



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

Public Notice

Public Notice No.
LRL-2017-104

Date:
8 Jun 2018

Closing Date:
25 Jun 2018

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Layna Thrush, CELRL-RDS, 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: Tennessee Valley Authority
1101 Market Street, LP 5D
Chattanooga, Tennessee 37402

LOCATION: Wetlands adjacent to tributaries of Jacobs Creek, located on the existing Paradise Generating Station site near Drakesboro Muhlenberg County, Kentucky.

Latitude: 37° -15' -10.789" (N)
Longitude: -86° -58' -55.416" (W)
7.5 Minute Quads: Paradise KY, Drakesboro KY, and Rochester, KY

PURPOSE: Landfill construction.

DESCRIPTION OF WORK: The Tennessee Valley Authority (TVA) proposes to conduct several activities associated with coal combustion residual (CCR) management at the Paradise Fossil Plant, a coal fired generating station. This project had a previous public notice dated August 24, 2017 to September 25, 2017, however, it had been withdrawn. There are no changes to the plan in the resubmitted application.

Collectively, the activities are referred to as the CCR Management Project. These activities include Gypsum and Boiler Slag Dewatering and Dry Fly Ash Handling (34 acres), Ash Impoundment Closures (547 acres) and a CCR Landfill (124 acres). The total area of the proposed disturbance for the CCR Management Project is approximately 700 acres within the existing 3,400 acre Paradise Fossil Plant site.

The proposed project would impact approximately 1.49 acres of wetlands. Under the proposal 1.09 acres of wetland that occurs within the landfill footprint would be filled with a flexible membrane liner, geotextile, and an aggregate cover to create a leachate collection system and approximately 0.4 acre of wetland would be filled as a result of the construction of the CCR dewatering facilities adjacent to the landfill.

The proposed landfill facility would be constructed and operated in accordance with 40 CFR Part 257 which regulates the disposal of Coal Combustion Wastes from Electric Utilities. In

Kentucky, CCRs are 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. An application to construct the landfill was submitted to the KY Division of Waste Management in the fall of 2017.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: During the jurisdictional determination process, it was determined that 6.37 acres of ponds, 635 linear feet of stream and 39.28 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: As mitigation for the proposed wetland and stream impacts, 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 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 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 Layna Thrush; CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2017-104.

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-2017-104-let

Example: LRL-2017-104-let (subject)

Regulatory Division
South Branch
Public Notice No. LRL-2017-104

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.