



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

# Public Notice

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Public Notice No.	Open Date:	Close Date:
LRL-2010-711-kjs	23 May 2014	23 Jun 2014

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Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Ms. Kimberly J. Simpson, CELRL-OP-FS, Rm 752  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

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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: LG&E and KU Services Company  
220 West Main Street  
P.O. Box 32010  
Louisville, Kentucky 40232

LOCATION: Adjacent wetlands, ponds, and unnamed tributaries to Corn Creek, Barebone Creek, and Browning Branch of Barebone Creek on the existing Trimble County Generating Station property in Bedford, Trimble County, Kentucky.

Latitude: 38.60124 North  
Longitude: -85.39003 West  
7.5 Minute Quad: Bethlehem, Indiana-Kentucky

PURPOSE: Creation of a special waste landfill (SWL) and associated facilities for the storage and management of coal combustion residuals (CCR) generated by the power plant.

DESCRIPTION OF WORK: The applicant proposes to create a SWL and associated storage and management facilities at the existing Trimble County Generating Station. Under the proposal, the SWL would encompass approximately 189 acres while an additional 651 acres would be used for associated support facilities including a pipe conveyor and haul roads between the plant and the landfill, a sediment basin, a leachate pond, stormwater diversion and collection channels, access roads, soil borrow and spoil areas, and utility relocation.

The proposed project would impact approximately 89,175 linear feet of streams including 64,459 linear feet of ephemeral streams and 24,716 linear feet of intermittent streams. In addition, the proposed project would impact 0.53 acre of open water and a total of 2.57 acres of wetlands, including 1.92 acres of emergent, 0.05 acre of

scrub/scrub, and 0.60 acre of forested wetland. More detailed information on the type, quality, and location of the proposed impacts to "waters of the United States (U.S.)" can be provided upon request.

The proposed landfill area would be filled with a synthetic liner, a leachate collection system, and a protective clay liner. The landfill would store approximately 33.4 million cubic yards of CCRs over an expected 37-year life. There would be no disposal of trash, construction/demolition debris, asbestos, or other types of materials or CCR from any other facility at the proposed landfill.

The proposed SWL is regulated by the Kentucky Division of Waste Management (KDWM) per 401 KAR 45 which governs the handling, beneficial reuse, and disposal of various types of wastes including utility wastes in the state of Kentucky. An application to construct the landfill was submitted to the KDWM in January 2014.

**AVOIDANCE AND MINIMIZATION MEASURES:** In 1988, the applicant purchased the subject property with the intention of constructing a landfill within the two deepest and largest ravine areas. The applicant received a permit for construction and operation of a landfill in this area in 1988 by the KDWM but never commenced filling activities because CCRs were placed elsewhere on-site in a basin permitted through the Kentucky Division of Water. Over the course of the past 20 years, facility operations have consumed all existing storage capacity; therefore, the applicant is again proposing the use of the area for disposal of CCR. The applicant considered a number of alternatives including off-site CCR management, on-site CCR management requiring filling of both of the largest ravines east of Highway 1838, and on-site CCR management requiring the filling of all of a single ravine at one time or in phases. The applicant submitted a proposal in July 2010, requesting authorization for an on-site SWL which would impact approximately 58,000 linear feet of streams on approximately 850 acres. In May 2013, the applicant requested the permit application be withdrawn.

The SWL would be developed in four construction phases with each fully integrated as an extension of the adjacent landfill phase. Phasing the construction would allow for subgrade, liner, and leachate collection within the construction season and it would also limit the amount of total disturbed areas at any given time, controlling the amount of surface water runoff to the sediment basin. The faces would be vegetated and non-contact runoff would be converted via gravity drained surface water collection channels to the sediment basin.

The applicant conducted a detailed alternatives analysis of the proposed project. Based on the studies conducted, the applicant determined that the proposed project is the only practicable alternative.

MITIGATION:

To compensate for unavoidable impacts to "waters of the U.S.," the applicant proposes to purchase credits from the Kentucky Department of Fish and Wildlife Stream and Wetland Restoration In-Lieu Fee Program. Monies paid to this program are used to undertake stream and wetland restoration projects in the vicinity of the proposed 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, by this notice, hereby applies for State 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 applicant has conducted additional studies for cultural resources on newly acquired properties. The Corps will review the new information and make a Determination of effect. The Corps will continue to consult with the State Historic Preservation Office and Consulting Parties.

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

Operations Division  
Regulatory Branch (South)  
Public Notice No. LRL-2010-711-kjs

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. Kimberly J. Simpson, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number LRL-2010-711-kjs.

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-2010-711-kjs.

Example:

Subject: LRL-2010-711-kjs

b) Provide your physical mailing address and telephone number.

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

Operations Division  
Regulatory Branch (South)  
Public Notice No. LRL-2010-711-kjs

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.