



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Rebecca W. Goodman
SECRETARY

300 Sower Boulevard
Frankfort, Kentucky 40601
Phone: (502) 564-2150
Fax: 502-564-4245

Anthony R. Hatton
COMMISSIONER

STREAM CONSTRUCTION PERMIT
For Construction In Or Along A Stream

Issued to: **Duke Energy Kentucky Inc**
Address: **139 E 4th St**
Cincinnati, OH 45202
Permit No.: **37181**

Permit effective date: **April 7, 2026**
Permit expires on: **April 7, 2027**

Agency Interest: **102595**
Activity ID: **APE20260001**

In accordance with KRS 151.250 and KRS 151.260, the Energy and Environment Cabinet approves the application dated **April 2, 2026** for **installation of approximately 2.09 miles of 24-inch pipeline with open cut trench crossings and flumed construction crossings impacting 200' linear feet of four ephemeral streams and 50' linear feet of one perennial stream with general coordinates 39.026422, -84.539497 in the City of Covington, Kenton 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 all construction must be completed by the expiration date noted above. Year by year extensions may be requested subject to the requirements of 401KAR 4:060 Section 3 (5) (a) and (b) by submitting the attached Final Development Report, Permit Extension, Modification or Termination Form **prior** to your current permit expiration date. When your project is completed, you are required to notify the Division by submitting the same form and any required documents per your permit. The form may be emailed to: DOWFloodplain@ky.gov.

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 concerning this letter or other floodplain management requirements, please contact the Division of Water's Floodplain Management Section at (502) 564-3410 or by email at DOWFloodplain@ky.gov.

Sincerely,

X David Ray Coe

David Coe, P.E., Supervisor
Floodplain Management Section
Water Resources Branch
Division of Water

- c: Florence Regional Office
- Rob Himes – Kenton County Floodplain Coordinator, rhimes@pdskc.org
- Bill Matteoli - City of Covington Floodplain Coordinator, wmatteoli@covingtonky.gov
- Duke Energy Kentucky, Inc., David Klein – Owner, David.klein@duke-energy.com
- Burns and McDonnell, Brooke Harrison – Agent, bharrison@burnsmcd.com



Commonwealth of Kentucky

Energy and Environment Cabinet

Division of Water

Final Development Report, Permit Extension, Modification or Termination Form

Name/Corporation Name: Duke Energy Kentucky Inc

Email Address: _____

Agency Interest #: 102595

Permit #: 37181

SELECT THE APPROPRIATE PERMITTING ACTION REQUIRED BELOW

FINAL DEVELOPMENT REPORT FORM

Submit within 90 days after completion of construction

All work on this project has been completed according to the plans and specifications as permitted by the Division of Water.

- Photographs of completed development (required)
- As Built drawings, if required by permit conditions
- Elevation Certificate, if required by permit conditions
- Floodproofing Certificate, if required by permit conditions
- Fill Compaction Tests, if required by permit conditions

PERMIT EXTENSION REQUEST FORM

Submit at least 30 days prior to permit expiration

Permit Extension is requested, the project plans have not changed

- Construction began on (date) _____
- Construction has not started, will begin on (date) _____

PERMIT TERMINATION FORM

The permitted project was not started and will not be completed

PERMIT MODIFICATION FORM

Provide detailed description of changes to the project on the following page, include maps and drawings as required.

Signature (Required): _____

Email this completed form to DOWFloodplain@ky.gov
or mail to DOW Floodplain Management, 300 Sower Blvd, Frankfort KY 40601

Stream Construction Permit
 Duke Energy Gas Pipeline - Kenton Co
 Facility Requirements
 Permit Number: 37181
 Activity ID No.: APE20260001

PORT0000000005 (AI: 102595 - Duke Energy Kentucky Inc) installation of approximately 2.09 miles of 24-inch pipeline with open cut trench crossings and flumed construction crossings impacting 200' linear feet of four ephemeral streams and 50' linear feet of one perennial stream with general coordinates 39.026422, -84.539497 in the City of Covington, Kenton County.:

Submittal/Action Requirements:

Condition No.	Condition
S-1	The Permittee or project engineer shall submit final construction report within 90 days after completion of construction. The Permittee or project engineer shall certify in writing that the project was completed in accordance with the approved plans and specifications. A Final Construction Report Form is enclosed. [401 KAR 4:060 Section 3(6)]

Narrative Requirements:

Condition No.	Condition
T-1	The Permittee, Duke Energy Kentucky Inc., is responsible for compliance with the following permit conditions and all Federal, State and Local regulations applicable to this project. [KRS 151.250]
T-2	The issuance of this permit by the cabinet does not convey any property rights of any kind or any exclusive privilege. [KRS 151.250 & 401 KAR 4:060]
T-3	This permit is issued from the standpoint of stream obstruction only and does not constitute certification of any other aspect of the proposed construction. The Permittee is liable for any damage resulting from the construction, operation, or maintenance of this project. This permit was 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]
T-4	A copy of this permit shall be available at the construction site. [KRS 151.250]. [KRS 151.250]
T-5	Any work performed by or for the Permittee 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]
T-6	Any design changes or amendments to the approved plans shall be submitted to the Division of Water and approved in writing prior to implementation. [KRS 151.250]

Stream Construction Permit
 Duke Energy Gas Pipeline - Kenton Co
 Facility Requirements
 Permit Number: 37181
 Activity ID No.: APE20260001

Page 2 of 3

PORT0000000005 (AI: 102595 - Duke Energy Kentucky Inc) installation of approximately 2.09 miles of 24-inch pipeline with open cut trench crossings and flumed construction crossings impacting 200' linear feet of four ephemeral streams and 50' linear feet of one perennial stream with general coordinates 39.026422, -84.539497 in the City of Covington, Kenton County.:

Narrative Requirements:

Condition No.	Condition
T-7	Since your community participates in the National Flood Insurance Program, a local floodplain permit shall be obtained prior to beginning of construction. Upon completion of construction the Permittee shall contact the local permitting agency for final approval of the construction for compliance with the requirements of the local floodplain ordinance. [401 KAR 4:060 Section 9(c)]
T-8	No fill shall be placed within the limits of the designated floodway. The floodway limits are determined by the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA), and shown on the Flood Boundary and Floodway Map included in the Flood Insurance Study for ^date^. Copies of the Flood Insurance Study are on file with the Division of Water and the Federal Insurance Administration in Atlanta, Georgia. [401 KAR 4:060 Section 4(1)]
T-9	Fill slopes shall be no steeper than 2:1 (horizontal: vertical). Steeper slopes shall require a stability analysis. [401 KAR 4:060 Section (7)]
T-10	Erosion prevention measures, sediment control measures, and other site management practices shall be designed, installed, and maintained in an effective operating condition to prevent migration of sediment off site. [KRS 224.70-110]
T-11	To avoid secondary adverse impacts, all materials used shall be stable and inert, free from pollutants and floatable objects, and shall meet all appropriate engineering standards. (Inert here means materials that are not chemically reactive and that will not rot or decompose, such as soil, rock, broken concrete or similar materials.). [401 KAR 4:060 Section 7]
T-12	Stream bank restoration and stabilization shall be limited to that necessary to restore the stream bank as closely as possible to its original location and configuration, and shall be completed without compromising the conveyance capacity of the stream at any time. [401 KAR 4:060]
T-13	All debris and excess material shall be removed for disposal outside of the base floodplain. [401 KAR 4:060]
T-14	Upon completion of construction all disturbed areas shall be seeded and mulched or otherwise stabilized to prevent erosion. [401 KAR 4:060]
T-15	The entry of mobile equipment into the stream channel shall be limited as much as reasonably possible to minimize degradation of the waters of the Commonwealth. [401 KAR 4:060]
T-16	Construction other than as authorized by this permit shall require written approval from the Division of Water. [401 KAR 4:060]

Stream Construction Permit
 Duke Energy Gas Pipeline - Kenton Co
 Facility Requirements
 Permit Number: 37181
 Activity ID No.: APE20260001

Page 3 of 3

PORT0000000005 (AI: 102595 - Duke Energy Kentucky Inc) installation of approximately 2.09 miles of 24-inch pipeline with open cut trench crossings and flumed construction crossings impacting 200' linear feet of four ephemeral streams and 50' linear feet of one perennial stream with general coordinates 39.026422, -84.539497 in the City of Covington, Kenton County.:

Narrative Requirements:

Condition No.	Condition
T-17	The existing stream flow shall be maintained at all times during construction using standard flow diversion or pump around methods. Cofferdams or other structures placed in the stream shall be removed immediately if adverse flooding conditions result or if a flooding event is imminent. [401 KAR 4:060 Section 4]
T-18	The Sub-fluvial crossing shall meet the following criteria whichever is applicable: (1) During the construction of the crossing, no material may be placed in the stream or in the flood plain of the stream to form construction pads, coffer dams, access roads, etc., unless prior approval has been obtained from the cabinet. (2) The trench shall be backfilled as closely as possible to the original contour. All excess material from construction of the trench shall be disposed of outside of the flood plain unless the Permittee has received prior approval from the cabinet to fill within the flood plain. (3) For subfluvial crossings of erodible channels, there shall be at least thirty (30) inches clear to the top of the pipe or conduit at all points. (4) For subfluvial crossings of nonerodible channels, there shall be at least six (6) inches of clear cover above the top of the pipe or conduit at all points, and the pipe or conduit shall be encased on all sides by at least six (6) inches of concrete. (5) The weight of a pipe and its contents during normal operating conditions at all points shall exceed that of an equal volume of water, or the Permittee shall provide the division with sufficient information to show that the pipe and joints have sufficient strength. [401 KAR 4:050 Section 2]
T-19	The Permittee shall obtain a Water Quality Certification or a determination that none is required through the Division of Water, Water Quality Section prior to commencement of construction. Contact the Water Quality Certification Supervisor at 401WQC@ky.gov or (502) 564-3410. [KRS 224.16-050 & Clean Water Act Section 401]