



**US Army Corps  
of Engineers**  
Louisville District ®

# Public Notice

Public Notice No.  
LRL-2014-954-mdh

Open Date:  
13 Jan 2015

Close Date:  
12 Feb 2015

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Mr. Michael Hasty, CELRL-OPF-S, Rm 752  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: 502-315-6676

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act:

APPLICANT: East Kentucky Power Cooperative (EKPC)  
4775 Lexington Road  
Winchester, KY 40392-0707

AGENT: Redwing Ecological Services, Inc.  
1139 South 4th Street  
Louisville, KY 40203

LOCATION: Three (3) Stream Channels and twelve (12)  
Wetlands located at the Dale Power Station in  
Ford, Clark County, Kentucky.

Latitude: 37°-53'-02"N  
Longitude: 84°-15'-44"W  
7.5 Minute Quad: Ford, Kentucky

PURPOSE: Coal ash impoundment closure.

DESCRIPTION OF WORK: The applicant proposes to close its coal ash storage impoundments (Coal Ash Ponds #2, 3 and 4, see *Figures 1, 2, 3, 4 & 5*) at its Dale Power Station. These ponds are being removed as part of the plant's planned closure. Under the proposal, the existing coal ash waste within the ponds would be excavated and hauled 28 miles to EKPC's Special Waste Landfill at Smith Station near Trapp in Clark County. A total of approximately 507,000 cubic yards of material would be removed, which includes all existing pond berms. In order to remove the coal ash waste a power transmission line would have to be removed, and then ultimately the entire area would have to be re-graded to ensure positive site drainage. In order to accomplish these proposed activities, a total of 0.845 acres of twelve (12) adjacent wetlands would be impacted. In addition, a total of 75 linear feet of two (2) ephemeral stream channels would be impacted. Further, a section of bank along the Kentucky River would be re-graded and then stabilized resulting in impacts below the Ordinary Highwater Mark (OHW).

Specific proposed impacts to "waters of the U.S." are summarized in *Tables 1 & 2*:

**Table 1: Proposed Wetland Impacts**

Water ID	Type	Impact/Activity	Impacts	
			Length (ft)	Area (ac)
Wetland 1	Forested	Fill/Final Site Grading - Ash Pond 2	N/A	0.147
Wetland 2	Emergent	Fill/Removal of Transmission Line	N/A	0.054
Wetland 3	Emergent	Fill/Coal Waste Removal - Ash Pond 3	N/A	0.008
Wetland 4	Emergent	Fill/Final Site Grading - Ash Pond 2	N/A	0.224
Wetland 5	Emergent	Fill/Removal of Transmission Line	N/A	0.072
Wetland 6	Emergent	Fill/Removal of Transmission Line	N/A	0.082
Wetland 7	Forested	Fill/Coal Ash Removal & Final Site Grading - Ash Pond 4	N/A	0.141
Wetland 8	Forested	Fill/Coal Ash Removal & Final Site Grading - Ash Pond 4	N/A	0.050
Wetland 9	Forested	Fill/Coal Ash Removal & Final Site Grading - Ash Pond 4	N/A	0.043
Wetland 10	Emergent	Fill/Coal Ash Removal & Final Site Grading - Ash Pond 4	N/A	0.014
Wetland 11	Emergent	Fill/Coal Ash Removal & Final Site Grading - Ash Pond 4	N/A	0.004
Wetland 12	Emergent	Fill/Coal Ash Removal & Final Site Grading - Ash Pond 4	N/A	0.006
<b>Total Wetland Impacts:</b>				<b>0.845</b>

**Table 2: Proposed Stream Impacts**

Water ID	RBP Score/Quality	Impact/Activity	Impacts	
			Length (lf)	Area (ac)
Perennial 1 (Kentucky River)	Average	Bank Re-grade/Stabilization	1,070	---
Ephemeral 1	73/Poor	Fill/Final Site Grading	60	0.003
Ephemeral 2	86/Poor	Fill/Final Site Grading Ash Pond 2	15	0.001
<b>Total Stream Impacts:</b>			<b>1,145</b>	

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant evaluated eight (8) alternatives for the removal and closure of the coal ash waste ponds, ultimately selecting the existing Special Waste Landfill at Smith Station. Three of these alternatives included evaluating various on-site options; however, due to physical site constraints and the proximate location of waters to the coal ash ponds, none of these options would result in the reduction of impacts to "waters of the U.S." In addition, two of these alternatives were found to be considerably more expensive than the preferred alternative. The remaining five (5) alternatives involved the disposal of the coal ash waste at an off-site location. Three of these options were determined to be cost prohibitive and one alternative was later dropped due to public opposition. The preferred alternative avoids and minimizes impacts to the greatest extent practicable and is more economically feasible. This alternative also utilizes an area that has previously been approved by the Kentucky Division of Waste Management and the Corps. The applicant did take measures to avoid on-site impacts to waters, through such measures as avoiding impacts to Wetland 13. In addition, under the proposal, Wetland 1 would be restored by removing a remnant above ground piping network left from a former spray cooling field. This work is to be performed by hand; however, if machinery is needed, work would be performed from temporary timber matting, thus no fill activities are

anticipated in associated with the restoration activities within Wetland 1.

Further avoidance of impacts to waters was not considered feasible due to the close proximity of the waters to the ponds and the need to re-grade the area upon closure.

MITIGATION: As mitigation for the remaining unavoidable impacts to wetlands and the ephemeral stream channels, the applicant proposes to purchase In-Lieu Fee (ILF) credits from the Kentucky Department of Fish and Wildlife Resources Stream and Wetland Mitigation Trust Fund. Monies paid to this fund are used to undertake stream and wetland restoration projects in the vicinity of proposed project impacts.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water

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quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 C.F.R. Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest. Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Michael Hasty, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number LRL-2014-954-mdh.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2014-954-mdh.

Example:

Subject LRL-2014-954-mdh

b) Provide your physical mailing address and telephone number.

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c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil).

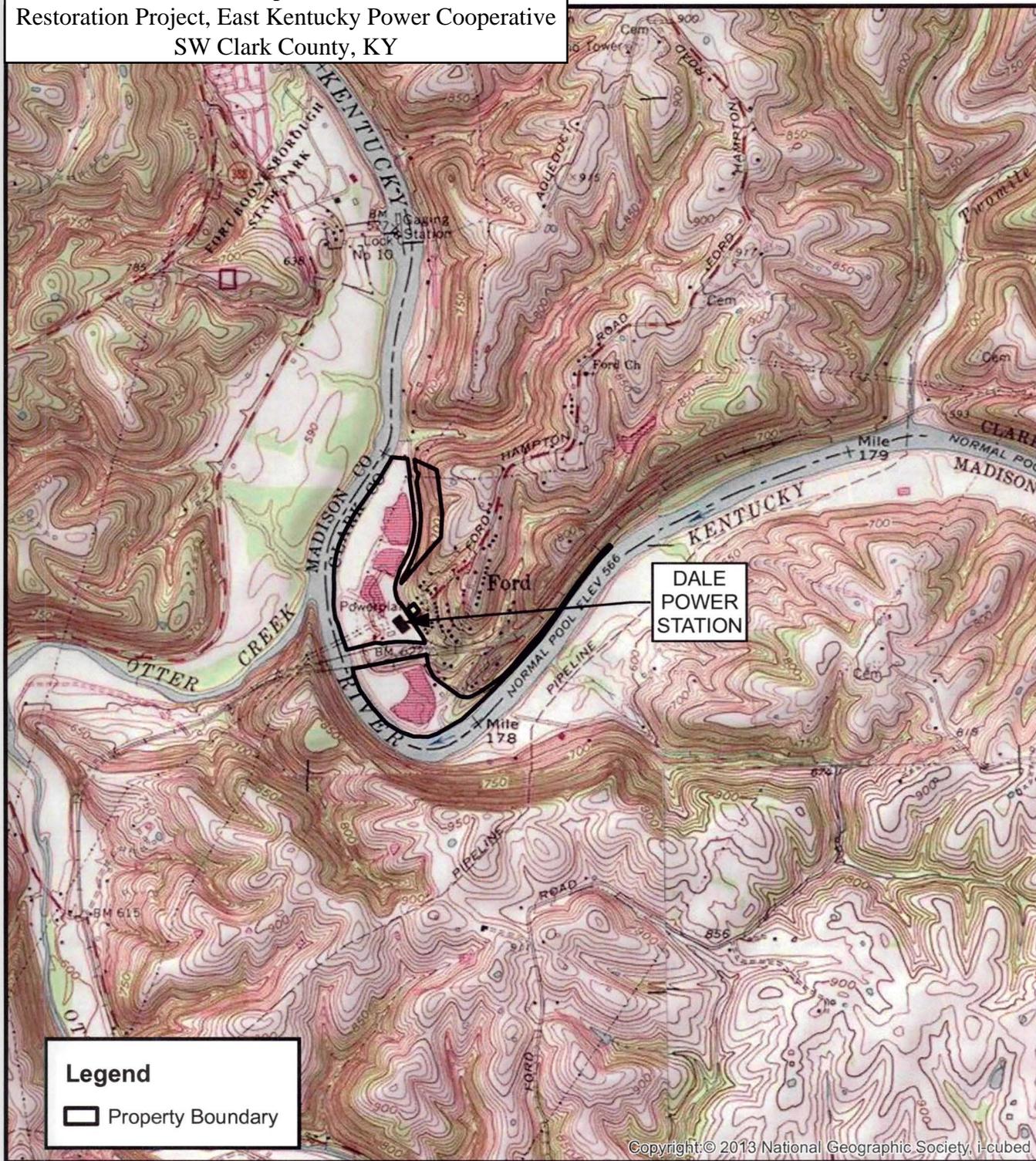
d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

Figure 1

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Dale Station Coal Ash Impoundment Closure and Site Restoration Project, East Kentucky Power Cooperative  
SW Clark County, KY

Richmond North, Union City, and Winchester, Kentucky Quadrangle.



**Legend**

□ Property Boundary



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DALE STATION ASH  
IMPOUNDMENT CLOSURE AND  
SITE RESTORATION PROJECT  
CLARK COUNTY, KENTUCKY

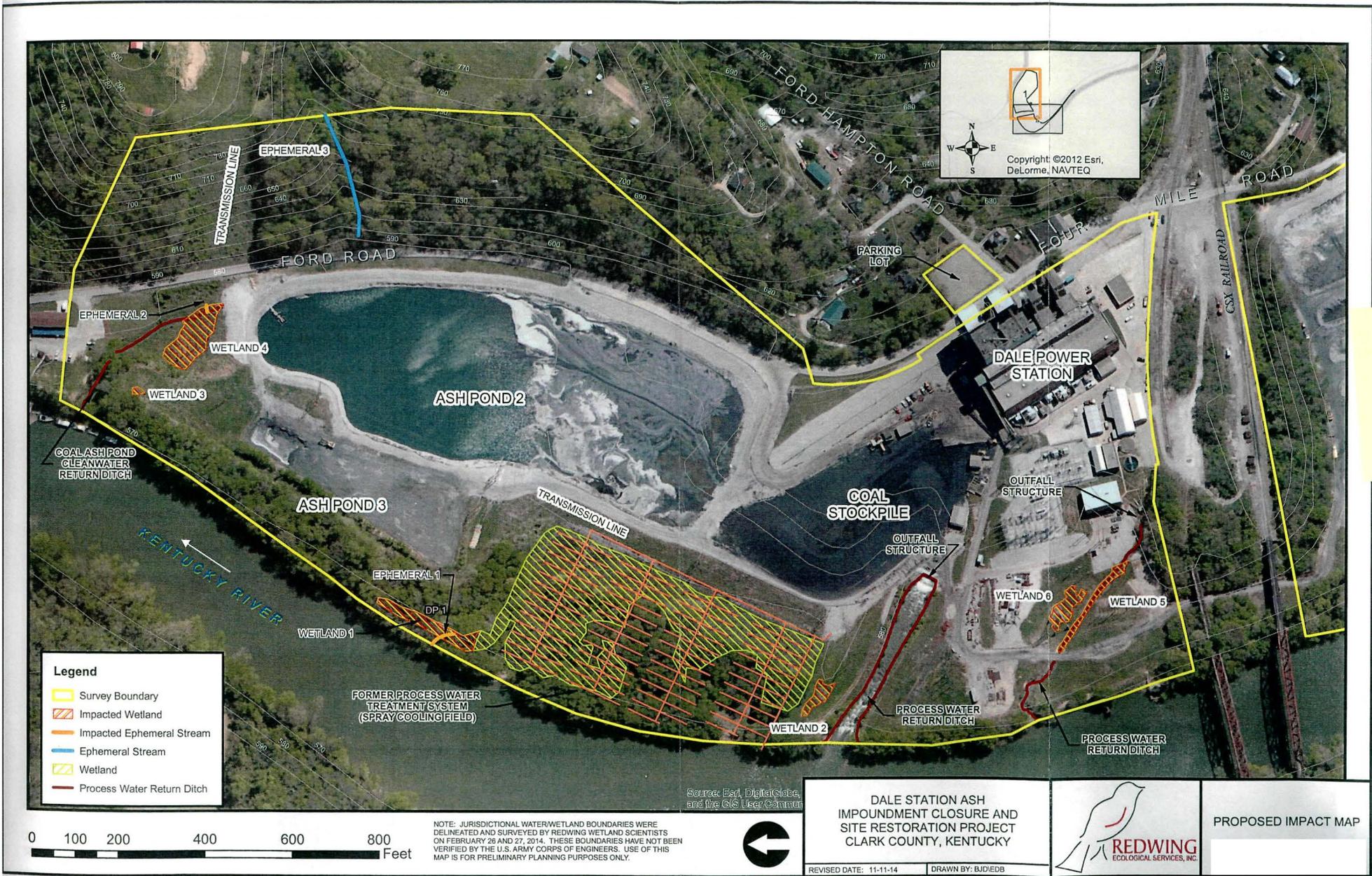


SITE LOCATION MAP

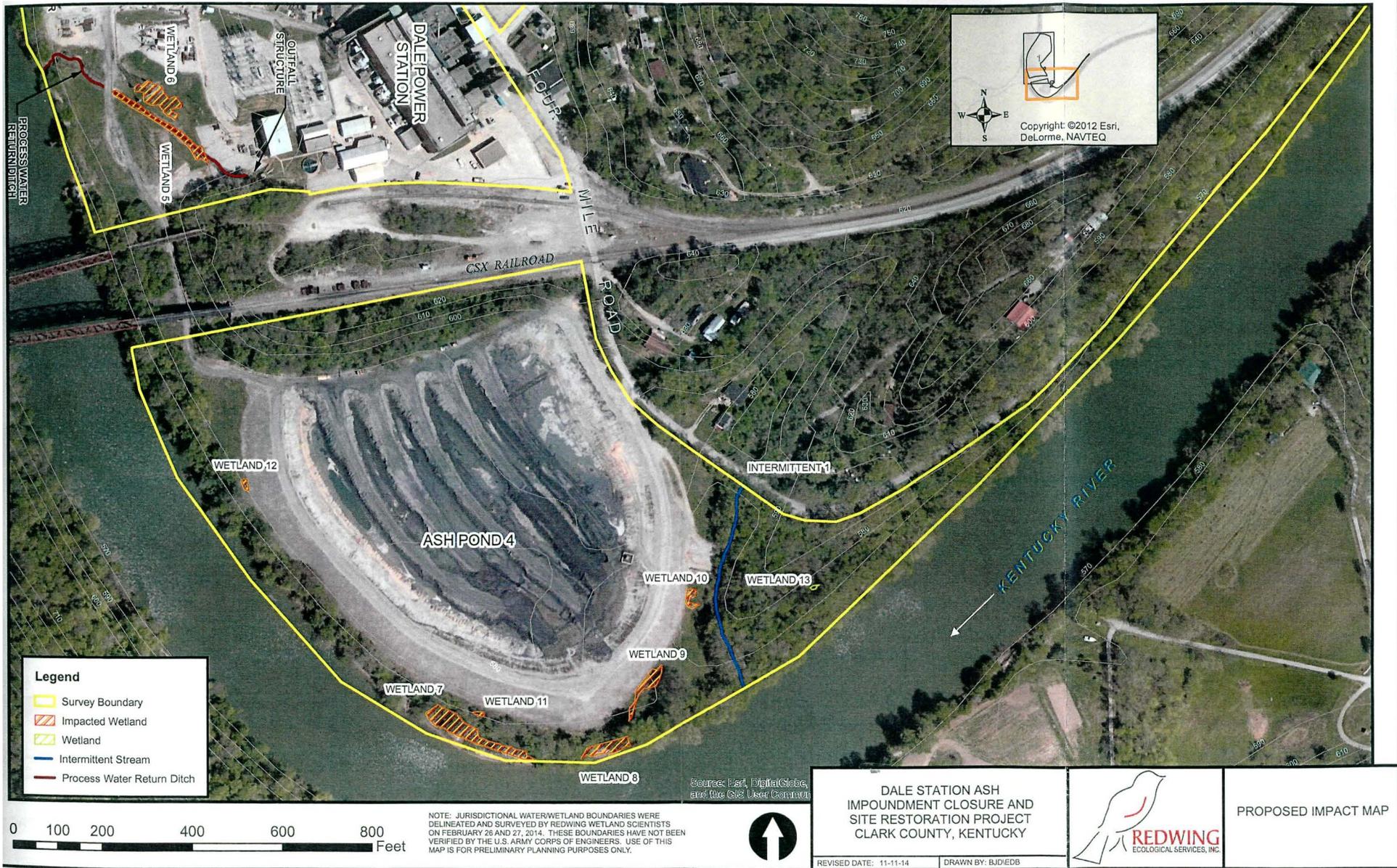
REVISED DATE: 11-11-14

DRAWN BY: EDB

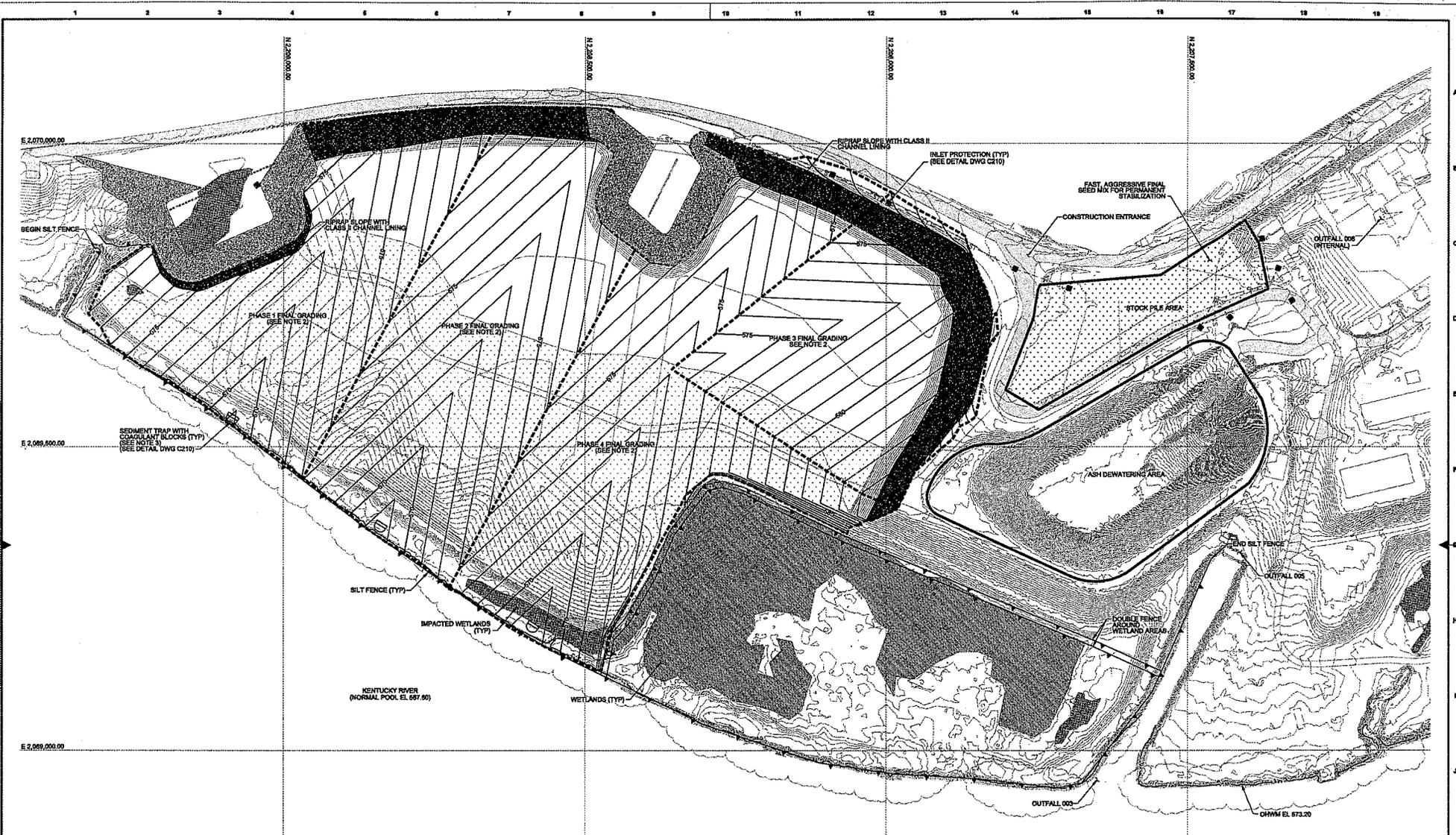
FIGURE 1



**Figure 2**  
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 Dale Station Coal Ash Impoundment Closure and Site Restoration Project, East Kentucky Power Cooperative  
 SW Clark County, KY



**Figure 3**  
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 Dale Station Coal Ash Impoundment Closure and Site Restoration Project, East Kentucky Power Cooperative SW Clark County, KY



- NOTES:**
1. MAINTAIN FRESH CLASS II CHANNEL LINING STONE THROUGHOUT PROJECT AT CONSTRUCTION ENTRANCES. SEE DETAIL DWG C208.
  2. CONTRACTOR TO BEGIN SEASON 3B FINISH GRADING WITH PHASE 1. DO NOT BEGIN NEXT PHASE OF FINAL GRADING UNTIL PREVIOUS PHASE IS STABILIZED.
  3. REMOVE SEDIMENT TRAP ONCE VEGETATION IS ESTABLISHED.

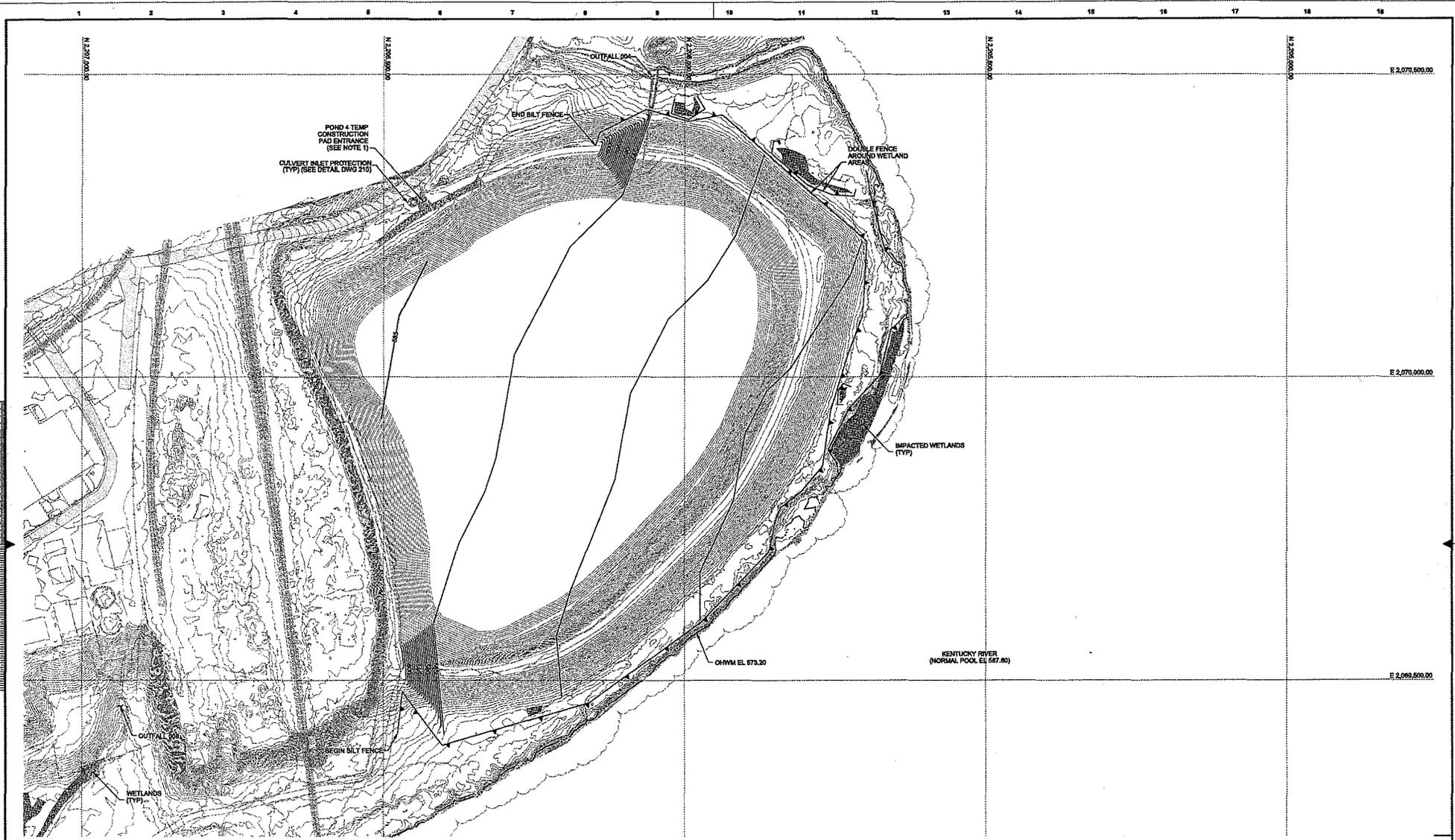



**FOR PERMITTING PURPOSES ONLY**

**Figure 4**  
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 Dale Station Coal Ash Impoundment Closure and Site Restoration  
 Project, East Kentucky Power Cooperative  
 SW Clark County, KY

Final Grade Drawing

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NOTES:  
 1. MAINTAIN FRESH CLASS II CHANNEL LINING STONE THROUGHOUT PROJECT AT CONSTRUCTION ENTRANCES. SEE DETAIL DWG C208.




**FOR PERMITTING PURPOSES ONLY**

  
*Edward T. Torrell*  
 10/31/14

**Figure 5**  
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 Dale Station Coal Ash Impoundment Closure and Site Restoration  
 Project, East Kentucky Power Cooperative  
 SW Clark County, KY

Final Grade Drawing

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