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May 15, 2017

U.S. Army Corps of Engineers
ATTN: CECC-L
441 G. St. NW
Washington, DC 20314

(via email to WSRULE2016@usace.army.mil)

RE: Docket No. COE-2016-0016
Use of US Army Corps of Engineers Reservoir Projects for Domestic, Municipal, and
Industrial Water Supply

Dear US Army Corps of Engineers,

The Kentucky Division of Water (the Division) appreciates the opportunity to comment on the proposed rule regarding U.S. Army Corps of Engineers (the Corps) Reservoir Projects for Domestic, Municipal & Industrial Water Supply.

Several Public Water Suppliers (PWS) in Kentucky withdraw water from Corps reservoir projects. Water storage agreements (WSA) have not been consistently developed or managed at all of the Corps reservoir projects in Kentucky, and a number of our PWSs withdraw water either without a WSA, or with an outdated WSA. Water withdrawal permits are issued by the Division pursuant to KRS 151.140 through 151.170, and 401 KAR 4:010. The proposed rule could potentially affect twelve Corps reservoir projects in Kentucky, and WSAs with 27 active surface water users as well as numerous consecutive water systems. This potential impact does not include other industrial and commercial users.

Based on the permitting issues related to water withdrawals on Corps project reservoirs in Kentucky, the development of standard policies and procedures for processing WSAs with States, Tribes, and other federal agencies would be beneficial to the Division's regulation of water withdrawals. The Division would like the Corps to be practicable in its approach understanding that access to the reservoir is fundamental to the sustainability of these communities and consecutive purchasing systems. In that regard, the Corps should consider the financial impact/affordability of WSAs for small communities.



The Division recommends that the final rule does not affect the Corps' ability to temporarily modify local operations at project reservoirs during drought events. The Corps has granted temporary increases in minimum release operations upon the Commonwealth's request when drought severely impacted the availability of water downstream from Corps reservoir projects in the Barren River, Green River, Licking River, and Kentucky River basins. The Division encourages the Corps to consider those modifications when it determines which methods will be used to define surplus water, or *de minimis* thresholds, that accommodate these requests during severe droughts.

The Division appreciates the opportunity to comment on the proposed rule, and looks forward to continued work with the Corps in the Commonwealth.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter T. Goodmann", with a stylized flourish at the end.

Peter T. Goodmann, Director
Division of Water

PTG/cjc