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DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

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TO: Senator Brandon Smith, Co-Chair
Representative Jim Gooch, Jr., Co-Chair
Interim Joint Committee on Natural Resources & Energy

FROM: Rebecca Goodman, Secretary 
Energy and Environment Cabinet

SUBJECT: Water Permits and Certifications Issued by the Energy and Environment Cabinet

DATE: November 4, 2021

Dear Co-Chairs Smith and Gooch,

Thank you for your correspondence inquiring into the status of water permits and certifications issued by the Energy and Environment Cabinet. An assessment of the Cabinet's Division of Water permit database indicates that as of the date of this memo, no energy-related water permits and certifications (electric utilities, pipelines, gas, etc.) have exceeded the regulatory timeframes for issuance. The Division is currently reviewing eight (8) such permit or certification applications.

Regarding coal-related individual Kentucky Pollutant Discharge Elimination System permit applications – as of the date of this memo, two exceed the regulatory timeframes. Of the two, one had a technical Notice of Deficiency issued for not applying to the United States Corps of Engineers for a 404 permit, while the other is currently on public notice. The data/information DOW used for this analysis has been provided as an appendix to this memo.

The Energy and Environment Cabinet appreciates the Committee co-chair's interest in permitting and certifications. As the permit-related data from the division clearly indicates, the Cabinet continues to issue actions in a timely manner based on clear authority and in cooperation with federal and state partners.