EastPark Industrial Park Infrastructure and Development AML Pilot Project
Boyd County, KY
Environmental Assessment
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A. PURPOSE AND NEED:
Consistent with the Consolidated Appropriations Act, 2017 (Public Law 115-31), the Department of the Interior’s (DOI) Office of Surface Mining Reclamation and Enforcement (OSMRE) has made funding available for projects in the Abandoned Mine Land Reclamation Economic Development Pilot Program (AML Pilot) for Fiscal Year (FY) 2017. The Pilot Program provided grants to the six Appalachian states with the highest amount of unfunded Priority 1 and Priority 2 Abandoned Mine Land (AML) problems based on OSMRE’s AML inventory data as of September 30, 2016. The proposed project is a special allocation of general revenue funds under the Abandoned Mine Land Economic Revitalization Program (AMLER)/Abandoned Mine Land Reclamation FY 2017 $25 million Economic Development Pilot Program. The principal benefit to be derived from the successful completion of the project is economic stimulus for this coal region (Boyd County, Kentucky and surrounding counties).

State AML programs, in consultation with state and local economic and community development authorities, developed a list of eligible projects in Appalachian counties that demonstrated a nexus with AML cleanup and economic and community development. This AML Pilot is an opportunity for local communities and states to return impacted areas to productive reuse, which should be defined by the state in cooperation with local communities, to achieve the economic and community development goals identified for the community and/or region.

State AML Programs are encouraged to collaborate with their respective state and local economic development authorities and local communities to identify potential projects and apply funds from the AML Pilot to projects that will offer the greatest benefits for communities. The AML Pilot offers states and local communities’ flexibility in deciding which projects offer the greatest opportunities within their communities.

KY selects, by committee, specific projects from all project applications submitted for consideration. The committee is typically made up of 6 persons, includes representatives (sometimes cabinet secretaries or division commissioners) from Kentucky’s Energy and Environment Cabinet, Finance and Administration Cabinet, and Cabinet for Economic Development. Applications are reviewed in accordance with OSMRE’s grant guidance for such projects and the economic effects for local communities are a major consideration of the review. The selected proposals adherence to these considerations and guidance are reviewed by the committee and selections are made based on the committee’s consensus of opinion.

The proposed EastPark Infrastructure and Development AML Pilot Project (approximately 84 acres) consists of ground stabilization and preparation activities on a vacant industrial park site to enhance the properties of the underlying mine spoils to accommodate the eventual construction of a 1.8 million square foot, Braidy Industries, Inc. aluminum manufacturing facility. The project site is located at Site B (Appendix F) of the EastPark Industrial Park in Boyd County (at the Boyd/Greenup Counties line) on the Argillite 7.5’ United States Geological Survey (USGS) quadrangle at Latitude 38° 24’ 3.5” and Longitude -82° 47’ 41.3” (Figure 1). The EastPark Industrial Park is accessed off of State Highway 67 approximately 2.5 miles north of its intersection with US Highway 64. This project competed with other proposals and was selected by the Commonwealth of Kentucky to create an economic stimulus for this coal region in Boyd County and surrounding communities.
Figure 1. General Location Map for EastPark
B. PROPOSED ACTION AND ALTERNATIVES:
As the FY17 AML Pilot Guidance has a specific process and the AML Pilot offers states and local communities’ flexibility in deciding which projects offer the greatest opportunities within their communities, the Commonwealth of Kentucky has met these processes and has offered up its recommended proposed action that has been reviewed at many levels of government. As such, the limited following alternatives were considered:

• Preferred Alternative: Expend money set aside as part of the AMLER Grant Program in order to stimulate the economy in this coal region via the construction of the EastPark Infrastructure and Development AML Pilot Project to promote increased economic opportunity for the region.

Or:

• Take no action at this time.

B.1. Preferred Alternative:
The EastPark Infrastructure and Development AML Pilot Project (approximately 84 acres) consists of the construction of a “surcharge” on a vacant industrial park site to enhance the properties of the underlying mine spoils to accommodate the eventual construction of a 1.8 million square foot, Braidy Industries, Inc., aluminum manufacturing facility. Pre-loading a site to improve the underlying soil is a common practice in construction known as “surcharging”. Surcharging involves placing soil on the ground surface, prior to construction, such that the soil load is greater than the final building load. Engineers monitor the settlement occurring due to this excess soil load to determine when the soil load can be removed. After the expected settlement is verified, the soil load is removed, and the appropriate foundation system is constructed.

Surcharging the mine spoils benefits the Braidy Atlas Mill project in two critical ways. This process can reduce the quantity of deep foundations required in all areas of the Mill requiring up to 500 PSF floor loading. This process can also improve the performance of the deep foundations which are required to support the building columns and aluminum processing equipment by instituting a reduction in the size, type and depth of the deep foundations - in this case, quantity, size, and type of support piers (drilled down/installed into solid rock) required to support the weight of the aluminum mill. Test fill (surcharge) piles and associated settlement monitoring have already been completed.

The material needed to surcharge the Braidy Atlas Mill building pad totals around 600,000 cubic yards. The current plan requires neither import nor export of materials to achieve the surcharge. The material needed for the first phases of surcharge operations will come from an on-site “Borrow Area” (Appendix F, Exhibit E). Then, the surcharge will be built in multiple areas and phases (Appendix F, Exhibit D). The planned sequence of construction, amounts of surcharging material needed for each section, and the duration required for the surcharge material to achieve the desired mine spoil settlement is as follows:
- Surcharge Area 1 (Phase A-D) – 240,000 CY; 8 Week Duration
- Surcharge Area 2 (Phase A-D) – 175,000 CY; 7 Week Duration
- Surcharge Area 3 (Phase A-B) – 200,000 CY; 7 Week Duration

Construction activities include excavating material from the designated borrow area and constructing the surcharging sections (stacking the fill material) in the sequential process mentioned above. As the required settlement is achieved at each area, the surcharge material will be moved to the next area requiring surcharging and so forth. Once all surcharging is complete, the surcharging material will be returned to the borrow area, graded, and revegetated.

The planned construction site, EastPark Site B, is void of trees so there is no required tree removal associated with this project. Construction disturbances will be kept to a minimum with a stringently formulated sediment and erosion control program. Prior to beginning any major earth disturbance (excluding initial site preparation for access only as needed), all silt control measures will be installed. These include silt traps and silt barriers (bales & silt fence). No streams will be disturbed. All disturbed areas, not including the surcharged pad for the aluminum mill, will be promptly revegetated at the end of construction using lime, fertilizer, residential or wildlife seed, and mulch, as necessary. Standard measures will be used for dust control and work will typically occur during daylight hours. Access to the site is via State Highway 67 and existing local roadways within the EastPark Industrial Park. Except for mobilization and demobilization, all construction activities will be confined to the project site (there will be no hauling of material to or from the site on public roads).

Information concerning the proposed project is further discussed in the description for National AML Inventory Problem Area KY 4489 MLR - AMLER.

During the review process, the Kentucky Division of Abandoned Mine Lands proposes to use the following Best Management Practices/Protection Measures for the proposed action:

- Install construction entrances for erosion and sediment control.
- Install standard silt fence and staked hay bales for erosion and sediment control prior to construction (maintained throughout the life of the project).
- Install Class III riprap/channel lining for erosion protection. Location of placement shall be within the project limits and as directed by field representative.
- Clear grass and scrub vegetation (no trees) as needed to expose topsoil.
- Remove root mats and topsoil as directed by geotechnical engineer or field representative. Topsoil shall be stockpiled on-site in areas designated on the drawings. Assume the topsoil layer is 4” thick.
- Excavate and haul earthen materials for placement of surcharge. This material shall be taken from designated borrow locations as shown on the drawings (Appendix F Exhibit B – Surcharge Elevations) or from surcharged areas that have been approved for removal by the geotechnical engineer.
  - Some material may be generated from surcharged areas below the ground elevation at which the surcharge was originally placed.
• Oversized materials larger than 24” shall not be used for fill and shall be disposed of on-site in an area designated by the field representative.
• Topsoil will not be used as fill for this application. All topsoil in borrow areas shall be stripped and stockpiled prior to excavation.
• Placement of earthen fill materials for surcharge in areas as designated on the drawings (Appendix F, Exhibit B – Surcharge Elevations) following topsoil removal. Fill shall be placed in accordance with the following requirements/parameters:
  • No subgrade compaction is required prior to placement and fill may be placed on frozen ground.
  • Fill shall be placed in 18” lifts and tracked in with a minimum of two complete coverages of a D8 dozer (or approved equivalent) for compaction. There are no specific density test requirements.
  • The top surface of the surcharge areas shall be rolled with a smooth drum roller to seal the embankment to prevent infiltration from rainfall.
• Excavation and hauling of earthen materials to an on-site waste location (assume from the east side of the project borrow/waste area on the west end of the site (Appendix F Exhibit E). Waste material shall be graded to drain and shall require stabilization upon completion;
• Placement of earthen fill materials as structural embankment to subgrade elevations as shown on drawings prior to surcharge placement. Fill shall be placed in accordance with the following requirements/parameters:
  • Subgrade shall be prepared following removal of topsoil by making two passes with a smooth-drum roller (or approved equivalent).
  • Fill shall be placed in 8” maximum lifts and compacted in with smooth-drum roller (or approved equivalent) with specific requirements for compaction amount, moisture/water content range, and particle size.
• Prompt re-vegetation will be implemented on all areas disturbed by this project, as needed.
• No trees 3” in diameter or more at breast height, whether dead or alive, will require removal.
• This project will not disturb any intermittent, perennial or ephemeral streams.
• All waste material generated from project construction will be graded on-site within the project limits.

The project area will include utility upgrades to the industrial park. Currently, the only known action is a proposed 74,000 LF sewer force main and sewer lift station in the right of way of the Industrial parkway, to the wastewater treatment plant located in Wurtland, operated by the Greenup Joint Sewer Agency. An EA was completed for this sewer utility upgrade project in April 2019 by CEDA, Inc. Funding for this project is pending by US Department of Housing and Urban Development (HUD), Appalachian Regional Commission, and Economic Development Administration. The EA had Finding of No Significant Impact. Cumulative effects from this sewer upgrade and other possible utilities were considered in the environmental impacts section of this EA.
B.2. No Action:
Should the Commonwealth of Kentucky take no action, this coal region would not benefit from $4,000,000.00 of AMLER Grant funds. The EastPark Infrastructure and Development AML Pilot Project would not be constructed and the Braidy Industries aluminum mill would not be built. As a result, people and revenue from outside of the area will not have the incentive, which this project creates, to come to Boyd County. The creation of additional related businesses, associated increased employment, and economic opportunity for the region will suffer as a result.

C. AFFECTED ENVIRONMENT:

C.1. General Setting:
The proposed EastPark Infrastructure and Development AML Pilot Project, and subsequent aluminum mill, will be constructed on an approximately 84-acre former surface-mined area, which is now an industrial park, located at Latitude 38° 24’ 3.5” and Longitude -82° 47’ 41.3”. The proposed project site is approximately 1.0 mile southeast of Problem Area KY 2311. The proposed project and future aluminum mill will be located on Site B within the EastPark Industrial Park, east of the community of Cannonsburg, off of State Highway 67 approximately 2.5 miles north of its intersection with US Highway 64 (Appendix F).

The building site has been disturbed by coal mining activities. Because of this the project area has vegetated ground cover and small trees and shrubs less than 3’ diameter breast height. Access to the project site is existing, with no improvements necessary except for placement of the construction entrances (placement of rock on road surface and drainage improvements/culverts as needed) at the boundary of the project site.

Mine history research indicates that Strip/surface mining of the Princess No.7 coal seam occurred prior to 1973, adjacent to the project site, as seen on a 1973 aerial photographs. Some of this mining appears to be a result of surface and auger mining by Hol ACC Corp under Permit #s 4178-75 and 4178-76 and surface mining by Chas E. Yates prior to 1954 as seen on SFN# 00564-1. The general site where the proposed project work will occur was last mined by Addington Inc. and/or ARMM Coal Inc. under permit # 845-0012 (as seen on SFN 16133-3), also for the Princess #7 seam. This permit transferred to Permit #845-0040 (Addington Enterprises, Inc.). Both permits received a complete bond release with the latter permit receiving its complete release on 12/9/97. Although the project site is associated with some mining that occurred after May 18, 1982, this latter mining has met all the required reclamation standards evidenced by the release of SMCRA jurisdiction by receiving full and final bond release (KY Mine Mapping Information System).

C.2. Affected Resources:
Resources considered for impacts by the proposed project include:

- Historic/Cultural
- Fish and Wildlife/Plants
D. ENVIRONMENTAL IMPACTS OF THE PROPOSED ALTERNATIVES:

D.1. Preferred Alternative:
D.1.a. Historical/Cultural Resources
The Office of State Archaeology (OSA) was sent a solicitation for comment regarding this project; however, they have not responded. The Kentucky Heritage Council (KHC) was not consulted directly by KYDAML for this project because this project is considered exempt from direct consultation under the KYDAML/KHC Programmatic Agreement. However, MSE of Kentucky, Inc. (a consulting engineering firm), on behalf of the Northeast Regional Industrial Park Authority (i.e. EastPark), solicited KHC comment on the project site (EastPark Regional Industrial Park, Site B) and received a response from KHC via letter dated July 20, 2015 (Appendix A). Per their letter, KHC determined that an archaeological survey is not required because the area is previously disturbed by surface mining. KHC also addressed the area of potential affect (APE) for future proposed construction projects on the site which require federal funding or permits. KHC determined at that time that such projects only need to be reviewed by the KHC for indirect effects to buildings located outside the direct buildable areas but within a proposed project APE that allows for indirect effects to any buildings 50 years old or older and eligible for listing on the National Register of Historic Places (HRHP). This federally-funded project (EastPark Infrastructure and Development AML Pilot Project) is not directly funding the construction of any building and the constructed surcharges are temporary and will only be at most 20 feet tall, which is no taller than existing newer industrial buildings and any forest tree canopy adjacent to the site. As a result, this specific project will not have any long-term negative impact, or any impact at all, to historical/cultural resources (i.e. no direct affect to in-ground archaeological resources and no indirect affect to above ground resources).

D.1.b. Fish and Wildlife:
On January 30, 2019, a search of the Kentucky State Nature Preserves Commission (KSNPC) database (Appendix B) revealed one species of state concern, which is monitored by the KSNPC, occurs within
one mile of the project site and no federally-listed threatened and/or endangered species are known to exist within ten miles of the project site. The species noted in the search is the:

- Gray treefrog (*Hyla versicolor* – KSNPC Special Concern)

As indicated in the attached memorandum by KYDAML Biologist Edwin A. Boone, Jr., dated February 1, 2019, the project will not have a negative impact on this listed species.

In its comments regarding this project, Kentucky Department of Fish and Wildlife Resources (KDFWR) stated that several species not noted in the KSNPC database (Appendix B) searches conducted regarding this project are known to exist near the project site. These species and the potential project-related impacts upon them are as follows:

- Spotted sandpiper (*Actitis macularius*): This shorebird typically establishes its nest in thick vegetation at the edge of an area of exposed sand or gravel near a body of water, but are also known to nest in shallow depressions in dry fields and pastures. While the reclaimed mine site where this project is proposed may superficially resemble a field or pasture, the periodic mowing, maintenance, and periodic industrial traffic, along with the reclamation species growing upon the site, make this area far less than optimal for this species. Construction of the proposed project should not have any negative impact upon the spotted sandpiper.

- Savannah sparrow (*Passerculus sandwichensis*): This species of bird is a ground-nesting species, and establishes its nest in grasslands, hayfields, and pastures, within depressions that are well hidden by overhanging plants. Periodic mowing of the proposed project area renders it unsuitable for this species. Therefore, construction of the proposed project will not cause any negative impact to the savannah sparrow.

- Henslow’s sparrow (*Ammodramus henslowii*): This bird prefers to nest in areas of dense, grassy vegetation, such as prairies and other areas of unmowed dense grassy vegetation. As the proposed project site is periodically mowed and is not very densely covered in grasses (lespedeza being highly prevalent), this site is not suitable habitat for Henslow’s sparrow. Therefore, development of this project will not cause a negative impact to this species.

- Red-breasted nuthatch (*Sitta Canadensis*): The red-breasted nuthatch is not a breeding bird within Kentucky. Instead, it is a transient resident of the Commonwealth, arriving to overwinter as early as late August and departing by the middle of May. In Kentucky it appears to prefer dry pine-oak forests. Due to this species being a non-breeding species within Kentucky, and due to the lack of any forest cover on the project site, this species will not be subject to any impact as a result of project-related actions.

- Bobolink (*Dolichonyx oryzivorus*): This bird species prefers to nest in unmown hayfields and pastures. The periodic mowing of the site of this proposed project makes it unsuitable as habitat for this species. Therefore, construction of the proposed project will not cause any negative impact to this species.
• Osprey (*Pandion haliaetus*): This species of raptor establishes its nests in dead snags and upon other structures in the immediate vicinity of large bodies of water, where it feeds upon fish that are taken by diving into the water. The proposed project is not in the immediate vicinity of a large body of water, and no suitable nesting structures exist upon the site. Therefore, the proposed project cannot cause any impacts to the osprey.

• Federally Listed Species

  Northern long-eared bat (*Myotis septentrionalis*) & Indiana bat (*Myotis sodalis*): These species of forest-dwelling bats establishes day-roosts and maternity colonies in trees of over 3”-5’ diameter at breast-height with exfoliating bark and/or split and broken limbs that create suitable crevices, and utilizes caves and cave-like habitats (including abandoned mine workings) as winter hibernacula. Since this proposed project will not disturb any forested areas or caves/cave-like habitats, it is unlikely to result in any negative impact to these Federally listed species. Project design minimizes the potential to effect these species. Furthermore, there are no records of the Indiana bat (*Myotis sodalis*) within ten miles of the project site.

MSE of Kentucky, Inc. consulted with the United States Department of Fish and Wildlife Resources (USFWS) regarding the aluminum mill construction (project) in 2015. USFWS responded to MSE that the project will not impact winter hibernacula or summer roosting habitat of the Indiana bat or the Northern long-eared bat. Furthermore, they stated that the foraging resources on the site are of marginal quality. The buildable boundary of the proposed project will avoid all forested habitat at the site. As a result, USFWS determined that the proposed project “May Affect, Not Likely to Adversely Affect” the Indiana bat or the Northern long-eared bat.

  Gray Bat (*Myotis grisescens*): This species is a predominant cave dweller only coming to forested areas to forage. Based on no disturbance to caves or any caves that inhabit these bats near the project area, lack of forested habitat within the project area, lack of any detections near the project area, the determination was “No Effect” to this species.

D.1.c. Soils/Water

Soils at the site have been significantly disturbed by the previous coal mining operation that removed the top of the mountain, and as a result, the soils are likely not conducive to any productive use such as agricultural production or timber production.

According to the January 14, 2019 email from KYDAML Environmental Scientist Samantha Johnson, a Stream Construction (floodplain) permit is not required and a USACE and Water Quality Certification (WQC) Nationwide 39 Permit was obtained (Appendix G).

D.1.d. Agricultural

The [USDA NRCS Web Soil Survey](https://webscs.nrcs.usda.gov) was reviewed for this project (Appendix C). No Prime Farmland was identified. No effects to prime farmlands will occurs as a result of the proposed action.
D.1.e. Recreation
The specific project site is currently not being used for any recreational activities. It is unknown whether any recreational entities would ever be interested in using the site. The proposed project site is within an industrial zone (Appendix F, EastPark – Site B) and is owned by Braidy Industries, Inc. for the purposes of constructing an aluminum mill on the site. These factors make the site non-conducive to recreation/outdoor activities. As a result, the proposed project should not have a negative impact on recreational opportunities at the site.

D.1.f. Small Business Use
It is unknown whether the specific project site would ever be used for small business purposes and there are no known intentions by other business entities to locate to the specific project site. The project site is owned by Braidy Industries, Inc. and it appears that there is not enough room on the site to accommodate other businesses, in addition to the Braidy Industries aluminum mill, even if approved by Braidy Industries, Inc. This project will demonstrate the viability of business creation at the EastPark Industrial Park and will serve to attract additional businesses and employment to the industrial park and local area. The aluminum mill will employ local people, will contribute to the area’s tax base, will promote economic development, and provide potential for further economic development. As a result, this project will likely have a very positive impact towards small (and large) businesses in the area and the local economy in general.

D.1.g. Air Quality
Construction of this project would cause an insignificant change in air quality in the area. The site is located in an industrial park approximately 8.5 miles southwest of the City of Ashland, KY. The industrial park is somewhat isolated on top of a former mine site with no residences in the immediate vicinity. Construction activities will require heavy equipment operation to construct and dismantle the surcharges on the site. Dust-control measures, such as watering trucks, sprayers, and mulch will be used as needed to control dust from construction activities.

Heavy equipment usage during construction will produce limited short-term Carbon Dioxide (CO2) emissions. However, the amount of CO2 that will be released will be similar to a typical AML or road construction project in the area. An estimate of the amount of CO2 emissions released can be made based on 1) the EPA’s Compilation of Air Pollutant Emission Factors (AP-42); 2) the Department of Energy’s estimate on the energy content of fuel; 3) the Food and Agricultural Organization of the United Nations (FAO) estimate on heavy equipment fuel efficiency; 4) the Kentucky Division of Abandoned Mine Lands (KYDAML) estimate on the type and amount of equipment needed per typical AML project, based on the size (monetary amount $) of the project; and 5) KYDAML’s estimate of the amount of equipment use, in hours per week, on the typical AML project, in consideration of the size (monetary amount $) of the project.

The CO2 Emissions Estimates for AML Projects can be found in Appendix D. This project can be anticipated to be a 6-month/24 week+ (180 days) construction contract. According to the analysis in the attached tables, construction activities on this project are estimated to produce less than 465 tons of Carbon Dioxide (CO2) emissions over the length of the project. According to the Department of Energy, the state of Kentucky produced 130 million tons of carbon dioxide in 2015 alone. The
amount of carbon dioxide produced by this project, assuming diesel-powered equipment usage (which creates more CO₂ emissions than gasoline-powered equipment usage), is calculated to be 0.000003574091077% of Kentucky’s total 2015 CO₂ emissions (Appendix D). Based on this analysis, this project will have an insignificant impact on air quality in the region.

The EPA’s Envirofacts database (ICIS-AIR) for EPA Facilities/Air Pollution contains compliance and permit data for stationary sources of air pollution (such as electric power plants, steel mills, factories, and universities) regulated by the EPA and state and local air pollution agencies. The information in ICIS-AIR is used by the states to prepare State Implementation Plans (SIPs) and to track the compliance status of point sources with various regulatory programs under the Clean Air Act. Envirofacts air release information specifically relates to industrial plants and their components (stacks, points, and segments). ICIS-AIR data can provide valuable information not only about the industrial facilities, but about the chemicals they introduce into the local air. Information is also available for management of operating permit applications and renewals.

Air quality testing has not occurred at the project site. A search of the ICIS-AIR revealed that a Nonattainment Area for Ozone borders the project site. This nonattainment Area is associated with the metropolitan- Huntington, WV – Ashland, KY area. A report generator from the NEPAassist geographic database allows a maximum 12-mile radius for its NEPAassist reporting tool (i.e. it will gather information for a report within an area comprising a maximum radius/buffer of 12 miles from a point). The 12-mile radius report revealed no other recorded air pollution issues within a 12-mile radius from the project site.

There are a number of monitored facilities for air pollution within the area, with the closest facility located on the west side of Industrial Parkway, less than one mile from the project site. This facility (East KY Power Corp – Green Valley Landfill) is listed as a fossil fuel electric power generation business and it appears that the facility was in compliance with all pollution emission parameters for each testing date with the most recent testing date list being April 2014. Since this facility has no emissions violations listed, there is no basis to suggest that any air pollution emissions from project construction will exacerbate any air pollution problems in the near vicinity related to the facilities listed above. There are seven or more other facilities located along US Route 60 to the east of the site with the closest being about 3.0 miles away. It appears that most of these facilities have no air quality violations recorded and the most recent date of any records in this database regarding air quality violations for any of the facilities is 2014, approximately 5 years ago. This information suggests that there are no air pollution concerns to be considered with the proposed project as it relates to these monitored facilities approximately 3.0 miles away or more to the east.

Dust will be controlled at the project site with measures such as watering trucks, sprayers, and mulch. This, in conjunction with the short-term project-related disturbance, should result in no significant air pollution impacts as a result of construction activity in the near vicinity of the project area.

Although the aluminum mill itself is not funded by AML Pilot funds, Brady Industries has applied for, and received, an Air Quality permit for the eventual operation of an aluminum mill at the site. The permit was issued on June 19, 2018 and it expires on June 19, 2023 (Appendix D).
D.1.h. Hazardous Waste
The EastPark Industrial Park Infrastructure and Development AML Pilot Project (construction of temporary surcharges) will not produce any hazardous wastes. Indirect effects of this project with the development of an aluminum mill are estimated to generate Hazardous Waste (Appendix E). Once the aluminum mill is in operation, all wastes, including hazardous waste, will follow all federal, state, and local permits and regulations for handling, disposing, and/or recycling. Normal waste stream will be sent back to the Ashland, KY treatment plant in the sewer lines. If necessary it will be pre-treated on site so it meets the publicly-owned treatment works’ (POTW’s) incoming requirements. Any items that can’t go in the sewer back to the Ashland, KY treatment plant will be removed, recycled or treated by outside contractors. Storage of the input materials and generated wastes to facilitate daily operations will be maintained at the mill and they will be stored per required regulations. Overall, the generation of all wastes are minimal for an aluminum plant of this size. Per regulations, efforts are made to recycle as much of the waste as possible and would not have a significant effect for the disposal of these materials to the environment.

D.1.i. Noise
Noise will not have any long-term significant impact on residents in the area. The project area is located in a relatively isolated industrial park on the top of a former mine site, with the closest residences existing in the valley below the industrial site approximately one half of a mile away.

Construction activities at the project site will include excavation and grading to construct surcharges (graded/formed piles of earthen material). This construction activity will be short-lived and will require normal use of typical excavation and grading construction equipment. Intermittent noise will increase during construction activities via the use of heavy equipment. However, equipment operation during construction activities will occur during normal daytime hours. Noise from blasting operations will be nonexistent because there is no anticipated need for blasting during construction.

Intermittent noise will increase in the area due to increased vehicle traffic associated with business use of the proposed project and surrounding businesses, for which the industrial park was designed for. However, no significant long-term negative impacts associated with an increased noise level should occur due to the location of the project/industrial park and since the proposed project is located at an already existing industrial park that was envisioned/created and constructeddesigned to harbor business activities (particularly industrial-type business activities) that are expected to be noise generators. In other words, noise levels at the industrial park are to be expected and should not significantly increase in scope or magnitude as a result of the EastPark Industrial Park Infrastructure and Development AML Pilot project (i.e. construction of surcharges). Noise levels during construction, and after the Braidy Industries facility becomes operational, will not be different than noise levels encountered at a typical construction site or similar industrial park/manufacturing center in the Commonwealth of Kentucky or in much of the nation.

According to the Federal Highway Administration, sound is composed of many frequencies, some of which may affect one person more than another. Because engineers measure sound in decibels (dB) on a logarithmic scale, when two sources of sound, each measuring 70 dB(A), are added together, the resulting sound level is not 140 dB(A) but 73 dB(A). The (A) refers to a weighting scale that approximates the manner in which humans hear higher frequencies better than lower frequencies.
Levels of highway traffic noise typically range from 70 to 80 dB(A) at a distance of 15 meters (50 feet) from the highway. These levels affect a majority of people, interrupting concentration, increasing heart rates, or limiting the ability to carry on a conversation. The noise generated by a conversation between two people standing 1 meter (3 feet) apart is usually in the range of 60-65 dB(A). Most people prefer the noise levels in their homes to be in the 40-45 dB(A) range, similar to the levels found in a small office. A reduction of sound from 65 to 55 dB(A) reduces the loudness of the sound by one half, while a reduction of sound from 65 to 45 dB(A) results in a loudness reduction of one quarter.

According to the Caltrans Traffic Noise Basic Fact Sheet, the distance between a highway and residence can also affect noise levels. Doubling the distance between the highway and residence will result in a noise level reduction of 3 to 4.5 decibels, depending on the surface composition over which the noise is traveling.

The relatively isolated industrial park setting of the project area will help counter the effect of any short-term construction-related noise and noise from any increased traffic from business operation after the project is complete. After all, this is one of the main purposes of creating an industrial park – to concentrate and isolate industrial-type business activities and noise away from residential areas to minimize any negative impact to communities. Furthermore, traffic frequency associated with the project will be less than typical highway usage associated with a metropolitan area for which the two sources above reference. Even if residents living in the valley below the industrial park experience some noise disturbance as a result of construction activity for this project, this noise disturbance will be minimal and short-lived.

D.1.j. Topography
The project site and surrounding area has been previously disturbed by coal mining and road construction activities. This project involves the construction of temporary surcharges 20’ high or less that will be removed once the desired settlement is achieved. As a result, this project will not change topography of the site.

D.1.k. Other (Socioeconomic or Political)
The proposed project will not adversely impact low income or minority persons or communities. The project is intended to provide increased opportunity for the region by facilitating a manufacturing business to locate to the area which will likely attract other businesses to the area. As a result, this project will provide additional economic opportunities that will positively impact low income and minority people and communities.

D.1.l. Cumulative Environmental Impact
No significant environmental impacts should occur as a result of the preferred alternative (construction of temporary surcharges to aid mine spoil settlement to facilitate foundation construction for a future aluminum mill). No previous AML projects have been found to significantly negatively impact the environment. Typical AML reclamation projects are designed to reclaim problems threatening public safety where land or waters have been disturbed by abandoned coal mining, with insignificant negative environmental impacts during, and after, these reclamation projects. Therefore, based on the successful reclamation of previous AML sites and the impacts to resources as discussed above, the proposed alternative, which is not a typical AML reclamation project and involves relatively small-scale disturbance, will not have any significant impacts upon the environment.
Environmental justice concerns may arise from impacts on the natural and physical environment, such as human health or ecological impacts on minority populations, low-income populations, and Indian tribes, or from related social or economic impacts.

The proposed project will not adversely impact low income or minority persons or communities. AML remediation projects often occur in high-poverty areas, but generally do not produce a significant environmental impact. As discussed above, this project will not have a significant environmental impact. Because of the severe and distressed economic conditions confronting Boyd County and the surrounding region, the county/region simply does not have the resources to move forward with opportunities, such as this project, without assistance from the AMLER Grant. This grant will allow this project to move forward, thereby having a positive impact, both economically (as described below) and ecologically (through an improved standard of living), to minority populations and low-income populations of Boyd County and the surrounding region.

The EastPark Infrastructure and Development AML Pilot Project, via its association with the ultimate construction of an aluminum processing facility, is projected to have a significant economic impact on Boyd County and the surrounding region. Per the applicant (EastPark), Braidy Industries plans an initial investment of $1.3 billion (approximately $600 million in equipment alone) while creating approximately 1,000 temporary construction jobs and another 550 full-time permanent jobs. This would bring significant revenue and income to the region that is desperately needed.

The main goal of the EastPark Industrial Park is to create an area that will entice business creation. Braidy Industries understands that goal and intends to create numerous well-paying jobs and create a sustainable business at the park. More income generated will stimulate the economy, increase the community's outlook, and increase the overall quality of life of citizens in the region.

Since this project will produce no significant environmental impacts and since the project offers significant anticipated economic benefits (Appendix H), low income and minority persons will benefit in regards to environmental justice.

D.2. No Action Alternative
D.2.a. Historical/Cultural Resources
If the Commonwealth take no action, historical/cultural resources will not be impacted. It appears highly unlikely that any historical/cultural resources exist at the project site anyway since the project area has been significantly disturbed by previous coal mining activities and, ultimately, and the KHC stated that an archaeological survey was not required because the area was disturbed by strip mining.

D.2.b. Fish and Wildlife:
Should the Commonwealth take no action, fish and wildlife resources will not be impacted.

D.2.c. Soils
Should the Commonwealth take no action, soils at the site will not experience any impact to their current state. Soils at the site have been significantly disturbed by previous coal mining activities
making it highly unlikely that the soils are conducive to any productive use such as agricultural production or timber production.

D.2.d. Agricultural
Should the Commonwealth take no action, agricultural activities/potential at the site are unlikely to experience any impact to their current state. Currently, there are no agricultural activities occurring at the site. It should be noted that agricultural potential is likely highly compromised at the site due to the area having been significantly disturbed by previous coal mining activities. As a result, the site is highly unlikely to be conducive to any meaningful agricultural production without major soil manipulation such as adding nutrients and relieving soil compaction.

D.2.e. Recreation
The project site is currently for an industrial park and not design or permitted for any recreational activities. Should the Commonwealth take no action, the site, owned by Braidy Industries, will remain part of an industrial park and continue to offer no recreational opportunities.

D.2.f. Small Business Use
Should the Commonwealth take no action, it is unknown whether the specific project site would ever be used for small business purposes. This project represents a positive impact on small/large business use. Braidy Industries represents the most viable entity currently to locate to the proposed project site and their presence will likely attract other businesses to the industrial park and/or region.

D.2.g. Air Quality
Should the Commonwealth take no action, air quality is likely to remain unchanged.

D.2.h. Hazardous Waste
Should the Commonwealth take no action, it appears unlikely that any hazardous wastes would be produced/generated at the site. It should be noted that Braidy Industries/the aluminum production operation will not be producing hazardous wastes per se and the waste products they will be producing will be disposed of appropriately as discussed above.

D.2.i. Noise
Should the Commonwealth take no action, noise is likely to remain unchanged.

D.2.j. Topography
Should the Commonwealth take no action, topography of the area will likely remain unchanged.

D.2.k. Other (Socioeconomic or Political)
Should the Commonwealth take no action, socioeconomic and/or political issues will likely remain unchanged. If Braidy Industries does not locate to the site, the site may remain dormant and not offer any positive economic benefits for the foreseeable future. It should be noted that Braidy Industries is the owner of the site (it purchased the site from EastPark) and has all intentions of locating to the site.
D.2.l. Cumulative Environmental Impact
Should the Commonwealth take no action, cumulative environmental impacts are unlikely to change.

D.2.m. Environmental Justice
Should the Commonwealth take no action, Boyd County, Kentucky and surrounding areas will continue to have limited economic growth to counter the decline in the coal industry. As a result, environmental justice implications will remain unchanged.

E. SUMMARY:
The Commonwealth considered the following reclamation options:

• Expend money set aside as part of the AMLER Grant Program in order to stimulate the economy in this coal region via the construction of the EastPark Industrial Park Infrastructure and Development AML Pilot Project (construction of temporary surcharges to facilitate the foundation construction of a future Braidy Industries aluminum mill) that will enable the region to experience economic growth through business development.

Or:

• Take no action at this time.

KYDAML selected the action alternative. It is the only option of those considered that may create economic stimulus for this coal region consistent with the goals of the AMLER Pilot Program. The project has been designed to minimize any impacts as noted in Section B.1.

F. CONSULTATIONS:
Agencies and databases consulted prior to the preparation of this document were:

• Kentucky Office of State Archaeology (OSA) – received no response
• Kentucky Heritage Council (KHC)
• Kentucky State Nature Preserves Commission (KSNPC) database
• Kentucky Department of Fish and Wildlife Resources (KDFWR)
• Kentucky Division of Water (DOW) floodplain database
• US Fish and Wildlife Service (USFWS)

G. PREPARERS/REVIEWERS:
Kentucky Division of Abandoned Mine Lands Personnel

- Edwin A. Boone Jr., Environmental Scientist IV
- Samantha Johnson, Environmental Scientist V
- Bill Overman, Assistant Director

Office of Surface Mining Restoration and Enforcement

- Don Hall, Abandoned Mine Lands Program Specialist
- Jacob Levine, Environmental Protection Specialist
- Matthew Moran, Natural Resources Specialist
- Corey Miller, Branch Chief
APPENDIX A. CONSULTATION WITH KY HERITAGE COUNCIL

Tara Hackney
MSE of Kentucky, Inc.
624 Wellington Way
Lexington, Kentucky 40505

Re: EastPark Regional Industrial Park, Site B
Boyd and Greenup Counties, Kentucky

Dear Ms. Hackney:

Thank you for your e-mail containing a map of the buildable area and your e-mailed update that the reclaimed strip mine land has been excavated at least 70' (rather than 70' as is stated in your 6-10-13 e-mail). From the information you provided, we understand that the Northeast Regional Industrial Authority is involved in retaining certified by AEP as a "build ready" site. We understand that the park has been cleared as it is considered strip mine land. We also understand that getting the site "build ready" is not a federal undertaking, but that future projects on the site may involve federal funding or permits. Your additional information (Tara Hackney via e-mail, 7-20-15) noted that there are no buildings 50 years old or older with the buildable areas for Eastpark Regional Industrial Park Site B.

As it relates to archaeology, any area that fall within the limits of reclaimed strip mine land would be considered previously disturbed and will not require an archaeological survey unless there is construction that moves into a previously undisturbed area. I noticed that the USGS map has a cemetery in the center of the map. All applicable state statutes regarding graves and the treatment of these spaces would still apply. It looks as though this space is already buffered by a forested area, but is good to remain aware of these potential issues when planning construction.

As it relates to environmental historic resources, there is no way for us to know the proposed dimensions of uses of any future building which may be constructed here. As such, any future proposed construction projects on this site which require federal funding or permits only need to be reviewed by our office for indirect effects (for example, visual effects to buildings located outside the direct buildable areas but within a proposed project APE; that allows for these indirect effects to any buildings 50 years old or older and eligible for listing on the National Register of Historic Places (NRHP). If you have any questions, please contact Jennifer Ryall of my staff at 502-564-7605 ext. 121.

Sincerely,

Craig A. Potts
Executive Director and
State Historic Preservation Officer

CP# 434596
KentuckyUrbBridgeSpan.com
Kentucky A Equal Opportunity Employer M/F/D
APPENDIX B. FISH AND WILDLIFE CONSULTATIONS/REVIEWS

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
520 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468
July 21, 2015

Ms. Tara Hackney
MSEE of Kentucky, Inc.
624 Wellington Way
Lexington, KY 40503

Re: FWS 2015-R-0577: Northeast Regional Industrial Development Authority: East Park Regional Industrial Park, site B, located in Boyd and Goochland counties, Kentucky

Dear Ms. Hackney:

Thank you for the opportunity to provide comments on the above-referenced project. The U.S. Fish and Wildlife Service (Service) has reviewed the revised report attached to a July 20, 2015 email from Ms. Laura Hill at T.I.E.E. Engineers, Inc. regarding this proposed project. We offer the following comments in accordance with the Endangered Species Act of 1973 (16 Stat. 884, as amended, 16 U.S.C. 1531 et seq.).

**Indiana bat**

**Northern long-eared bat**

The proposed project is located in "potential habitat" for the Indiana bat and the northern long-eared bat. According to the July 20, 2015 habitat assessment from T.I.E.E. Engineers, Inc., the buildable boundary of the proposed project was modified to avoid all the forested habitat at the site. The habitat assessment also states that no potential winter habitat was identified on maps or during the field assessment of the site. Because the proposed project will not impact winter hibernation or summer roosting habitat and the foraging resources on the site are of marginal quality, we concur that the proposed project is not likely to adversely affect the Indiana bat or the northern long-eared bat.

Thank you again for your request. Your concern for the protection of endangered and threatened species is greatly appreciated. If you have any questions regarding the information that we have provided, please contact Jendi Millor at (502) 695-0468 extension 194.

Sincerely,

Virgil Lee Andrews, Jr.
Field Supervisor
APPENDIX C. PRIME FARMLAND REVIEW USING USDA NRCS WEB SOIL SURVEY
APPENDIX D. CO₂ EMISSIONS ESTIMATES AND AIR PERMIT

### TABLE 1: Fuel Consumption Rates

<table>
<thead>
<tr>
<th></th>
<th>Gasoline</th>
<th>Diesel</th>
</tr>
</thead>
<tbody>
<tr>
<td>X (Fuel Consumption kg/hour)</td>
<td>0.11</td>
<td>0.17</td>
</tr>
<tr>
<td>Y (Fuel kg/hour)</td>
<td>0.11</td>
<td>0.14</td>
</tr>
<tr>
<td>Z (Load Factor)</td>
<td>0.96</td>
<td>0.98</td>
</tr>
<tr>
<td>A (Horsepower)</td>
<td>0.14</td>
<td>0.15</td>
</tr>
<tr>
<td>L (L/min)</td>
<td>0.64</td>
<td>0.65</td>
</tr>
</tbody>
</table>

### TABLE 2: Carbon Dioxide (CO₂) Emission Rates

<table>
<thead>
<tr>
<th></th>
<th>Baseline</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy Content of Fuel</td>
<td>0.11566</td>
<td>ton CO₂ per gal</td>
</tr>
<tr>
<td>Carbon Dioxide Equivalent per Volume of Fuel</td>
<td>0.0838365</td>
<td>ton CO₂ per gal</td>
</tr>
</tbody>
</table>

### TABLE 3: Typical Equipment Usage on AML Projects

<table>
<thead>
<tr>
<th>Machine</th>
<th>Project Size</th>
<th>Hours Used Per Year (Hrs)</th>
<th>Hours Used Per Week (Hrs/Week)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dumper D (John Deere 455)</td>
<td>X</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Excavator 1 (small John Deere 75g)</td>
<td>2</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Excavator 2 (medium John Deere 75g)</td>
<td>2</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Dumper Truck 2 (Medium John Deere 75g)</td>
<td>2</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Dumper Truck 3 (Large John Deere 75g)</td>
<td>2</td>
<td>40</td>
<td>40</td>
</tr>
</tbody>
</table>
APPENDIX E. ESTIMATED ANNUAL HAZARDOUS WASTE GENERATION

1. Hazardous Material Inputs
   a. Chlorine Gas – 2, 2 ton cylinder ( 1960 Lbs Chlorine gas ) on site at any one time, annual consumption of approx. 30,000 Lbs of Chlorine gas
      i. Used to turn impurities to salts and removed as dross. Any excess emissions are controlled per the air permit.
   b. HCL – 3,000 Gal in 10 300 Gal totes on site at any one time, annual consumption of approx. 24,000 Gallons HCL at 35 Wt %.
      i. Used to clean the aluminum strip on the CASH line and any emissions are controlled per the air permit

2. Petroleum Product Inputs
   a. Hot Mill Rolling Coolant – Water / Oil Emulsion at 10% oil or 50,000 Gals oil on site at any one time, annual consumption of approx. 100,000 Gal oil.
      i. Used during hot rolling and any emissions are controlled per the air permit
   b. Cold Mill Rolling Coolant – Mineral Oil based 140,000 Gals oil on site at any one time, annual consumption of approx. 80,000 Gal oil.
      i. Used during cold rolling and any emissions are controlled per the air permit

3. Hazardous Waste - Annual amounts to be disposed to landfill or recycled by certified 3rd parties.
   a. Dross - 9,900,000 lbs
   b. Cast House Filters - 130,000 lbs of spent bag house filters
   c. Hot Mill Coolant - 240,000 lbs of used coolant
   d. Hot Mill Filter Cloth - 260,000 lbs of spent filter media cloth
   e. Cold Mill Coolant - 160,000 lbs of spent coolant
   f. Cold Mill Filter Cloth - 312,000 lbs of spent filter media diatomaceous earth
   g. CASH Line Dry Lube - 28,600 lbs of dry lube waste
   h. Waste Water Treatment - 71,200 lbs of oil flocculant
APPENDIX F. SURCHARGE AND BORROW AREA
APPENDIX G. USACE NATIONWIDE 39 PERMIT

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
EASTERN KENTUCKY REGULATORY OFFICE
845 Sassafras Creek Road
Sassafras, Kentucky 41759-8804

June 14, 2018

Regulatory Division
South Branch
ID No. LRL-2013-637-jlb

Mr. Alan Blankshain
Brady Industries, Inc.
1344 Winchester Ave, Third Floor
Ashland, Kentucky 41101

Dear Mr. Blankshain:

This is in response to your request for authorization to discharge fill material into 0.33 acre of palustrine emergent wetland (Wetland LL) in order to construct an aluminum manufacturing facility at the East Kentucky Industrial Center along Commerce Drive in Boyd County, Kentucky. The information supplied by your agent was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 404 of the Clean Water Act.

Your project is considered a discharge of dredged and/or fill material associated with construction or expansion of commercial and institutional developments. The project is authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 39 Commercial and Institutional Developments, as published in the Federal Register January 6, 2017. Under the provisions of this authorization you must comply with the enclosed Terms and General Conditions for Nationwide Permit No. 39 and the following special conditions.

1. The permittee must adhere to the design and specifications set forth in the application for Section 404 permit dated March 23, 2018 and all subsequently submitted information regarding the final approved mitigation plan.

2. The permittee must provide as-built plans and specifications within 90 days after completion of construction to the East Kentucky Regulatory Office. The plans should include documentation for both the authorized impact areas and the permittee responsible mitigation area.

3. The permittee must submit a deed restriction within 90 days after completion of construction to the East Kentucky Regulatory Office. A copy of the signed and recorded deed restriction must be provided.
APPENDIX H. ECONOMIC BENEFITS

1. EastPark Description of Project

EastPark is the marketing name for the Northeast Kentucky Regional Industrial Park Authority's 1,000-acre business park near Ashland and Grayson, Kentucky. The park is the creation of Boyd, Carter, Elliott, Greenup and Lawrence County governments and the Commonwealth of Kentucky.

In the early 1990s the Kentucky General Assembly enacted legislation that allowed for a percentage of the state’s coal severance tax revenue to be placed in industrial development accounts for coal-producing and coal-impacted counties.

In the case of EastPark, the five county Judge Executives met in 1994, under the auspices of the FIVCO Area Development District and the Economic Development Corporation of Boyd and Greenup Counties (later absorbed to form the Ashland Alliance), and decided to apply for regional park funds.

Prior to the judges’ meeting, then Kentucky Governor Paul Patton, a supporter of the regional park concept for areas of the state with high unemployment or other barriers to economic development, met with executives of the Adington Companies and negotiated the gift of 1,000 acres of land in Boyd, Carter and Greenup Counties for a regional park. After the land was pledged, officials from the five counties adopted the required inter-local agreement and other documents, including an agreement on how property tax revenue generated by firms that located in the park would be distributed. That agreement was formalized and approved by the state. With completion of that agreement, an application was filed with the economic development cabinet to fund preliminary engineering for the park. The engineering study and master plan included estimates for phase one infrastructure and a shell building. EastPark is a five-county park that lies in three of those counties. The park now holds a state-of-the-art campus of the Kentucky Community and Technical College, the FIVCO ADD, AT&T, Cintas, General Sales, and Ohio Valley Wholesale/HD Hackney.

Since the time of the park’s inception, coal severance dollars have become nearly extinct and the Northeast Kentucky Regional Industrial Park Authority has no income other than that of land sold. Without income, marketing the park and its assets has been practically impossible. Those times are changing. Through relationships with the Kentucky Cabinet for Economic Development, Ashland Alliance, and Kentucky Power, EastPark has been making great strides toward achieving the economic development goals set forth in creating the park. Partnerships and vision have positioned the park and the region for a new economic future.

In the last two years, EastPark has earned the American Electric Power Quality Site Certification through McCallum Sweeney. The park also has the distinction of housing eastern Kentucky’s first BuildReady site. These certifications make EastPark ready to go for development and take away potential risk to a prospective client.