



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT
600 DR. MARTIN LUTHER KING JR PL
LOUISVILLE, KY 40202

May 17, 2023

Regulatory Division
South Branch
ID No. LRL-2012-114-sea

Mr. Nate Beckman
LG&E-KU
220 West Main Street
Louisville, Kentucky 40202

Dear Mr. Beckman:

This is in regard to your request for jurisdictional determination dated April 28, 2023 regarding a 158-acre site located at the E.W. Brown Generating Station in Harrodsburg, Mercer County, Kentucky (Latitude: 37.787629°N; Longitude: 84.717802°W).

The site was reviewed pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899. Section 404 of the CWA requires that a Department of the Army (DA) permit be obtained for the placement or discharge of dredged and/or fill material into "waters of the United States (U.S.)," including wetlands, prior to conducting the work (33 U.S.C. 1344).

Based on the information you provided, we have identified that the Coal Pile Runoff Pond is not considered to be a "water of the U.S." This determination is based on the Coal Pile Runoff Pond exhibiting no surface or subsurface hydrological connection to "waters of the U.S.," no adjacency to any "waters of the U.S.," and is not susceptible to use in interstate or foreign commerce. Therefore, a Department of the Army (DA) permit is not required for any work in this water. This approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

Attached to this letter is an Approved Jurisdictional Determination (AJD). If you object to the AJD, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Lakes and Rivers Division Office at the following address:

Katherine A. McCafferty
Regulatory Administrative Appeals Officer
U.S. Army Corps of Engineers,
Great Lakes and Ohio River Division
550 Main Street, Room 10780
Cincinnati, Ohio 45202-3222
Office Phone: 513-684-2699, FAX: 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **July 17, 2023**.

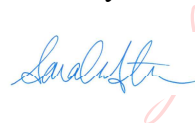
This AJD is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

Should your project proposal include the placement or discharge of dredged and/or fill material into any “waters of the U.S.,” a DA Permit application must be submitted. Along with the DA permit application, we will need additional details regarding the project’s design, scope, photos, construction methods, purpose, maps, and all impacts to “waters” (linear feet, width and acreage), as well as any coordination or documentation with the United States Fish and Wildlife Service and the State Historic Preservation Officer (if possible). You are reminded that all drawings must be submitted on 8 ½ x 11-inch paper and be of reproducible quality.

Our comments on this project are limited to only those effects which may fall within our area of jurisdiction and thus does not obviate the need to obtain other permits from State or local agencies. Lack of comments on other environmental aspects should not be construed as either concurrence or non-concurrence with stated environmental effects.

If we can be of any further assistance, please contact us by writing to the above address, ATTN: CELRL-RDS, or by contacting me at Sarah.E.Atherton@usace.army.mil or (502) 315-6711. Any correspondence on this matter should refer to our ID Number LRL-2012-114-sea.

Sincerely,

 Date:
2023.05.17
11:09:40 -04'00'

Sarah Atherton
Project Manager, South Branch
Regulatory Division