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ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

May 1, 2023

David Brown Kinloch
Lock 7 Hydropartners, LLC
414 S. Wenzel Street
Louisville, KY 40204

Re: §401 Water Quality Certification
KY River Lock & Dam No 7
AI No.: 51793; Activity ID: APE20230001
WQC No: WQC2005-0103-FM2
FERC Project No. 539-015
Jessamine County, Kentucky

Dear Mr. Kinloch:

This WQC2005-0103-FM2 is necessary to update and clarify the expiration date listed in condition T-3 of the Water Quality Certification for the KY River Lock & Dam No. 7 hydroelectric project (Mother Ann Lee Hydroelectric Station). Pursuant to Section 401 of the Clean Water Act (CWA) and 40 CFR 121.7(c), the Commonwealth of Kentucky certifies it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, 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 a federal license or permit, and the attached conditions are met.

Other permits from the Division of Water may be required for this activity. Activities within a floodplain may require a Permit to Construct Across or Along a Stream; contact the Floodplain Management Section (502-564-3410). Projects that disturb one acre or more of land or is part of a larger common plan of development or sale that will ultimately disturb one acre or more of land require a Kentucky Pollution Discharge Elimination System (KPDES) Stormwater Permit; contact the Surface Water Permits Branch (502-564-3410 or SWPBSupport@ky.gov). A Groundwater Protection Plan is required if activities listed in Section 2(2) of 401 KAR 5:037 are conducted. A Water Withdrawal Application is required for activities proposing raw water withdrawals of 10,000 gallons per day or more; contact the Watershed Management Branch (502-564-3410).

All future correspondence on this project must reference AI No. **51793**. **The attached document is your official Water Quality Certification; please read it carefully.** Please contact Wesley Harrod by email at Wesley.Harrod@ky.gov if you have any questions.

Sincerely,

Samantha Vogeler

Samantha Vogeler, Supervisor
Water Quality Certification Section
Kentucky Division of Water

SV:WH:EMM

Attachment

cc: David Brown Kinloch, Appalachian Hydro Associates (via email: kyhydropower@gmail.com)
Meagan Knuckles, USACE; Louisville District (via email: meagan.l.knuckles@usace.army.mil)
Lee Andrews, USFWS: Frankfort (via email: kentuckyes@fws.gov)

Water Quality Certification

KY River Lock & Dam No 7

Facility Requirements

Permit Number: WQC2005-0103-FM2

Activity ID No.:APE20230001

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STRC0000000001 (AI# 51793 Hydroelectric Dam) Kentucky Lock & Dam No. 7, Mother Ann Lee Hydroelectric Station, FERC Projext No. 539:

Submittal/Action Requirements:

Condition No.	Condition
S-1	<p>Lock 7 Hydro Partners shall submit an Annual Monitoring Report for not less than 10 years to the Kentucky Division of Water by March 31st of the following year for each Monitoring Year as required in the Water Quality Plans for the Mother Ann Lee Hydroelectric Station-FERC project No. 539. The Annual Report will summarize the results of the Water Quality Monitoring for the year during the 7 months that monitoring is required, May through October, and shall include the following information:</p> <ul style="list-style-type: none">- A summary for each month that Dissolve Oxygen (DO) levels were measured. Include in the summary the following information:<ul style="list-style-type: none">a) The average DO for each monthb) Whether or not the average DO fell below the 5 mg/l level for a 24-hour period for each monthc) Whether or not any DO readings fell below the 4 mg/l instantaneous level for each monthd) Whether or not the facility shut down its operations at any point within the Monitoring Year and the reason(s) why it shut downe) Whether any Corrective Actions were required during each month to improve or record DO. [Clean Water Act]

Water Quality Certification
KY River Lock & Dam No 7
Facility Requirements
Permit Number: WQC2005-0103-FM2
Activity ID No.:APE20230001

STRC0000000001 (AI# 51793 Hydroelectric Dam) Kentucky Lock & Dam No. 7, Mother Ann Lee Hydroelectric Station, FERC Projexct No. 539:

Narrative Requirements:

Condition No.	Condition
T-1	<p>The work approved by this certification shall be limited to:</p> <ul style="list-style-type: none">- The operation of Kentucky Lock 7 Hydroelectric Plant (Mother Ann Lee Hydroelectric Station), as a run-of-the-river hydroelectric plant.- Dissolved Oxygen (DO) shall be monitored between May 1st and October 31st of each year.- 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.- In the event that the DO readings fall below those levels, Lock 7 Hydopartners, LLC shall notify the WQC Section Supervisor or Project Manager by email or telephone call within 3 days of the incident.- DO reports shall be provided to the Kentucky Division of Water , 401 Water Quality Section the following year by March 31st. Please refer to WQC # 2005-0103-FM and AI No. 51793 when submitting the data. [Clean Water Act]
T-2	<p>All work performed under this certification shall adhere to the design and specifications set forth in the:</p> <ul style="list-style-type: none">- "Application for Construction Across or Along a Stream and/or Water Quality Certification" received March 23, 2005,- Water Quality Plan, Mother Ann Lee Hydroelectric Station - FERC Project Number 539. [Clean Water Act]
T-3	<p>The authorization of this certification coincides with the duration of authorization by the issued federal FERC license. [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 there is a transfer or conveyance of the project site prior to the completed construction of the approved activity or prior to the release from monitoring, the APPLICANT shall submit written notice to the Water Quality Certification Section Project Manager or Supervisor of the transfer or conveyance of the project site or any part of the project site at least 60 days prior to the transfer or conveyance of the project site. The notification shall include the WQC number; the Agency Interest (AI) No.; the name, mailing address, email address, and telephone number of the current owner; the name, mailing address, email address, and telephone number of the prospective transferee; the proposed effective date of transfer/conveyance; and a copy of the documentation evidencing the transfer/conveyance. Failure to comply with this condition does not negate the validity or enforceability of this certification. [Clean Water Act]</p>

Water Quality Certification

KY River Lock & Dam No 7

Facility Requirements

Permit Number: WQC2005-0103-FM2

Activity ID No.: APE20230001

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STRC0000000001 (AI# 51793 Hydroelectric Dam) Kentucky Lock & Dam No. 7, Mother Ann Lee Hydroelectric Station, FERC Projext No. 539:

Narrative Requirements:

Condition

No. Condition

T-6 Other permits from the Division of Water may be required for this activity. If this activity occurs within a floodplain, a Permit to Construct Across or Along a Stream may be required. Please contact the Floodplain Section Supervisor (502-782-6941) for more information. If the project will disturb one acre or more of land, or is part of a larger common plan of development or sale that will ultimately disturb one acre or more of land, a Kentucky Pollution Discharge Elimination System (KPDES) stormwater permit shall be required from the Surface Water Permits Branch. This permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must include erosion prevention and sediment control measures. Contact: Surface Water Permits Branch (SWPB) Support at 502-782-6886 or SWPBsupport@ky.gov. [Clean Water Act]