



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

Public Notice

Public Notice No.
LRL-2009-358-let

Open Date:
27 Nov 2015

Close Date:
28 Dec 2015

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Layna Thrush, CELRL-OPF-S, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6714

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

APPLICANT: LG&E and KU Energy Services
220 West Main Street
Louisville, Kentucky 40232

AGENT: GAI Consultants, Inc.
1830 Airport Exchange Blvd., Suite 220
Erlanger, Kentucky 41018

LOCATION: Wetlands, perennial, intermittent and ephemeral tributaries of Stephens Branch, Agniels Creek and Black Rock Creek and open waters located adjacent to the existing Ghent Generating Station in Carroll and Gallatin Counties, Kentucky.

PURPOSE: Landfill expansion.

Latitude: 38° -43' -46.785" (N)
Longitude: 85° -0' -10.102" (W)
7.5 Minute Quads: Vevay South IN-KY, Vevay North IN-KY, Florence IN-KY and Sanders KY

DESCRIPTION OF WORK: LG&E/KU proposes to expand their existing Ghent Generating Station landfill. The applicant received prior authorization under a Standard Permit (LRL-2009-358) on October 24, 2011, for impacts to 50,510 linear feet of stream channels, 1.99 acres of wetland and 1.80 acres of open water bodies. However, the Standard Permit issued on October 24, 2011, expired on December 31, 2014, and the applicant is required to obtain re-authorization for the remaining impacts to "waters of the United States (U.S.)" listed above. As of December 31, 2014, the applicant had impacted 23,277 linear feet of stream channels, 0.60 acre of wetlands, and 0.06 acre of open water bodies. Under the proposal, an adjacent 462 acres would be converted into additional landfill for the placement of Coal Combustion Products (CCP) generated as waste by the power plant. Approximately 241 acres would be used as the waste storage facility, and approximately 221 acres would be used for ancillary facilities such as CCP treatment and transportation facilities, sediment/stormwater ponds, leachate ponds, collection channels, access roads, and a haul road from stockpiles to the landfill.

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Specifically, the proposed expansion would impact an additional and previously authorized 27,233 linear feet stream channels and 1.39 acres of wetlands and 1.74 acres of open water bodies.

Further information on the type, quality and location of the proposed impacts to "waters of the U.S." can be obtained upon request.

Under the proposal, these waters would be filled with approximately 390,000 cubic yards of sand, aggregate, or bottom ash above a synthetic liner system to create a leachate collection system another 780,000 cubic yards of material would be placed over the leachate collection system to create a protective cover. Once the leachate system and protective cover are in place the landfill would be capable of storing approximately 51.46 million cubic yards of CCP over an approximate 25-year period. There would be no disposal of trash, construction/demolition debris, asbestos, or other types of materials at this landfill facility.

The proposed CCP landfill facility is considered a "special waste" (waste of high volume and low hazard) landfill and is regulated by the Kentucky Division of Waste Management per 401 KAR 45 which governs the handling, beneficial reuse, and disposal of various types of wastes, including utility wastes and sludge from water and wastewater treatment facilities in the state of Kentucky. The permit to construct the landfill was obtained from the Kentucky Division of Waste Management on March 30, 2012.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: During the jurisdictional determination process, it was determined that 94,033 linear feet of stream and 3.46 acres of wetlands exist within the project area. An alternative was chosen that would minimize impacts to these waters resulting in the aforementioned proposed impact totals.

MITIGATION: When the project was authorized in 2011, the applicant was required to mitigate for all wetland and stream impacts by purchasing In-Lieu Fee (ILF) credits from the Northern Kentucky Research Foundation. The applicant submitted a payment of \$13,290,792 to Northern Kentucky Research Foundation for all proposed impacts to wetlands and streams on December 5, 2011. Therefore, no additional mitigation would be required for this project.

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, by this notice, hereby applies for State

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certification from the Kentucky Natural Resources and Environmental Protection 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 National Register of Historic Places has been examined and it has been determined that there are no properties currently listed on the Register that would be directly affected by the proposed activities. With respect to other sites not currently listed on the Register, if we are made aware, as a result of comments received in response to this notice or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 -Public Law 89-665 as amended (including Public Law 96-515).

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 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 CFR 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. 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 Ms. Layna Thrush; CELRL-OPF-S at the address noted above and should refer to the Public Notice Number LRL-2009-358-let.

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

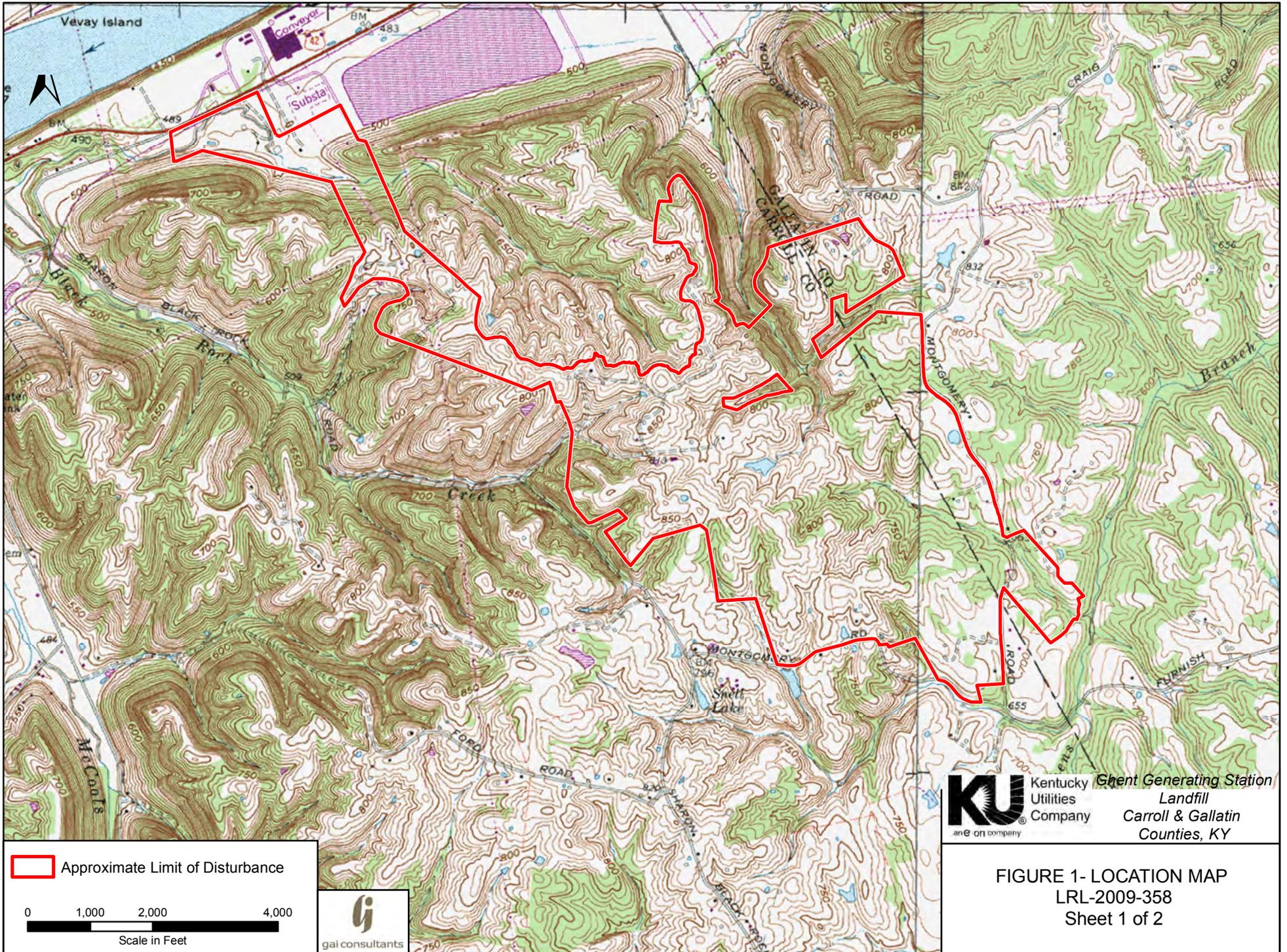
a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2009-358-let.

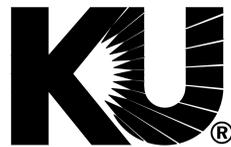
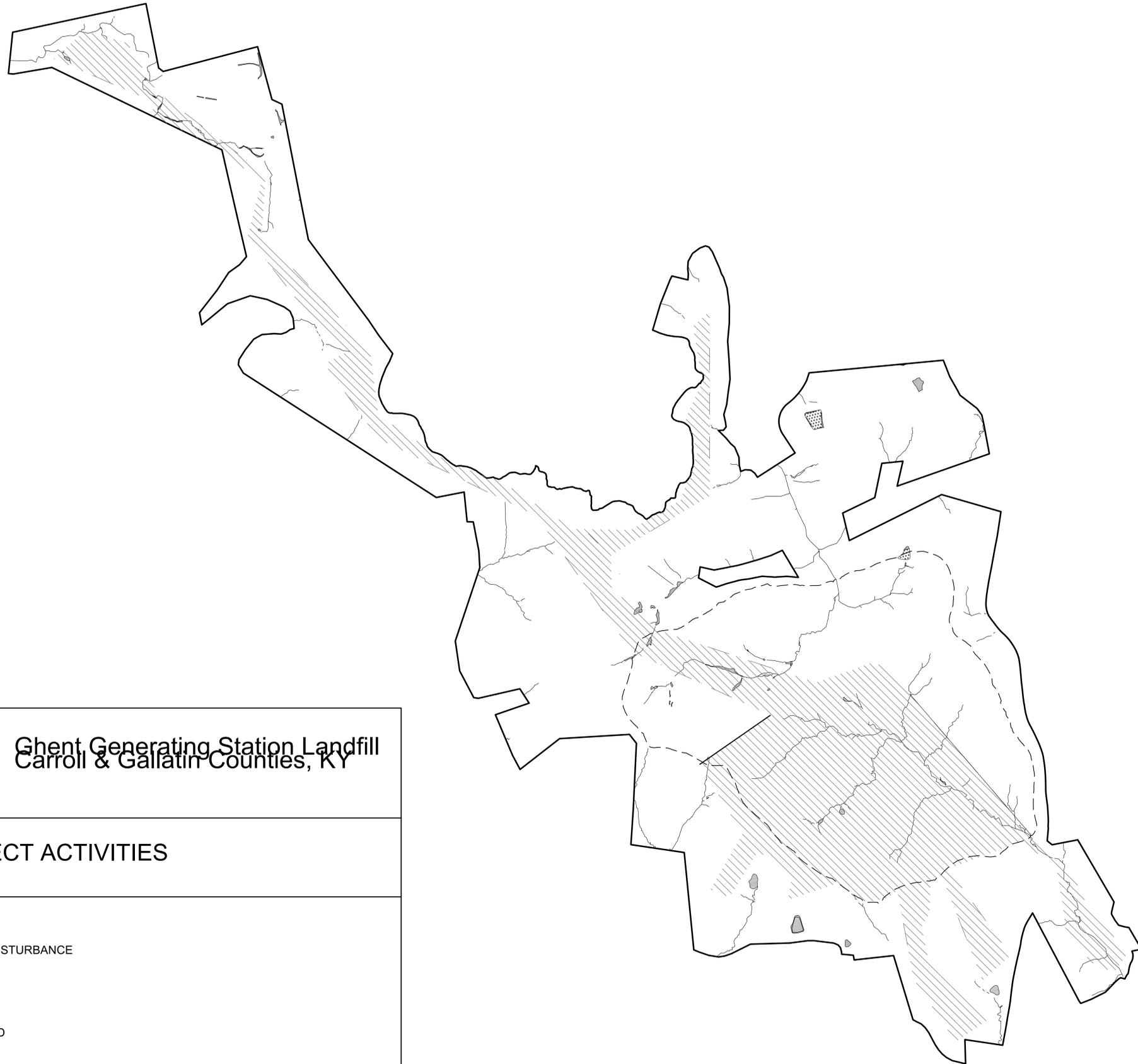
Example: LRL-2009-358-let (subject)

b) Provide your physical mailing address and telephone number.

c) Send your email to: 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.





Kentucky
Utilities
Company

Ghent Generating Station Landfill Carroll & Gallatin Counties, KY

PROJECT ACTIVITIES

-  APPROXIMATE LIMIT OF DISTURBANCE
(OVER LIFE OF PROJECT)
-  LANDFILL FOOTPRINT
-  JURISDICTIONAL WETLAND
-  JURISDICTIONAL STREAM
-  JURISDICTIONAL POND
-  AREAS OF IMPACTED WATERS
(THROUGH DECEMBER 2014)