

Guidance on EWP Process regarding General Conditions to Nationwide Permit #37 Kentucky Division of Water (DOW) – Water Quality Certification (401)

DOW- Water Quality Contacts for EWP projects across Kentucky:

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Exigent Process:

1. If the project is **EXIGENT** and goes over the limits of the general conditions notify DOW immediately.
 - a. The limits of the general condition are:
 1. over 100 LF of grouted rock riprap
 2. over 500 LF of other stabilization measures.
2. The DOW contact will quickly make sure the site is not on a Special Use Water
3. If the site is not designated as a Special Use Water the **sponsors may do the work but must submit an application to DOW.**
 - a. DOW considers this as an “after the fact” certification, meaning the work can be completed but the permit must be submitted soon after work is finished. This is the sponsor’s responsibility however, NRCS should inform them that it needs to be completed.
 - b. The application can be found at the following link:
<http://water.ky.gov/permitting/Pages/ApplyingWQC.aspx> (Combined Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification)
4. If the site is designated as a Special Use Water no construction can begin until further consultation with DOW occurs.

Emergency Measure (Non-Exigent) Process:

1. If the project is Emergency Measure and goes over the limits of the general conditions the sponsor must submit an application (which will be reviewed by Floodplain and Water Quality Certification).
 - a. The application can be found at the following link:
<http://water.ky.gov/permitting/Pages/ApplyingWQC.aspx> (Combined Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification)
2. The project will be posted to public notice for 30 days.
3. Work may not begin until the certification is received.

General Condition Limits Not Exceeded:

If the project **DOES NOT exceed** the limits or guidelines listed within the general certification (issued March 19, 2012 in conjunction with the Corps’ Nationwide Permits), then Water Quality Certification is considered granted. Construction may proceed.