



**ENVIRONMENTAL AND PUBLIC PROTECTION CABINET**

**Ernie Fletcher**  
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**Teresa J. Hill**  
Secretary

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[www.eppc.ky.gov](http://www.eppc.ky.gov)

May 11, 2007

Colonel Raymond G. Midkiff  
District Engineer  
US Army Corps of Engineers  
Louisville District  
P.O. Box 59  
Louisville, KY 40201

RE: Section 401 Water Quality Certifications for  
the 2007 Re-issued and Issued Nationwide  
Permits

Dear Colonel Midkiff:

The Kentucky Environmental and Public Protection Cabinet hereby transmits to your office our Clean Water Act Section 401 Water Quality Certification actions on the March 19, 2007 re-issuance of nationwide permits. These water quality certifications have an effective date of March 19, 2007 and shall expire on March 18, 2012 or earlier if the USACE makes significant changes to the nationwide permits.

Similar to the grandfather provision in the USACE Nationwide Permits, activities authorized under a valid USACE Nationwide Permit and previously qualifying for a general water quality certification that were under construction or under contract to begin construction prior to March 18, 2007, shall have until March 18, 2008 to complete construction under the 2002 general certification conditions.

Colonel Raymond G. Midkiff  
May 11, 2007  
Page Two

The attached document lists our Water Quality Certification action for each nationwide permit and includes any conditional certifications. Please direct any questions to Jennifer Garland, Supervisor, Water Quality Certification Section at 502/564-3410.

Sincerely,

[ORIGINAL SIGNED]

Teresa J. Hill, Secretary  
Environmental & Public Protection Cabinet

TJH:JMG:tw

Attachments

Electronic copies to:

Jim Townsend, USACE: Louisville  
Ron Gatlin, USACE: Nashville  
Ginger Mullins, USACE: Huntington  
Larry Watson, USACE: Memphis  
Tom Welborn, USEPA: Atlanta  
Lee Andrews, USFWS: Frankfort  
Michael Hubbs, NRCS: Frankfort  
Jon Gassett, KDFWR: Frankfort  
Don Dott, KSNPC: Frankfort  
Susan Bush: DNR: Frankfort  
Steve Coleman: DOC: Frankfort  
Paul Ehret, DMP: Frankfort  
David Waldner, KTC: Frankfort



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Effective March 19, 2007, the Kentucky Environmental and Public Protection Cabinet hereby takes the following actions on the US Army Corps of Engineers' Nationwide Permits:

- #1 Aids to Navigation, is hereby certified as written.
- #2 Structures In Artificial Canals, is hereby certified as written.
- #3 Maintenance, is hereby certified with conditions (attached).
- #4 Fish and Wildlife Harvesting, Enhancement, and Attraction Devices, and Activities, is hereby certified as written.
- #5 Scientific Measurement Devices, is hereby certified with conditions (attached).
- #6 Survey Activities, is hereby certified as written.
- #7 Outfall Structures and Associated Intake Structures, is hereby certified with conditions (attached).
- #8 Oil and Gas Structures on the Outer Continental Shelf, is hereby certified as written.
- #9 Structures in Fleeting and Anchorage Areas, is hereby certified as written.
- #10 Mooring Buoys, is hereby certified as written.
- #11 Temporary Recreational Structures, is hereby certified as written.
- #12 Utility Line Activities, is hereby certified with conditions (attached).
- #13 Bank Stabilization, is hereby certified with conditions (attached).
- #14 Linear Transportation Projects, is hereby certified with conditions (attached).
- #15 U.S. Coast Guard Approved Bridges, is hereby certified with conditions (attached).
- #16 Return Water from Upland Contained Disposal Areas, is hereby denied.
- #17 Hydropower Projects, is hereby denied.
- #18 Minor Discharges, is hereby certified with conditions (attached).
- #19 Minor Dredging, is hereby certified as written.
- #20 Oil Spill Cleanup, is hereby certified as written.
- #21 Surface Coal Mining Operations, is hereby certified with conditions (attached).

- #22 Removal of Vessels, is hereby certified as written.
- #23 Approved Categorical Exclusions, is hereby certified with conditions (attached).
- #24 Indian Tribe or State Administered 404 Programs, is hereby certified as written.
- #25 Structural Discharges, is hereby certified with conditions (attached).
- #26 Reserved.
- #27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities, is hereby certified with conditions (attached).
- #28 Modifications of Existing Marinas, is hereby certified as written.
- #29 Residential Developments, is hereby certified with conditions (attached).
- #30 Moist Soil Management for Wildlife, is hereby certified with conditions (attached).
- #31 Maintenance of Existing Flood Control Facilities, is hereby certified with conditions (attached).
- #32 Completed Enforcement Actions, is hereby denied.
- #33 Temporary Construction, Access, and Dewatering, is hereby certified with conditions (attached).
- #34 Cranberry Production Areas, is hereby certified as written.
- #35 Maintenance Dredging of Existing Basins, is hereby certified as written.
- #36 Boat Ramps, is hereby certified as written.
- #37 Emergency Watershed Protection and Rehabilitation, is hereby certified with conditions (attached).
- #38 Cleanup of Hazardous and Toxic Waste, is hereby denied.
- #39 Commercial and Institutional Developments, is hereby certified with conditions (attached).
- #40 Agricultural Activities, is hereby certified as written.
- #41 Reshaping Existing Drainage Ditches, is hereby certified as written.
- #42 Recreational Facilities, is hereby certified with conditions (attached).
- #43 Stormwater Management Facilities, is hereby certified with conditions (attached).
- #44 Mining Activities, is hereby denied.
- #45 Repair of Uplands Damaged by Discrete Events, is hereby certified with conditions (attached).
- #46 Discharges in Ditches, is hereby certified with conditions (attached).
- #47 Pipeline Safety Program Designated Time Sensitive Inspections and Repairs, is hereby certified as written.
- #48 Existing Commercial Shellfish Aquaculture Activities, is hereby certified as written.
- #49 Coal Remining Activities, is hereby certified with conditions (attached).
- #50 Underground Coal Mining Activities, is hereby certified with conditions (attached).



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# General Certification--Nationwide Permit # 3 Maintenance

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

Agricultural operations, as defined by KRS 224.71-100(1) conducting activities pursuant to KRS 224.71-100 (3), (4), (5), (6), or (10) are deemed to have certification if they are implementing an Agriculture Water Quality Plan pursuant to KRS 224.71-145.

For all other operations, 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 NATIONWIDE PERMIT 3, namely Maintenance, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of intermittent or perennial stream. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. 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.

**General Certification--Nationwide Permit # 3**  
**Maintenance**  
**Page Two**

6. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
- Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
  - In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
  - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
  - Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
  - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
  - If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
  - Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
  - Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

**General Certification--Nationwide Permit # 3**  
**Maintenance**  
**Page Three**

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit # 5 Scientific Measuring Devices

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 5, namely Scientific Measuring Devices, provided that the following conditions are met:

1. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
2. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
3. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
  - In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
  - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.



**General Certification--Nationwide Permit # 5**  
**Scientific Measuring Devices**  
**Page Two**

- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit # 7 Outfall Structures and Associated Intake Structures

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 7, namely Outfall Structures and Associated Intake Structures, provided that the following conditions are met:

1. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
2. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
3. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
  - In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
  - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.

**General Certification--Nationwide Permit # 7**  
**Outfall Structures and Associated Intake Structures**  
**Page Two**

- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit # 12 Utility Line Activities

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

Agricultural operations, as defined by KRS 224.71-100(1) conducting activities pursuant to KRS 224.71-100 (3), (4), (5), (6), or (10) are deemed to have certification if they are implementing an Agriculture Water Quality Plan pursuant to KRS 224.71-145.

For all other operations, 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 NATIONWIDE PERMIT 12, namely Utility Line Activities, provided that the following conditions are met:

1. This general Water Quality Certification is limited to the crossing of intermittent and perennial streams by utility lines. The length of a single utility line 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 construction of permanent or temporary access roads will impact less than 300 linear feet of intermittent and perennial streams and less than one acre of jurisdictional wetlands.
3. 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

**General Certification--Nationwide Permit # 12**  
**Utility Line Activities**  
**Page Two**

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.

4. The activities do not result in any permanent changes in pre-construction elevation contours in waters or wetlands or stream dimension, pattern or profile.
5. Utility line construction projects through jurisdictional wetlands shall not result in conversion of the area to non-wetland status.
6. 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.
7. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
8. Activities that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
9. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
  - 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 regrading and reseeding will be accomplished within 14 days after disturbance.
  - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.

**General Certification--Nationwide Permit # 12**  
**Utility Line Activities**  
**Page Three**

- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit # 13 Bank Stabilization

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

Agricultural operations, as defined by KRS 224.71-100(1) conducting activities pursuant to KRS 224.71-100 (3), (4), (5), (6), or (10) are deemed to have certification if they are implementing an Agriculture Water Quality Plan pursuant to KRS 224.71-145.

For all other operations, 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 NATIONWIDE PERMIT 13, namely Bank Stabilization, provided that the following conditions are met:

1. The activity will impact less than 500 linear feet of intermittent and perennial stream, unless the proposed activity includes vertical embankments such as retaining walls. The impacts from the construction of vertical embankments are limited to 300 linear feet of intermittent and perennial stream. Impacts to ephemeral streams are not limited under this general certification.
2. The use of creek rock, grouted rip rap, unformed concrete or asphalt is not authorized under this general certification.
3. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as impaired with the impairment source including channelization or habitat loss.

**General Certification--Nationwide Permit # 13**  
**Bank Stabilization**  
**Page Two**

5. 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.
6. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
7. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
  - In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
  - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
  - Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
  - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
  - If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
  - Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.



**General Certification--Nationwide Permit # 13**  
**Bank Stabilization**  
**Page Three**

- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit # 14 Linear Transportation Projects

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

Agricultural operations, as defined by KRS 224.71-100(1) conducting activities pursuant to KRS 224.71-100 (3), (4), (5), (6), or (10) are deemed to have certification if they are implementing an Agriculture Water Quality Plan pursuant to KRS 224.71-145.

For all other operations, 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 NATIONWIDE PERMIT 14, namely Linear Transportation Projects, provided that the following conditions are met:

1. This general certification shall not apply to nationwide permits issued for individual crossings that are part of a larger road segment project where the cumulative, unmitigated wetland impacts within a 14-HUC total one (1) acre or more.
2. The individual stream crossing will impact less than 300 linear feet of intermittent or perennial streams, unless excluded by condition # 3. Impacts to ephemeral streams are not limited under this general certification.
3. This general certification shall not apply to nationwide permits issued for individual crossings which meet condition # 2 but that are part of a larger road segment project where the cumulative, unmitigated intermittent and perennial stream impacts within a 14-HUC exceed 500 linear feet.
4. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.

**General Certification--Nationwide Permit #14**  
**Linear Transportation Crossings**  
**Page Two**

5. 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.
6. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
7. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Stream crossings shall be constructed in such a manner that does not impede the movement of aquatic organisms.
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
  - In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
  - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
  - Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
  - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
  - If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.

**General Certification--Nationwide Permit #14**  
**Linear Transportation Crossings**  
**Page Three**

- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit #18 Minor Discharges

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 18, namely Minor Discharges, provided that the following conditions are met:

1. The activity will impact less than 300 linear feet of intermittent or perennial stream. Impacts to ephemeral streams are not limited under this general certification.
2. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
3. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
4. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
  - In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.

**General Certification--Nationwide Permit #18**  
**Minor Discharges**  
**Page Two**

- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



## ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

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# General Certification--Nationwide Permit # 21 Surface Coal Mining Operations

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statutes KRS 224.16-050 and 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 NATIONWIDE PERMIT 21, namely Surface Coal Mining Operations, provided that the following conditions are met:

1. The activity will impact less than one acre of wetlands.
2. The activity will not 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.
3. Stream impacts occur in a stream with a watershed less than 480 acres in drainage above the most downstream permanent structure. For projects without permanent structures, stream impacts are limited to those with a watershed less than 480 acres in drainage above the most downstream point of disturbance.
4. Activities that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:

**General Certification--Nationwide Permit # 21**  
**Surface Coal Mining Operations**  
**Page Two**

- 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 waters of the Commonwealth outside the boundaries of a permanent structure, unless that use cannot be avoided. If use of heavy equipment within waters 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.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.





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# General Certification--Nationwide Permit # 23 Categorical Exclusions

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 23, namely Categorical Exclusions, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands and less than 300 linear feet of intermittent or perennial stream. Impacts to ephemeral streams are not limited under this general certification.
2. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
3. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
4. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.

**General Certification--Nationwide Permit # 23**  
**Categorical Exclusions**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit # 25 Structural Discharges

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 25, namely Structural Discharges, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands and less than 300 linear feet of intermittent or perennial stream. Impacts to ephemeral streams are not limited under this general certification.
2. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
3. This certification does not 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. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.

**General Certification--Nationwide Permit # 25**  
**Structural Discharges**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit # 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

Agricultural operations, as defined by KRS 224.71-100(1) conducting activities pursuant to KRS 224.71-100 (3), (4), (5), (6), or (10) are deemed to have certification if they are implementing an Agriculture Water Quality Plan pursuant to KRS 224.71-145.

For all other operations, 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 NATIONWIDE PERMIT 27, namely Aquatic Habitat Restoration, Establishment, and Enhancement Activities, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 500 linear feet of intermittent or perennial stream, unless the activities are intended to generate compensatory mitigation credits. Mitigation activities are limited to 300 linear feet of impact to intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
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 completed in compliance with the Kentucky Agricultural Water Quality Plan.

**General Certification--Nationwide Permit # 27**  
**Aquatic Habitat Restoration, Establishment, and Enhancement Activities**  
**Page Two**

5. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
6. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
  - In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
  - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
  - Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
  - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
  - If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
  - Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
  - Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

**General Certification--Nationwide Permit # 27**  
**Aquatic Habitat Restoration, Establishment, and Enhancement Activities**  
**Page Three**

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



## ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

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# General Certification--Nationwide Permit # 29 Residential Developments

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 29, namely Residential Developments, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of impact on intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. Activities that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.



**General Certification--Nationwide Permit # 29**  
**Residential Developments**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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## **General Certification--Nationwide Permit # 30 Moist Soil Management for Wildlife**

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 30, namely Moist Soil Management for Wildlife, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of impact on intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. Activities that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.

**General Certification--Nationwide Permit # 30**  
**Moist Soil Management for Wildlife**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# **General Certification--Nationwide Permit # 31 Maintenance of Existing Flood Control Facilities**

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 31, namely Maintenance of Existing Flood Control Facilities, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of impact on intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.

**General Certification--Nationwide Permit # 31**  
**Maintenance of Existing Flood Control Facilities**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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### **General Certification--Nationwide Permit # 33 Temporary Construction, Access, and Dewatering**

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 33, namely Temporary Construction, Access, and Dewatering, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of impact on intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.

**General Certification--Nationwide Permit # 33**  
**Temporary Construction, Access, and Dewatering**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.





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# General Certification--Nationwide Permit # 37 Emergency Watershed Protection and Rehabilitation

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

Agricultural operations, as defined by KRS 224.71-100(1) conducting activities pursuant to KRS 224.71-100 (3), (4), (5), (6), or (10) are deemed to have certification if they are implementing an Agriculture Water Quality Plan pursuant to KRS 224.71-145.

For all other operations, 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 NATIONWIDE PERMIT 37, namely Emergency Watershed Protection and Rehabilitation, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of intermittent and perennial streams, or the activity will impact less than 500 linear feet of intermittent or perennial stream on a project qualifying under section (d) of NWP 37. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
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 completed in compliance with the Kentucky Agricultural Water Quality Plan.



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**Emergency Watershed Protection and Rehabilitation**  
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5. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
6. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
  - In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
  - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
  - Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
  - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
  - If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
  - Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.

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**Emergency Watershed Protection and Rehabilitation**  
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- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



## ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

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# General Certification--Nationwide Permit # 39 Commercial and Institutional Developments

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 39, namely Commercial and Institutional Developments, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of impact on intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.

**General Certification--Nationwide Permit # 39**  
**Commercial and Institutional Developments**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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## **General Certification--Nationwide Permit # 42 Recreational Facilities**

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 42, namely Recreational Facilities, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of impact on intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.

**General Certification--Nationwide Permit # 42**  
**Recreational Facilities**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit # 43 Stormwater Management Facilities

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 43, namely Stormwater Management Facilities, provided that the following conditions are met:

1. The activity will impact less than 300 linear feet of impact on intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
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 Water Quality Certification 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.

**General Certification--Nationwide Permit # 43**  
**Stormwater Management Facilities**  
**Page Two**

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. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
8. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.





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# **General Certification--Nationwide Permit # 45 Repair of Uplands Damaged by Discrete Events**

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 45, namely Repair of Uplands Damaged by Discrete Events, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of impact on intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.

**General Certification--Nationwide Permit # 45**  
**Repair of Uplands Damaged by Discrete Events**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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# General Certification--Nationwide Permit # 46 Discharges in Ditches

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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 NATIONWIDE PERMIT 46, namely Discharges in Ditches, provided that the following conditions are met:

1. The activity will impact less than one acre of jurisdictional wetlands.
2. The activity will impact less than 300 linear feet of impact on intermittent and perennial streams. Impacts to ephemeral streams are not limited under this general certification.
3. The activity will not impact waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
4. Projects that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
  - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.

**General Certification--Nationwide Permit # 46**  
**Discharges in Ditches**  
**Page Two**

- In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such in stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/928-2380.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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## **General Certification--Nationwide Permit # 49 Coal Remining Activities**

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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) (49), namely coal remining activities, provided that the following conditions are met:

1. The activity will impact less than one acre of wetlands.
2. The activity will not 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.
3. Stream impacts occur in a stream with a watershed less than 480 acres in drainage above the most downstream permanent structure. For projects without permanent structures, stream impacts are limited to those with a watershed less than 480 acres in drainage above the most downstream point of disturbance.
4. Activities that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:

**General Certification--Nationwide Permit # 49**  
**Coal Remining Activities**  
**Page Two**

- 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 waters of the Commonwealth outside the boundaries of a permanent structure, unless that use cannot be avoided. If use of heavy equipment within waters 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.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.



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## **General Certification--Nationwide Permit # 50 Underground Coal Mining Activities**

This General Certification is effective March 19, 2007, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

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) (50), namely underground coal mining activities, provided that the following conditions are met:

1. The activity will impact less than one acre of wetlands.
2. The activity will not 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.
3. Stream impacts occur in a stream with a watershed less than 480 acres in drainage above the most downstream permanent structure. For projects without permanent structures, stream impacts are limited to those with a watershed less than 480 acres in drainage above the most downstream point of disturbance.
4. Activities that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:

**General Certification--Nationwide Permit # 50**  
**Underground Coal Mining Activities**  
**Page Two**

- 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 waters of the Commonwealth outside the boundaries of a permanent structure, unless that use cannot be avoided. If use of heavy equipment within waters 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.

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, 2012, or sooner if the USACE makes significant changes to this nationwide permit.