

APPENDIX H – ANTICIPATED PERMITS AND APPROVALS

East Kentucky Power Cooperative
Liberty Generating Station
RICE Dual Fuel Project

Item No.	Permit/Clearance	Regulatory Agency	Details	When Required	Duration	Comments
Federal						
1	Notice of Proposed Construction or Alteration	Federal Aviation Administration (FAA)	Must notify the FAA if structures will exceed 200 feet in height or if the structures (stacks & cranes) are located within the 100:1 (distance to height) ratio from the nearest point of the nearest FAA designated airport runway. Notifying the FAA includes completing Form 7460-1 for all required structures and providing a site layout map depicting structure locations.	Prior to construction	45+ days	Need will be determined based on final design.
2	Section 7 Threatened and Endangered Species Consultation and Clearance	Kentucky Department of Fish and Wildlife Resources, Office of Kentucky Nature Preserves	If the project will potentially impact protected species or their respective habitat, or if federal financing or permit is required, then the FWS must be contacted. The FWS will determine the level of effort needed for the project to proceed (e.g., habitat assessment, species surveys, avian impact studies, etc.).	Prior to construction	30 days for initial response, additional 30 days for determination of field survey results	USFWS IPaC indicates that 16 Special Status species have potential to occur within Project Area. Habitat assessments and/or species surveys were completed to determine presence/absence of protected plant and wildlife species, including bats. No critical habitat is located within the project area. Surveys verified that no permit was required. Seasonal tree clearing restrictions may be imposed to avoid bat roosting periods.
3	Migratory Bird Treaty Act (MBTA)/Bald and Golden Eagle Protection Act (BGEPA) Compliance	U.S. Fish & Wildlife Service (FWS), Ecological Services	Required when construction or operation of a proposed facility could impact migratory birds, their nests, and especially threatened or endangered species	Prior to construction	30 days for data request, 30-45 days for report review	Nesting period for Migratory Birds within the Project Area primarily occurs from April 1- August 31. If tree clearing must occur during this timeframe, avian nest surveys may be conducted as warranted prior to site clearing.
4	Spill Prevention, Control, and Countermeasure Plan	U.S. Environmental Protection Agency (EPA)	Required if the facility will have 1,320 gallons or more of aboveground petroleum storage capacity in 55-gallon-sized or larger containers (or 42,000 gallons in underground storage not regulated by underground storage tank rules)	Prior to storage of petroleum products onsite in excess of SPCC thresholds	Not required to submit the SPCC Plan to the EPA for review, unless requested.	EKPC will develop a SPCC plan for the Liberty Generating Station.
5	Permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act	U.S. Army Corps of Engineers – Louisville District	Nationwide Permit: Less than or equal to 0.5 acre of wetland impacts Section 10 Authorization for any structures within or over any navigable waters of the U.S.	Prior to construction start and activities within waters of the U.S., applicant must apply for a permit Section 404 authorization required to dredge or place fill in a jurisdictional water, including wetlands. Section 10 authorization required for crossings/activities within any navigable waterways.	60 days or so for Nationwide Permit	A wetland delineation was completed to determine the extent of wetland and stream impacts associated with the Project. If permanent impacts to wetlands and streams are less than 0.5-acre, Project should qualify for a Nationwide Permit 12. Mitigation credits will be required for cumulative permanent impacts of 0.10 acre or greater of wetlands and waterbodies. A pre-construction notification may be required. Minimal impacts are anticipated based on the preliminary project design. EKPC will apply for a Nationwide Permit 12 and/or 57 as required. Field surveys indicate no permits are required.
6	Consultations regarding erosion and sedimentation controls and seed mixes, Farmland Protection Policy Act, and Conservation Reserve Program and Wetland Reserve Program Consultation	U.S. Department of Agriculture- Farm Service Agency and Natural Resources Conservation Service	EKPC plans to seek federal funding/grants and the project will be subject to the Farmland Protection Act. Approximately 60 acres of the Project area are prime farmland or famland of statewide importance.			A Land Evaluation and Site Assessment (LESA) will be coordinated with the NRCS Soil Scientist.
7	National Environmental Policy Act (NEPA) Review	Lead Federal agency	The applicant typically prepares a preliminary Environmental Assessment (EA). The agency reviews the document and can either attach a Finding of No Significant Impact (FONSI) or require the preparation of an Environmental Impact Statement (EIS).	Prior to construction	12 months	The EA will serve as a detailed written record of the environmental analysis completed for the proposed action, and serve as the basis for RUS to issue a FONSI, or alternatively determine that preparation of an EIS is required. RUS has indicated an EA/FONSI are the appropriate Class of Action.

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State Kentucky						
8	Certificate of Public Convenience and Necessity	Kentucky Public Service Commission	Required for the construction of electric generating facilities	Prior to construction	120 days after the submission of a complete application	EKPC submitted the CPCN in September 2024.
9	Air Quality Construction/Operating Permit (PSD)	Kentucky Department of Environmental Protection Division for Air Quality	Required for new major stationary sources of air emissions	Prior to construction	6-12 months	EKPC submitted the PSD air permit applictiona in September 2024.
10	Noise Compliance	Kentucky Public Service Commission (as a part of a larger certificate application).	Required to demonstrate that facility operation will comply with State, county, and city noise regulations. The PSC may require/request additional noise mitigation measures.	Prior to construction	180 days	City of Liberty has local regulations based on time of day and receiving land use that will need to be analyzed for the surrounding area and modeled to determine compliance. Review of County ordinances did not find any numerical noise limits. Any compressors along the pipeline and booster stations will be required to meet the FERC limit of an Ldn of 55 dBA.
11	Section 401 Water Quality Certification (WQC)	Kentucky Energy and Environment Cabinet Department of Environmental Protection Division of Water	General 401 Certification with approved USACE Nationwide Permit assuming project meets conditions listed in the Kentucky Energy and Environment Cabinet DEP <i>General Certification--Nationwide Permit (NWP)</i> document for NWP 12 and NWP 57. Individual 401 Certification required if Project is unable to meet conditions listed in the <i>General Certification--Nationwide Permit (NWP)</i> document.	Prior to construction	30 - 60 business days	While no water impacts are anticipated, based on the final project design, EKPC will apply for a Section 401 WQC as required.
12	Groundwater Protection Plan	Kentucky Energy and Environment Cabinet Department of Environmental Protection Division of Water	Required for activities that have the potential to pollute groundwater. The Groundwater Protection Plan must define best management practices for groundwater protection.	Prior to operation	Wrapped in KPDES water permit process	The Groundwater Protection Plan is not submitted for review unless requested by the State.
13	General Permit for Stormwater Discharges Associated with Construction Activities	Kentucky Energy and Environment Cabinet Department of Environmental Protection Division of Water	Required for all stormwater discharges from construction activities which will disturb one or more total acres of land. The General Permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP) prior to submitting a Notice of Intent for permit coverage.	Prior to construction	7 Days	The SWPPP describes the site management practices that will be utilized to effectively minimize erosion and sediment discharges for storm up to a 2-year, 24-hour event.
14	KPDES Operational Discharge Permit	Kentucky Energy and Environment Cabinet Department of Environmental Protection Division of Water Division of Water	A KPDES Permit may be required if the proposed facility will result in a wastewater discharge to a waterway as a result of facility operation.	Prior to operation	At least 180 days	This permit is separate from the stormwater discharge. The KPDES permit is required for industrial discharges as a result of operating the proposed Liberty Facility.
15	National Historic Preservation Act – Section 106 Clearance	Kentucky Heritage Council - State Historic Preservation Office (SHPO) and Tribal Consulations	Under Section 106 of the National Historic Preservation Act, Federal agencies must work with the SHPO and federally recognized Indian tribes to address historic preservation issues when planning projects or issuing funds or permits that may affect historic properties and archaeological resources listed in or determined eligible for the National Register of Historic Places.	Prior to construction	45 Days	Archaeological and Cultural Historic field surveys have been completed. Section 106 coordination with SHPO and Tribes is in process.
County						
16	Building Permit	Casey County Clerk	May be required prior to building construction	Prior to construction	TBD	