

JAMES E. BICKFORD
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

March 5, 2002

Colonel Robert E. Slockbower
District Engineer
US Army Corps of Engineers
Louisville District
PO Box 59
Louisville, KY 40201

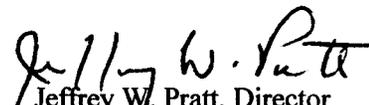
RE: Section 401 Water Quality Certifications for
2002 Revised Nationwide 404 Permits

Dear Colonel Slockbower:

As lead Corps District for Kentucky, the Kentucky Division of Water hereby transmits to your office our latest Water Quality Certification actions on the 2002 versions of the Corps of Engineers' (COE) Nationwide Permit (NWP) program.

The attached document spells out our Water Quality Certification action for each NWP. Please direct any questions to John Dovak, Supervisor of Water Quality Certification at 502/564-3410.

Sincerely,


Jeffrey W. Pratt, Director
Division of Water

JWP:JLD:jd
Attachment

cc: COE Huntington District
COE Nashville District
COE Memphis District
U.S. Environmental Protection Agency/Atlanta
U.S. Fish and Wildlife Services/Cookeville
Kentucky Department of Fish and Wildlife Resources
Kentucky State Nature Preserves Commission
Kentucky Transportation Cabinet



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FRANKFORT KY 40601

On March 17, 2002, the Kentucky Division of Water hereby takes the following actions on the Corps of Engineers' Nationwide Permits:

- #1 is hereby certified as written
- #2 is hereby certified as written
- #3 is hereby certified with conditions (attached)
- #4 is hereby certified as written
- #5 is hereby certified as written
- #6 is hereby certified as written
- #7 is hereby certified with conditions (attached)
- #8 is hereby certified as written
- #9 is hereby certified as written
- #10 is hereby certified as written
- #11 is hereby certified as written
- #12 is hereby certified with conditions (attached)
- #13 is hereby certified with conditions (attached)
- #14 is hereby certified with conditions (attached)
- #15 is hereby certified as written
- #16 is hereby denied
- #17 is hereby denied
- #18 is hereby certified as written
- #19 is hereby certified as written
- #20 is hereby certified as written
- #21 is hereby certified with conditions (attached)
- #22 is hereby certified as written
- #23 is hereby certified with conditions (attached)
- #24 is hereby certified as written
- #25 is hereby certified with conditions (attached)
- #26 permit cancelled
- #27 is hereby certified with conditions (attached)
- #28 is hereby certified as written
- #29 is hereby certified as written



Nationwide Permits

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- #30 is hereby certified with conditions (attached)
- #31 is hereby certified with conditions (attached)
- #32 is hereby denied
- #33 is hereby certified as written
- #34 is hereby certified as written
- #35 is hereby certified as written
- #36 is hereby certified as written
- #37 is hereby certified with conditions (attached)
- #38 is hereby denied
- #39 is hereby certified with conditions (attached)
- #40 is hereby certified as written
- #41 is hereby certified as written
- #42 is hereby certified as written
- #43 is hereby certified with conditions (attached)
- #44 is hereby denied

Attachments



COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

General Certification--Nationwide Permit # 3
Maintenance

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (3), namely maintenance, provided that the following conditions are met:

1. Impacts to jurisdictional **wetlands greater than 1 acre** will require mitigation and an individual Water Quality Certification from the Kentucky Division of Water prior to beginning of work.
2. Impacts to streams **greater than 200 linear feet** of stream length will require an individual Water Quality Certification from the Division of Water prior to beginning work. For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.
3. For those projects impacting **less than 200 feet of stream** or 1 acre of wetland the following condition must be observed:

Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth.

4. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
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General Certification--Nationwide Permit # 7
Outfall Structures

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (7), namely outfall structures, provided that the following conditions are met:

Sewage discharge outfall structures that require excavation of river bottom sediments will require an individual Water Quality Certification from the Kentucky Division of Water prior to beginning work.

2. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
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DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
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General Certification--Nationwide Permit #12
Utility Line Backfill and Bedding

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A (B) (12), namely utility line backfill and bedding provided that the following conditions are met:

1. This general Water Quality Certification is limited to the crossing of streams by utility lines. The length of a single utility stream crossing shall not exceed twice the width of the stream. This document does not authorize the installation of utility lines in a linear manner within the stream channel or below the top of the stream bank.
2. The provisions of 401 KAR 5:005 Section 8 are hereby incorporated into this General Water Quality Certification. Namely, "Sewer lines shall be located at least 50 feet away from a stream which appears as a blue line on a USGS 7 ½ minute topographic map except where the sewer alignment crosses the stream. The distance shall be measured from the top of the stream bank. The cabinet may allow construction within the 50' buffer if adequate methods are used to prevent soil from entering the stream.

Gravity sewer lines and force mains that cross streams shall be constructed by methods that maintain normal stream flow and allow for a dry excavation. Water pumped from the excavation shall be contained and allowed to settle prior to re-entering the stream. Excavation equipment and vehicles shall operate outside of the flowing portion of the stream. Spoil material from the sewer line excavation shall not be allowed to enter the flowing portion of the stream." The provisions of this condition shall apply to all types of utility line stream crossings.

3. Removal of riparian vegetation in the utility line right-of-way shall be limited to that necessary for equipment access. Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth. Site regarding and reseeding will be accomplished within 14 days after disturbance.



4. Utility line construction projects through jurisdictional wetlands shall not result in conversion of the area to non-wetland status.
5. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.



COMMONWEALTH OF KENTUCKY
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DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
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FRANKFORT KY 40601

General Certification--Nationwide Permit #13
Bank Stabilization

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (13), namely bank stabilization, provided that the following conditions are met:

Impacts to streams **greater than 200 linear feet** of stream length will require an individual Water Quality Certification from the Division of Water prior to beginning work, except as noted in condition 3 of this certification. For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.

2. For those projects impacting **less than 200 feet of stream**, the following condition must be observed:

Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth.

3. Stream impacts covered under this nationwide permit and undertaken by those persons defined as an agricultural operation under the Agricultural Water Quality Act must be completed in compliance with the Kentucky Agricultural Water Quality Plan.
4. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
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DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
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General Certification--Nationwide Permit #14
Road Crossings

This General Certification is issued on March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (14), namely road crossings provided that the following conditions are met:

- Individual road culvert or bridges, either for public or private purposes, that exceed 200 linear feet in width shall require an individual Water Quality Certification.
2. Stream and riparian impacts will be limited to the minimum necessary to construct the road crossing. For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.
 3. All equipment access and excavations within a stream, necessary to complete a road crossing project, shall be done in such a manner as to prevent degradation of Waters of the Commonwealth. Temporary equipment crossing structures shall be constructed with sufficient pipe capacity so as not to impede normal stream flow.
 4. Stream bed gravel and rock shall not be used for construction material.
 5. The stream crossing structure shall be constructed in such a manner that does not impede the movement of aquatic organisms. The bottom of any culverts shall be level with the stream bed.
 6. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.
 7. Stream impacts covered under this nationwide permit and undertaken by those persons defined as an agricultural operation under the Agricultural Water Quality Act must be completed in compliance with the Kentucky Agricultural Water Quality Plan.



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Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.



COMMONWEALTH OF KENTUCKY
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DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
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General Certification--Nationwide Permit #21
Surface Coal Mining

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (21), namely wetland and stream impacts from surface coal mining provided that the following conditions are met:

1. Impacts to jurisdictional wetlands greater than 1 acre will require mitigation and an individual Water Quality Certification from the Kentucky Division of Water.
2. **This certification will not apply** to surface coal mining operations that impact waters of the Commonwealth designated by the cabinet in its water quality standards as outstanding state or national resource waters or as cold water aquatic habitat. An individual Water Quality Certification will be required for projects in these waters.
3. If the watershed above the toe of the farthest downstream permanent structure authorized pursuant to NWP 21 is **less than 480 acres** the following standard operating conditions must be met:
 - All earthwork operations shall be carried out so that sediment runoff and soil erosion to waters of the Commonwealth are controlled and minimized. Best management practices for water pollution control shall be used by the surface coal mining operation.
 - Heavy equipment, such as bulldozers, backhoes and draglines shall not be used or operated within water of the Commonwealth outside the boundaries of permanent structure, unless that use cannot be avoided. If use of heavy equipment within water of the Commonwealth outside the boundaries of a permanent structure is unavoidable, then the work shall be performed so as to minimize resuspension of sediments and disturbance to substrates, banks, and riparian vegetation.
 - Measures shall be taken to prevent and to control spills of fuels, lubricants and other materials from entering waters of the Commonwealth.



- Any fill or riprap shall be of a composition that shall not cause violations of water quality standards by adversely affecting the biological, chemical or physical properties of waters of the Commonwealth. If riprap is used, it shall be of a weight and size that bank stress or slump conditions shall not occur.
 - Removal of riparian vegetation outside the boundaries of a permanent structure shall be minimized.
4. If the watershed above the toe of the farthest downstream permanent structure is **greater than 480 acres**, the Division of Water may require an individual Water Quality Certification containing conditions in addition to those contained in item #3 of this general certification. Mitigation for permanent loss of waters of the Commonwealth will be required in accordance with the Stream Mitigation Manual created pursuant to KRS 224.16-070.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.



COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
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General Certification--Nationwide Permit #23
Catagorical Exclusions

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (23), namely approved catagorical exclusions provided that the following conditions are met:

1. Impacts to jurisdictional wetlands **greater than 1 acre** will require mitigation and an individual Water Quality Certification from the Kentucky Division of Water prior to beginning of work.
2. Impacts to streams **greater than 200 linear feet** of stream length will require an individual Water Quality Certification from the Division of Water prior to beginning work.

For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.

3. For those projects impacting **less than 200 feet of stream** or 1 acre of wetland the following condition must be observed:
 - Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth.
4. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
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FRANKFORT KY 40601

General Certification--Nationwide Permit #25
Structural Discharge

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (25), namely structural discharge, provided that the following conditions are met:

Impacts to jurisdictional wetlands **greater than 1 acre** will require mitigation and an individual Water Quality Certification from the Kentucky Division of Water prior to beginning of work.

2. Impacts to streams **greater than 200 linear feet** of stream length will require an individual Water Quality Certification from the Division of Water prior to beginning work.

For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.

3. When this nationwide permit is used to cover the installation and filling of **barge mooring cells** in waters of the Commonwealth, an individual Water Quality Certification will be required in all cases.
4. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
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FRANKFORT KY 40601

General Certification--Nationwide Permit #27
Wetland and Stream Restoration Activities

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (27), namely wetland and riparian restoration and creation activities provided that the following conditions are met:

1. Impacts to jurisdictional wetlands **greater than 1 acre** will require mitigation and an individual Water Quality Certification from the Kentucky Division of Water prior to beginning of work.
2. Except as noted in Condition #4 of this certification, impacts to streams **greater than 200 linear feet** of stream length will require an individual Water Quality Certification from the Division of Water prior to beginning work. For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.
3. For those projects impacting **less than 200 feet of stream** or 1 acre of wetland the following condition must be observed:
 - Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth.
4. Stream and wetland impacts covered under this nationwide permit and undertaken by those persons defined as an agricultural operation under the Agricultural Water Quality Act must be completed in compliance with the Kentucky Agricultural Water Quality Plan.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
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General Certification--Nationwide Permit #30
Moist Soil Units

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (30), namely moist soil management for wildlife provided that the following conditions are met:

1. Impacts to jurisdictional wetlands **greater than 1 acre** will require mitigation and an individual Water Quality Certification from the Kentucky Division of Water prior to beginning of work.
2. Impacts to streams **greater than 200 linear feet** of stream length will require an individual Water Quality Certification from the Division of Water prior to beginning work.

For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.

3. For those projects impacting **less than 200 feet of stream** or 1 acre of wetland the following condition must be observed:

Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
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General Certification--Nationwide Permit #31
Maintenance of Existing Flood Control Projects

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (31), namely maintenance of existing flood control projects, provided that the following conditions are met:

Impacts to jurisdictional wetlands **greater than 1 acre** will require mitigation and an individual Water Quality Certification from the Kentucky Division of Water prior to beginning of work.

2. Impacts to streams **greater than 200 linear feet** of stream length will require an individual Water Quality Certification from the Division of Water prior to beginning work.

For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.

3. For those projects impacting **less than 200 feet of stream** or 1 acre of wetland the following condition must be observed:
 - Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth.
4. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

General Certification--Nationwide Permit #37
Emergency Watershed Protection

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (37), namely emergency watershed protection, provided that the following conditions are met:

- 1 Impacts to jurisdictional wetlands **greater than 1 acre** will require mitigation and an individual Water Quality Certification from the Kentucky Division of Water prior to beginning of work.
2. Except as noted in Condition #4 of this certification, impacts to streams **greater than 200 linear feet** of stream length will require an individual Water Quality Certification from the Division of Water prior to beginning work. For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.
3. For those projects impacting **less than 200 feet of stream** or 1 acre of wetland the following condition must be observed:
 - Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth.
4. Stream impacts covered under this nationwide permit and undertaken by those persons defined as an agricultural operation under the Agricultural Water Quality Act must be done in compliance with the Kentucky Agricultural Water Quality Plan.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
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General Certification--Nationwide Permit #39
Residential, Commercial and Industrial Developments

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (43), namely Residential, Commercial and Industrial Development provided that the following conditions are met:

Impacts to jurisdictional wetlands **greater than 1 acre** will require mitigation and an individual Water Quality Certification from the Kentucky Division of Water prior to beginning of work.

2. Impacts to streams **greater than 200 linear feet** of stream length will require an individual Water Quality Certification from the Division of Water prior to beginning work.

For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.

3. For those projects impacting **less than 200 feet of stream** or 1 acre of wetland the following condition must be observed:
 - Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth.
4. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.





COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

General Certification--Nationwide Permit #43
Stormwater Management Facilities

This General Certification is issued March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A(B) (43), namely stormwater management facilities provided that the following conditions are met:

No stormwater management facilities shall be constructed within the channel of a stream depicted as a solid blue line on a USGS 1:24,000 topographic map.

2. Physical impacts resulting from the construction of stormwater management facilities shall be limited to that necessary for the construction of the impounding structure. The excavation, piping or paving of stream channels upstream of the impounding structure are not authorized under this General Water Quality Certification.
3. Stormwater management facilities that are constructed adjacent to stream channels shall be constructed in such a manner as to minimize the impact to the stream bank and stream channel. This General WQC does not authorize physical impacts to existing stream banks other than that associated with a single inlet and outlet structure.
4. All excavations within a stream, necessary to complete a stormwater management facility project, shall be done in such a manner as to prevent degradation of Waters of the Commonwealth. Sediment removal from stormwater management facilities shall be done in dry conditions and in such a manner as to prevent sediment from entering waters of the Commonwealth.
5. Removal of riparian vegetation shall be limited to that necessary for equipment access.
6. Site regrading and reseeding will be accomplished within 14 days after disturbance.



7. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding State Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.