

6.0 REGULATORY COMPLIANCE

The Federal government, State of Kentucky, and local municipalities have regulations that govern the construction and operation activities of each of the proposed actions under review. Many of the regulations mandate that the constructors and operators obtain permits, approvals, or certifications. Laws relevant to the proposed actions are listed and described in Appendix D.

The permits, approvals, and certifications that might be required for construction and operation activities are listed below. These permits, approvals, and certifications are first divided up by the associated component of the proposed action, then subdivided by the stage of the component at which they would be required. Unless otherwise noted, none of the permits or approvals have yet been obtained. As this is not an exhaustive list, other permits, approvals, or certifications may become necessary as plans for the projects are more fully developed. The list would not be final until construction and operation plans for each action are complete and exact locations determined.

Proposed Action, Part I: Dam and Reservoir

For the construction of a dam and impoundment of a reservoir, including connected actions, at each alternative proposed project site, the following permits and approvals may need to be obtained:

- Notification to Remove Asbestos, to the Kentucky Division for Air Quality (DAQ), prior to removal of asbestos from residences on the proposed reservoir site.
- Certification for asbestos removal from the Kentucky DAQ.
- Section 401 Water Quality Certification from the Kentucky Division of Water (KDOW).
- Section 404 Permit (The Clean Water Act) and Section 10 Permit (The Rivers and Harbors Act) from the U.S. Army Corps of Engineers (USACE).
- Kentucky Pollutant Discharge Elimination System (KPDES) Permit for storm water discharges from the KDOW.
- Floodplain Construction Permit from the KDOW.
- Dam Construction Permit from the KDOW.
- Water Well Drillers Certification from the KDOW, for plugging existing water wells.
- Permit to Purchase or Receive Explosives from the Kentucky Department of Mines and Minerals, Division of Explosives and Blasting.
- General or Limited Blaster's License, depending on the size of the blasts detonated.
- Permit to Construct Across or Along a Stream from the KDOW for the diversion of the existing stream.

- Approval to impound water behind a dam from the KDOW.

For operations associated with the dam and reservoir at each alternative site, the following permits and approvals may need to be obtained:

- Water Withdrawal Permit from the KDOW, if more than 10,000 gallons per day is withdrawn from the reservoir.
- On-site Sewage Disposal System Installation Permit from the Kentucky Department for Health Services for sanitary facilities in the recreation areas.
- Natural Resources and Environmental Protection Cabinet (NREPC) approval of a groundwater protection plan for the sanitary facilities in the recreation areas.

Proposed Action, Part II: Raw Water Transmission Main Construction

For the construction and operation of a raw water transmission main from each alternative reservoir site to the Jackson County Water Association (JCWA) Treatment Plant, the following permits and approvals may need to be obtained:

- Approval to Construct Public Water Supply Facilities from the KDOW.
- Section 401 Water Quality Certification from the KDOW.
- Section 404 Permit (The Clean Water Act) and Section 10 Permit (The Rivers and Harbors Act) from USACE.
- Floodplain Construction Permit from the KDOW, if streams would be crossed.
- Permit to Construct Across or Along a Stream from the KDOW, if streams would be crossed.
- KPDES Permit for storm water discharges from the KDOW, if more than five acres of land would be disturbed.