



Andy Beshear
Governor

OFFICE OF THE GOVERNOR
DEPARTMENT FOR LOCAL GOVERNMENT
100 AIRPORT ROAD, THIRD FLOOR
FRANKFORT, KENTUCKY 40601
PHONE (502) 573-2382
FAX (502) 227-8691
www.kydlgweb.ky.gov

Dennis Keene
Commissioner

April 25, 2023

Mr. Greg Curlin
Hickman-Fulton County Riverport
625 Catlett Street
Hickman, KY 42050

RE: Hickman-Fulton County Conveyor Upgrade & Replacement Project
SAI# KY202304210630
CFDA# 20.823

Dear Mr. Curlin:

The Kentucky State e-Clearinghouse is the official designated Single Point of Contact (SPOC) for the Commonwealth pursuant to Presidential Executive Order 12372, and supported by Kentucky Statutes KRS 45.031. The primary function of the SPOC is to streamline the review aforementioned process for the applicant and the funding agency. This process helps in vocalizing the statutory and regulatory requirements. Information in the form of comments, if any, will be attached to this correspondence.

This proposal has been reviewed by the appropriate state agencies in the e-Clearinghouse for conflicts with state or local plans, goals and objectives. After receiving this letter, you should make it available to the funding agency and continue with the funding agencies application process. This e-Clearinghouse SPOC letter signifies only that the project has followed the state reviewing requirements, and is neither a commitment of funds from this agency or any other state or federal agency. Please remember if any federal reviews are required the applicant must follow through with those federal agencies.

The results of this review are valid for one year from the date of this letter. If the project is not submitted to the funding agency or not approved within one year after the completion of this review, the applicant can request an extension by email to Lee.Nalley@ky.gov. If the project changes in any way after the review, the applicant must reapply through the e-Clearinghouse for a new review. There are no exceptions.

If you have any questions regarding this letter or the review process please contact the e-Clearinghouse office at 502-892-3462.

Sincerely,

A handwritten signature in blue ink that reads "Lee Nalley".

Lee Nalley, SPOC
Kentucky State Clearinghouse

Attachment



Department for Environmental Protection

Louanna Aldridge

This review was based upon the information that was provided by the applicant through the Clearinghouse for this project. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments.

Division for Air Quality

Kentucky Division for Air Quality Regulation 401 KAR 63:010 Fugitive Emissions states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. Please visit the division's fugitive emissions web site for more information <http://air.ky.gov/SiteCollectionDocuments/Fugitive%20Dust%20Fact%20Sheet.pdf>

Regulation 401 KAR 63:005 states that open burning is prohibited. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the <http://air.ky.gov/Pages/OpenBurning.aspx>.

Kentucky Division for Air Quality Regulation 401 KAR 58:025, Asbestos Standards, apply to this project if any renovation or demolition occurs. If so, a Kentucky Accredited Asbestos Inspector must inspect the project. Asbestos that will be affected by this activity must be removed by a Kentucky accredited contractor before renovation or demolition begins. Written notification must be given on form DEP 7036 to the Division for Air Quality Regional Office at least 10 weekdays prior the start of demolition or renovation, whether or not asbestos has been identified to be present. Please note form: <http://air.ky.gov/Pages/AsbestosInformation.aspx>

All solid waste generated by this project must be disposed at a permitted facility. If underground storage tanks are encountered they must be properly addressed. If asbestos, lead paint, and/or other contaminants are encountered during this project, they must be properly addressed.

If the proposed project site is in a designated flood hazard area, application must be made to the Division of Water for a floodplain construction permit. Permission, or exemption, depends upon design and the exact site.

If the construction area disturbed is equal to or greater than 1 acre, the applicant will need to apply for a Kentucky Pollutant Discharge Elimination System (KPDES) stormwater discharge permit from Division of Water.

Best Management Practices (BMPs) should be utilized to control storm water runoff and sediment damage to water quality and aquatic habitat. For technical assistance on the kinds of BMPs most appropriate for projects of this type and related construction, please contact the local Soil and Water Conservation District or the Division of Conservation.

Utility line projects that cross a stream will require a Section 404 permit from the US Army Corps of Engineers and a 401 Water Quality Certification from DOW.

WATER SUPPLY - If an existing water server is to be utilized for new water tap-ons (rehabilitations, new constructions), ascertain the capacity and operating condition of the originating water treatment plant and of the server (if different) in comparison to the water needs of the proposed housing. DOW cannot permit connections to water servers Agreed Orders, or Court Orders. DOW may not give approval to connections to water systems operating near, at, or over capacity. If a new water source is to be utilized, ascertain the source's (stream's or well's) low flow ability to serve the proposed housing. Prior approval from DOW is required for water withdrawals of over 10,000 gallons per day and for all public drinking water. Final plans and specifications are subject to review by DOW.

WASTEWATER TREATMENT - If an existing wastewater server is to be utilized for new wastewater tap-ons (rehabilitations, new construction), ascertain the capacity and operating conditions of the receiving wastewater treatment facility (wastewater treatment plant or package sewage treatment plant) and of the server (if different) in comparison to the wastewater needs of the proposed housing. DOW cannot permit connections to wastewater servers under tap-on bans, Agreed Orders, or Court Orders. DOW may not give approval to connections to wastewater systems at or over hydraulic capacity. If a new wastewater treatment, facility is to be utilized, ascertain the discharge stream's ability to absorb the proposed projects treated wastewater.

Prior approval from DOW is required for all discharges into streams and for all wastewater treatment facilities.

DOW notes the requirements of onsite sewage disposal statutes, KRS 211.350 to 211.380, and administrative regulations, 902 KAR 10:060 to 10:110, must be met. DOW requests provisions be made for future connections to a wastewater treatment system. A Groundwater Protection Plan, as required by 401 KAR 5:037, needs to be prepared by all onsite wastewater system owners. Contact the DOW regarding requirements.

Your project might have the potential of impacting federally or state listed species and natural communities. Go to the Kentucky Biological Assessment Tool (kynaturepreserves.org) to obtain a Standard Occurrence Report for information regarding listed species known within your project area. The report will also provide information on public and private conservation lands, areas of biodiversity significance, and other natural resources in your project area for which the Office of Kentucky Nature Preserves maintains data.

Department of Housing Buildings and Construction

Don Newberry

The Department of Housing Buildings and Construction, Division of Building Code Enforcement, has no comments concerning this proposed project.

Kentucky Department of Fish & Wildlife Resources

Doug Dawson

Based on the information provided, the Kentucky Department of Fish & Wildlife Resources has no comments concerning the proposed project. Please contact Doug Dawson at 502-892-4472 or doug.dawson@ky.gov if you have further questions or require additional information.

Kentucky Transportation Cabinet

Chris Kuntz

Any work on KYTC right of way will require an encroachment permit

KY Heritage Council

Yvonne Sherrick

To receive a review from the KY Heritage Council/State Historical Preservation Office (SHPO) you must follow the instructions located on their website at <https://heritage.ky.gov/compliance/Pages/overview.aspx>. There you will find the required documents for the Section 106 Review and Compliance for 36 CFR Part 800. This Section 106 submission process to SHPO will assist applicants and agencies in providing the appropriate level of information to receive comments from SHPO. If you have any questions please contact Yvonne Sherrick, via email at yvonne.sherrick@ky.gov.

Please note: If your project is funded through Transportation Alternative (TAP), Transportation Enhancements (TE), Congestion, Mitigation, Air Quality (CMAQ), or Safe Routes to School (SRTS) you will need to send this information to Michael Jones, Historic Preservation Program Administrator with the Kentucky Transportation Cabinet via email to MichaelR.Jones2@ky.gov or hard copy to Michael Jones, Office of Local Programs, KY Transportation Cabinet, 200 Mero Street Frankfort, KY 40622. Do not send materials directly to SHPO if your project involves funding from these four sources as it will cause delays in the review process. Michael Jones will consult directly with the SHPO on projects with these funding sources to complete the Section 106 review.

Purchase Area Development District

Stacey Courtney

The review was based upon the information that was provided by the applicant through the clearinghouse for this project. The project does not appear to conflict with the mission and goals of the Purchase Area Development District.