



ENVIRONMENTAL AND PUBLIC PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

**Ernie Fletcher**  
Governor

Division of Water  
14 Reilly Road  
Frankfort, Kentucky 40601-1190  
www.kentucky.gov

**Lajuana S. Wilcher**  
Secretary

October 17, 2005

Lock 7 Hydro Partners, LLC  
Attn. David Brown Kinloch  
414 South Wenzel Street  
Louisville Kentucky 40204

Re: Water Quality Certification # 2005-0103-8  
FERC License No. 539  
Mother Ann Lee Hydroelectric Station  
AI No.: 51793  
Activity ID: APE20050001,  
Kentucky River at Lock 7  
Mercer County, Kentucky

Dear Mr. Kinloch

Pursuant to Section 401 of the Clean Water Act (CWA), the Commonwealth of Kentucky certifies it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 303, 304, 306, and 307 of the CWA, will not be violated by the above referenced project provided that the U.S. Army Corps of Engineers authorizes the activity under 33 CFR part 330, and the following conditions are met:

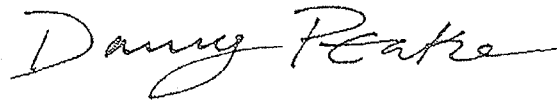
The work approved by this certification shall be limited to:

- Updates to the existing Lock 7 Hydroelectric Plant.
- Dissolved Oxygen (DO) shall be monitored between June 1<sup>st</sup> and October 31<sup>st</sup> of each year as described in the Water Quality Certification Application submitted March 23, 2005.
- Voluntary plant shut-downs shall be carried forth during automatic monitoring should the average of the DO readings over the previous 24 hour period drop below 5 mg/l until the average rises above 5 mg/l or if a single reading drops below 4 mg/l and during manual monitoring shut-down will occur if a single reading drops below 5mg/l (per WQC application).
- DO reports shall be provided to the Kentucky Division of Water (401 Water Quality Section) at the end of each monitoring season. Please refer to WQC # 2005-0103-8 and AI No. 51793 when submitting the data.

Other permits may be required from the Division of Water for this project. If this project takes place within the floodplain, a permit may be required from the Water Resources Branch. The contact person is Ali Daneshmand. If this project will disturb one acre or more of land, a KPDES general storm water permit will be required from the KPDES Branch. The contact person is Ronnie Thompson. Both can be reached at (502) 564-3410.

All future correspondence on this project must reference AI No. 51793. If you should have any questions concerning the conditions of this water quality certification, please contact Mr. Danny Peake of my staff by calling (502) 564-3410.

Sincerely,

A handwritten signature in cursive script that reads "Danny Peake".

for **Jenni Garland, Supervisor**  
Water Quality Certification Section  
Division of Water

JG:DP:cw  
Attachment

c: Lee Ann Devine, USACE; Louisville District  
Stephanie Fulton, USEPA: Atlanta  
Massoud Shoa, KDOW: Frankfort  
Mallissa McAlister, U of K: Lexington  
Magalie Salas, FERC

**Water Quality Certification**  
KY Lock No 7 & Dam Site  
Facility Requirements

Activity ID No.: APE20050001

Page 1 of 1

**Narrative Requirements:**

| Condition No. | Condition   |
|---------------|---|
| T-1           | <p>The work approved by this certification shall be limited to:<br/>Updates to the existing Lock 7 Hydroelectric Plant.<br/>Dissolved Oxygen (DO) shall be monitored between June 1st and October 31st of each year as described in the Water Quality Certification Application submitted March 23, 2005.<br/>Voluntary plant shut-downs shall be carried forth during automatic monitoring should the average of the DO readings over the previous 24 hour period drop below 5 mg/l until the average rises above 5 mg/l or if a single reading drops below 4 mg/l and during manual monitoring shut-down will occur if a single reading drops below 5mg/l (per WQC application).<br/>DO reports shall be provided to the Kentucky Division of Water (401 Water Quality Section) at the end of each monitoring season. Please refer to WQC # 2005-0103-8 and AI No. 51793 when submitting the data.</p> <p>[Clean Water Act]</p> |
| T-2           | <p>All work performed under this certification shall adhere to the design and specifications set forth in the Application package received March 23, 2005. [Clean Water Act]</p>  |
| T-3           | <p>The applicant is responsible for preventing degradation of waters of the Commonwealth from soil erosion. An erosion and sedimentation control plan must be designed, implemented, and maintained in effective operating condition at all times during construction. [Clean Water Act]</p>  |
| T-4           | <p>The Division of Water reserves the right to modify or revoke this certification should it be determined that the activity is in noncompliance with any condition set forth in this certification. [Clean Water Act]</p>  |
| T-5           | <p>If construction does not commence within one year of the date of this letter, this certification will become void. A letter requesting a renewal should be submitted. [Clean Water Act]</p>  |
| T-6           | <p>Other permits may be required from the Division of Water for this project. If this project takes place within the floodplain, a permit may be required from the Water Resources Branch. The contact person is Ali Daneshmand. If this project will disturb one acre or more of land, a KPDES general storm water permit will be required from the KPDES Branch. The contact person is Ronnie Thompson. Both can be reached at 502/564-3410. [Clean Water Act]</p>  |

## GENERAL CONDITIONS FOR WATER QUALITY CERTIFICATION

1. Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
2. All dredged material shall be removed to an upland location and/or graded on adjacent areas (so long as such areas are not regulated wetlands), to obtain original streamside elevations, i.e. overbank flooding shall not be artificially obstructed.
3. In areas not riprapped or other wise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
4. To the maximum extent practicable, all instream work under this certification shall be performed during low flow.
5. Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such instream work is unavoidable, then it shall be performed in such a manner and duration as to minimize resuspension of sediments and disturbance to substrates and bank or riparian vegetation.
6. Any fill or riprap including refuse fill, shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
7. If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
8. Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
9. Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/564-2380.



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**ATTENTION APPLICANT**

If your project involves one or more of the following activities, you may need more than one permit from the Kentucky Division of Water.

**\*building in a floodplain**      **\*road culvert in a stream**

**\*streambank stabilization**      **\*stream cleanout**

**\*utility line crossing a stream**

**\*construction sites greater than 1 acre**

- Construction sites greater than 1 acre will require the filing of a Notice of Intent to be covered under the KPDES General Stormwater Permit. This permit requires the creation of an erosion control plan.

Contact: Ronnie Thompson

- Projects that involve filling in the floodplain will require a floodplain construction permit from the Water Resources Branch.

Contact: Ali Daneshmand

- Projects that involve work IN a stream, such as bank stabilization, road culverts, utility line crossings, and stream alteration will require a floodplain permit and a Water Quality Certification from the Division of Water.

Contact: Jenni Garland

All three contacts listed above can be reached at 502/564-3410. A complete listing of environmental programs administered by the Kentucky Department for Environmental Protection is available from Margaret Shanks by calling 502/564-2150.