

KY Energy and Environment Cabinet  
Section 401 Individual Permit  
Application LRN-2021-00184

KDNR #918-0504 AM 04  
*Mosley Gap*

*Prepared for:  
Ferroglobe USA Mining, LLC*

Prepared: March 6<sup>th</sup>, 2026

Prepared by:



Aquatic Resources  
Management

2554 Palumbo Dr.  
Lexington, KY 40509  
(859) 388-9595



## AQUATIC RESOURCES MANAGEMENT, LLC

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6 May 2026

KY Energy and Environment Cabinet  
Division of Mine Permits  
300 Sower BLVD  
Frankfort, KY 40601

Prepared on behalf of:  
Ferroglome USA Mining, LLC  
332 W Cumberland Gap Pkwy  
Suite 100  
Corbin, KY 40741

RE: Clean Water Act Section 401 Individual Permit application for Ferroglome  
USA Mining, LLC LRN-2021-00184 DNR # 918-0504 AM-04

Dear Reviewer,

Please find enclosed one (1) copy of the Clean water Act Section 401  
Individual Permit modification application for the above referenced  
permit.

Should you require any additional information or need any clarification, please  
feel free to contact me at [nbaker@aquaticresources.us](mailto:nbaker@aquaticresources.us) or 859-388-9595.

Respectfully Submitted,

Nick Baker  
Senior Environmental Scientist/Vice President

**Commonwealth of Kentucky  
Department for Natural Resources  
Division of Mine Permits**

**Application for Water Quality Certification for Surface Coal Mining Activities**

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 9. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-782-6549.

1. **Applicant Name:** Ferroglobe USA Mining, LLC  
**Mailing Address:** 332 W Cumberland Gap Pkwy.  
Corbin, KY 40701  
**Contact Person:** Mike Sharp  
**Telephone No:** (606) 523-6438  
**E Mail Address:** msharp@ferroglobe.com
  
2. **Consultant Name & Address:** Nick Baker  
2554 Palumbo Dr. Lexington, KY 40509  
  
**Telephone No.** (859) 533-7541  
**E Mail Address:** nbaker@aquaticresources.us
  
3. **Provide a brief description of the proposed activity and stream impact.**  
Temporary impacts to 444 linear feet of intermittent stream for stormwater  
control and treatment related to surface mining activities.
  
4. **Project Location Information:**  
  
**County** Whitley; **USGS Quadrangle Name** Rockholds  
  
**Nearest Community & Road Intersection:** Rockholds, Mosley Rd. and Eaton  
Fk. Rd.  
  
**Longitude:** 36.84429 **Latitude:** -84.01999 (Approximate center of the project area)
  
5. **List the names of all streams affected by the proposed project:**  
UT To Eaton Fork

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

107.1 Ac.

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7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

444 linear feet of temporary intermittent impacts.

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8. Provide the acreage of wetlands that would be impacted: 0

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From the intersection of meadow Creek Rd and Mosley Rd drive north 0.2 miles and turn right on to Eaton Fork Rd. Drive approximately 1.5 miles on Eaton Fork Rd to the project entrance.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No \_\_\_\_\_. If yes, indicate type of application:

NW 12 \_\_\_\_ NW 14 \_\_\_\_ NW 21 \_\_\_\_ NW 27 \_\_\_\_ NW 43 X \_\_\_\_  
NW 50 \_\_\_\_ Individual \_\_\_\_\_

11. Provide the following permit numbers associated with this mining activity:  
SMCRA Permit No. 918-0504 Am-04, KPDES No. KY0113140

12. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

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I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

**Applicant's Signature:**



, Date: 6/3/2026

If signed by applicant's agent, attach power of attorney

**SUBMIT APPLICATION AND ATTACHMENTS TO:**

**WQC COORDINATOR  
DIVISION OF MINE PERMITS  
300 SOWER BLVD.  
FRANKFORT, KENTUCKY 40601**



KENTUCKY ENERGY &  
ENVIRONMENT CABINET

## Individual §401 Water Quality Certification Request Form

More information regarding federal regulation 40 CFR 121 and the nine components listed in this form may be viewed on the [U.S. EPA Overview of §401 Certification](#) webpage.

This form may be used to request §401 Water Quality Certification and submitted to the Division of Mine Permits and to the licensing or permitting Federal agency. For the U.S. Army Corps of Engineers contact information, please review the [District map](#).

Contact Thomas Barbour at [Thomas.Barbour@ky.gov](mailto:Thomas.Barbour@ky.gov), or 502-782-6549 with any questions.

### Component (1) - Identify the project proponent(s) (applicant) and a point of contact

Applicant Name: Ferroglobe USA Mining, LLC,

Phone No.: 606-523-9760

E-mail Address: msharp@ferroglobe.com

An [Application for Permit to Construct Across or Along A Stream and/or Water Quality Certification \(Form DOW 7116, July 2008\)](#) is required for Individual Water Quality Certification. Date submitted: 4/8/26

### Component (2) - Identify the proposed project

Brief Description of the activity: Temporary impacts to Waters of the US related to coal mining activities.

### Component (3) - Identify the applicable federal license or permit

- ☒ Nationwide Permit (NWP) Permit Number: 43 ☐ §404 Individual Permit ☐ §10 Individual Permit
- ☐ §10/ §404 Letter of Permission (LOP) ☐ §10/ §404 Regional General Permit Number: [ ]
- ☐ Federal Energy Regulatory Commission ☐ TVA 26a Permit

### Component (4) – Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters

4a. Linear feet of stream impacts: 444 Acreage of wetland impacts: 0.0

4b. Surface Water Body Name: Eaton Fork

4c. Latitude & Longitude (decimal degrees): 36.8394, -  
84.0181

### Component (5) – Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge

5a. Brief description of best management practices (BMPs) to be implemented to minimize the impacts to surface waters, including sediment and erosion control measures.: BMP's are outlined in the attached 404 application

### Component (6) - Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received

| Authorization/ Permit Name | Issuing Agency | Status (approved, denied, application submitted) |
|----------------------------|----------------|--------------------------------------------------|
| Stream Construction Permit | DOW            | [ ]                                              |

### Component (7) - Include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request.

[This can include the email containing the *Application for Permit to Construct Across or Along A Stream and/or Water Quality Certification (Form DOW 7116, July 2008)*]

☒ Attached

**Components (8) and (9) – ‘The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief’; and ‘The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.’**

Print Project Proponent Name (applicant): George Adams

Project Proponent Signature (applicant):

X   
George Adams  
Plant Manager

Date: 4/8/26

**Submit the completed form and attachments through email to [Thomas.Barbour@ky.gov](mailto:Thomas.Barbour@ky.gov).**



**KENTUCKY ENERGY &  
ENVIRONMENT CABINET**

## **§401 Water Quality Certification Pre-Filing Meeting Request Form**

Federal regulation 40 CFR 121.4 requires the applicant to submit a pre-filing meeting request before filing a *Certification Request*. More information may be viewed on the [U.S. EPA Overview of §401 Certification](#) webpage.

This form may be used to request the pre-filing meeting and submitted to the Division of Mine Permits. The information requested below will allow the Division of Mine Permits to provide guidance for filing a *§401 Water Quality Certification Request*.

**Contact the Division of Mine Permits at [Thomas.Barbour@ky.gov](mailto:Thomas.Barbour@ky.gov), or 502-782-6549 with any questions.**

### **SECTION I – Applicant Information** (property owner or easement holder)

Applicant Name: Ferroglobe USA Mining, LLC

E-mail Address: msharp@ferroglobe.com

The [Application for Permit to Construct Across or Along A Stream and/or Water Quality Certification \(Form DOW 7116, July 2008\)](#) is required for Individual Water Quality Certification.

☒ Attached

☐ Submitted

AI Number (leave blank if unknown):

Date: 12-17-24

### **SECTION II – Alternate Contact/ Consultant Information** (Optional, a consultant is not required)

Alternate Name: Nick Baker

E-Mail Address: nbaker@aquaticresources.us

### **SECTION III – The federal license or permit(s) required for the activity** (check all that apply)

- ☐ Section 404 Permit    ☐ Section 10 Permit    ☒ Nationwide Permit (NWP) No.: 43    ☐ LOP (Section 10/404)
- ☐ Section 10/404 Regional General Permit    ☐ TVA 26a Permit    ☐ Federal Energy Regulatory Commission

### **SECTION IV – Project Site Information**

Site or Project Name: Mosley Gap

Latitude & Longitude (decimal degrees): 36.8394, -84.0181

4a. Water Resource proposed for alteration: ☒ Stream/River    ☐ Wetland

4b. Name of Water Resource (access [watermaps.ky.gov](http://watermaps.ky.gov) for more information): Eaton Fork

4c. Surface Water Resource Impacts (permanent and temporary):  
Linear feet of stream/river: 444    Average stream/river width (feet): 3-4    Acreage of wetland: 0.00

4d. Has a Jurisdictional Determination been received from the U.S. Army Corps of Engineers?    ☒ Yes    ☐ No

4e. Are the streams and/or wetlands that will be impacted identified by the Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters? (access [watermaps.ky.gov](http://watermaps.ky.gov) and [Special Use Waters](#) for more information)    ☐ Yes    ☒ No

**Form continues on the next page**

| SECTION V – Project Description (some items may not apply) |                                                                                                                                                                                                                                                                                                                                 |                                              |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 5a.                                                        | Description of the proposed project, including but not limited to the size, depth, length of the project, types of materials proposed for use, and anticipated timeline for construction and operation.                                                                                                                         | <input checked="" type="checkbox"/> Attached |
| 5b.                                                        | Table of impacts: If there are multiple discharge locations that are not continuous, please include a separate table or figure listing the coordinate location (in decimal degrees) of each surface water impact, linear feet/ acreage of impact, name of waterbody, and stream flow type (ephemeral, intermittent, perennial). | <input checked="" type="checkbox"/> Attached |
| 5c.                                                        | Site plans and description of site development, including but not limited to maps of surface waters and proposed surface water impacts within the project area.                                                                                                                                                                 | <input checked="" type="checkbox"/> Attached |
| 5d.                                                        | Proposed temporary impacts to surface waters: linear feet of temporary stream impacts, acreage of temporary wetland impacts, and the proposed plans for restoration.                                                                                                                                                            | <input checked="" type="checkbox"/> Attached |
| 5e.                                                        | Preliminary Jurisdictional Determination (PJD) and/or Approved Jurisdictional Determination (AJD) issued by the U.S. Army Corps of Engineers.                                                                                                                                                                                   | <input checked="" type="checkbox"/> Attached |
| 5f.                                                        | Compensatory mitigation proposal or compensatory mitigation statement for impacts to surface waters.                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> Attached |
| 5g.                                                        | Description of best management practices (BMPs) to be implemented to minimize the impacts to surface waters, including sedimentation and erosion control measures.                                                                                                                                                              | <input checked="" type="checkbox"/> Attached |
| 5h.                                                        | For dredge activities in Section 10 waters: Dredge methods, disposal areas, proposed volume of material to be extracted, record of the most recent mussel survey if available.                                                                                                                                                  | <input type="checkbox"/> Attached            |
| 5i.                                                        | Endangered Species Act (ESA) Section 7 consultation or concurrence documentation, biological surveys, and/or other pertinent information regarding the presence of federally threatened or endangered aquatic species.                                                                                                          | <input checked="" type="checkbox"/> Attached |
| 5j.                                                        | Other information pertinent to the project.                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> Attached |

Submit the completed form and attachments through email to [Thomas.Barbour@ky.gov](mailto:Thomas.Barbour@ky.gov).