality Certification from the DOW may be required for this project. Questions should be directed to the Water Quality Certification Section, at [401WQC@ky.gov](mailto:401WQC@ky.gov) or (502) 564-3410.

**Watershed Management:**

This proposed project is within Crittenden-Livingston County Water District designated Source Water Protection Area, Zone 3 (Zone of Potential Impact/2.5 hour to 12.5 hour Time of

Travel). Per 401 KAR 4:010, a Water Withdrawal Application is required for any project proposing raw water withdrawals of 10,000 gallons per day or more. Applications should be completed and submitted four to six months prior to proposed withdrawal initiation. Questions should be directed to Chloe Brantley, Water Supply Section, (502) 782-6898, [Chloe.Brantley@ky.gov](mailto:Chloe.Brantley@ky.gov).

The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, the proposed work is located in an area with a high potential for karst development where groundwater is susceptible to direct contamination from surface activities. It is our recommendation that proposed work be made aware of the requirements of 401 KAR 5:037 and the need to develop a Groundwater Protection Plan (GPP) for the protection of groundwater resources within that area. Questions should be directed to Adam Nolte, Groundwater Section, (502) 782-1312, [Adam.Nolte@ky.gov](mailto:Adam.Nolte@ky.gov) or Kurtis Spears, Groundwater Section, (502) 782-7119, [Kurtis.Spears@ky.gov](mailto:Kurtis.Spears@ky.gov).

There are many underground conduits mapped within the proposed project site. Questions should be directed to Rob Blair, Groundwater Section, (502) 782-6893, [Robert.Blair@ky.gov](mailto:Robert.Blair@ky.gov).

### **Division of Waste Management**

Based on the information provided by the applicant for this project: UST Branch records indicate the following underground storage tank site issues identified within the project impact area:

Closed Site:

#### **Western Kentucky Correctional Complex**

**MASTER AI ID:** 2794

**LONGITUDE:** -88.0412776

**LATITUDE:** 37.1389749

If any UST's are encountered during the project construction they should be reported to KDWM. Any UST issues or questions should be directed to the UST Branch.

Superfund Branch records indicate the following superfund site issues identified within the project impact area:

#### **Western Kentucky Correctional Complex**

**MASTER AI ID:** 2794

**SUBJECT ITEM DESIGNATION:** 45839

**CLOSURE OPTION DESC:** Option C Restored

**CLOSURE DATE:** 09/11/1997

**LAT LONG SOURCE:** SI

**LONGITUDE:** -88.037617

**LATITUDE:** 37.131411

#### **Texas Gas - Lyon Co**

**MASTER AI ID:** 52857

**SUBJECT ITEM DESIGNATION:** 20184  
**CLOSURE OPTION DESC:** Option C Restored  
**CLOSURE DATE:** 10/13/1998  
**LAT LONG SOURCE:** SI  
**LONGITUDE:** -88.112254  
**LATITUDE:** 37.131132

**Western Kentucky Correctional Complex**  
**MASTER AI ID:** 2794  
**SUBJECT ITEM DESIGNATION:** 42223  
**CLOSURE OPTION DESC:** Option C Restored  
**CLOSURE DATE:** 01/01/1997  
**LAT LONG SOURCE:** SI  
**LONGITUDE:** -88.037167  
**LATITUDE:** 37.131411

Any superfund issues or questions should be directed to the Superfund Branch.

Solid Waste Branch records indicate no active or historic landfill sites within the project impact area. Any solid waste issues or questions should be directed to the Solid Waste Branch.

Hazardous Waste Branch records indicate no hazardous waste issues identified within the project impact area. Any hazardous waste issues or questions should be directed to the Hazardous Waste Branch.

RLA Branch records indicate no RLA tracked open dump within the project impact area. Any questions or issues should be directed to the RLA Branch.

All solid waste generated by this project must be disposed of at a permitted facility.

If asbestos, lead paint and/or other contaminants are encountered during this project contact the Division of Waste Management for proper disposal and closure.

The information provided is based on those facilities or sites that KDWM currently has in its database. If you would like additional information on any of these facilities or sites, you may contact the file room custodian at (502) 782-6357. Please keep in mind additional locations of releases, potential contamination or waste facilities may be present but unknown to the agency. Therefore, it is recommended that appropriate precautions be taken during construction activities. Please report any evidence of illegal waste disposal facilities and releases of hazardous substances, pollutants, contaminants or petroleum to the 24-hour Environmental Response Team at 1-800-928-2380.

### **Division for Air Quality**

**401 KAR 63:010**, Fugitive Emissions, states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the

covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth-moving equipment to be deposited onto a paved street or roadway. Please note the Fugitive Emissions Fact Sheet located at <https://eec.ky.gov/Environmental-Protection/Air/Documents/Fugitive%20Dust%20Fact%20Sheet.pdf>

**401 KAR 63:005** states that open burning shall be prohibited except as specifically provided. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at <https://eec.ky.gov/Environmental-Protection/Air/Pages/Open-Burning.aspx>

The Division would like to offer the following suggestions on how this project can help us stay in compliance with the NAAQS. These air quality control strategies are beneficial to the health of citizens of Kentucky.

- Utilize alternatively fueled equipment.
- Utilize other emission controls that are applicable to your equipment.
- Reduce idling time on equipment.

The Division also suggests an investigation into compliance with applicable local government regulations.

### **Kentucky Nature Preserves**

Your project might have the potential of impacting federally or state listed species and natural communities. Go to the Kentucky Biological Assessment Tool ([kynaturepreserves.org](http://kynaturepreserves.org)) to obtain a Standard Occurrence Report for information regarding listed species known within your project area. The report will also provide information on public and private conservation lands, areas of biodiversity significance, and other natural resources in your project area for which the Office of Kentucky Nature Preserves maintains data.

This review is based upon the information that was provided by the applicant. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments. If you should have any questions, please contact me at (502) 782-0863 or e-mail [Louanna.Aldridge@ky.gov](mailto:Louanna.Aldridge@ky.gov).

Sincerely,



Louanna Aldridge  
Staff Assistant

Office of the Commissioner  
Department for Environmental Protection  
Energy and Environment Cabinet