Engineering Manuals Permitting Packet
For New Development and Redevelopment Projects
in Fayette County, Kentucky

Lexington-Fayette
Urban County Government

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This publication was developed by the Tetra Tech / Third Rock Consultants Stormwater Program Management Team under contract to LFUCG for purposes of implementing the stormwater provisions of its Clean Water Act Consent Decree and/or its Kentucky Division of Water (KDOM) Municipal Separate Storm Sewer System (MS4) Permit.
Contents

Introduction .................................................................................................................................................. 3
Overview of the Development and Redevelopment Process ................................................................. 5
Land Disturbance Permit for New Development/Redevelopment .......................................................... 7
Construction General Permit for Stormwater Discharges ..................................................................... 9
Acceptance of Improvement Plans for Construction ............................................................................. 11
Approval of Alternative Design for Water Quality Considerations ....................................................... 13
Clean Water Act Section 404 Permit ....................................................................................................... 14
Permit for Construction Along or Across a Stream .................................................................................. 22
Clean Water Act Section 401 Water Quality Certification ...................................................................... 25
Special Permit for Construction in the Floodplain ................................................................................ 27
Building Permit ..................................................................................................................................... 29
Demolition Permit ................................................................................................................................. 30
Sanitary Sewer Collection System Construction Permit ...................................................................... 31
Sanitary Sewer Capacity Assurance Approval and Tap-On Permit ......................................................... 36
Commercial Agreement to Maintain Stormwater Facilities .................................................................. 42
Class V Underground Injection Well Permit ........................................................................................... 46
Curb Cut Permit ..................................................................................................................................... 47
Lane Closure Permit .............................................................................................................................. 48
Local Right-of-Way Construction Permit ............................................................................................ 49
State Right-of-Way Encroachment Permit .............................................................................................. 50
Key Agencies Involved in Construction and Development .................................................................... 55
Web Links for Additional Information ................................................................................................... 56
Introduction

This permitting packet is intended to help developers and contractors in Fayette County, Kentucky, comply with key local, state, and federal requirements for development and redevelopment projects. These requirements are associated with all phases of the projects, including planning, design, permitting, grading, construction, and post-construction (e.g., maintenance of stormwater management facilities). Regulatory and other information included in this packet is derived from:

- Lexington-Fayette Urban County Government (LFUCG) ordinances;
- LFUCG engineering manuals;
- the Federal district court Consent Decree between LFUCG, the Kentucky Division of Water (KDOW), and the U.S. Environmental Protection Agency (US EPA);
- the state-issued discharge permit for the Municipal Separate Storm Sewer System (MS4); and
- Local, state, and federal requirements for right-of-way encroachments, construction projects, soil disturbance in floodplains and near surface waters, and wastewater collection systems.

Note: This document contains detailed permit information, regulatory requirements, and other details regarding land development and redevelopment. For more information about building codes, building permits, certificates of occupancy, and other requirements for residential and commercial structures, see https://www.lexingtonky.gov/browse/licensing-permits-and-development/building-permits.

Sections of this document contain background information, points of contact, sample application forms, regulatory requirements, and submittal information for the items listed in the table below.

### Summary Table of Permits / Approvals Associated with Development / Redevelopment Projects

<table>
<thead>
<tr>
<th>Name of Permit or Approval</th>
<th>Permitting or Authorizing Agency</th>
<th>Type of Submittal Required</th>
<th>When the Permit/Approval is Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permits and Approvals Required for Grading and Other Land Development Activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local LFUCG Land Disturbance Permit</td>
<td>LFUCG Division of Engineering</td>
<td>Permit Application</td>
<td>When 5000 square feet or more of land will be disturbed, or for construction/demolition of a building</td>
</tr>
<tr>
<td>State KDOW Construction General Permit</td>
<td>Kentucky Division of Water</td>
<td>Application (Notice of Intent)</td>
<td>For land disturbances totaling one acre or more</td>
</tr>
<tr>
<td>Local LFUCG Acceptance of Improvement Plan / Authorization to Construct</td>
<td>LFUCG Division of Engineering</td>
<td>Submittal of plans</td>
<td>As part of the Improvement Plan for a proposed development that includes public infrastructure</td>
</tr>
<tr>
<td>Local LFUCG Approval of Alternative Design for Environmental Water Quality Considerations</td>
<td>LFUCG Planning Commission</td>
<td>Submittal of Report</td>
<td>When the proposed stormwater management plan conflicts with the Zoning Ordinance or Subdivision Regulations</td>
</tr>
<tr>
<td>Name of Permit or Approval</td>
<td>Permitting or Authorizing Agency</td>
<td>Type of Submittal Required</td>
<td>When the Permit/Approval is Required</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Federal USACE Clean Water Act Section 404 Permit</td>
<td>U.S. Army Corps of Engineers, Louisville District</td>
<td>Permit Application</td>
<td>When working in or along streams or filling wetlands or other waters</td>
</tr>
<tr>
<td>State KDOW Clean Water Act Section 401 Water Quality Certification</td>
<td>Kentucky Division of Water</td>
<td>Combined WQC and Stream Construction Permit Application</td>
<td>Whenever a USACE CWA Section 404 permit is required (stream crossings, wetland fills, construction in the floodplain, etc.)</td>
</tr>
<tr>
<td>State KDOW Stream Construction Permit</td>
<td>LFUCG Division of Engineering</td>
<td>Permit Application</td>
<td>When construction is proposed within a floodplain</td>
</tr>
<tr>
<td>Local LFUCG Special Use Floodplain Permit</td>
<td>LFUCG Division of Engineering</td>
<td>Permit Application</td>
<td>When construction is proposed within a floodplain</td>
</tr>
<tr>
<td><strong>Other Permits and Approvals Required for Construction of Buildings, Roads, and Sewers</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local LFUCG Commercial Agreement to Maintain Stormwater Facilities</td>
<td>LFUCG Division of Water Quality</td>
<td>Executed Maintenance Agreement</td>
<td>When new stormwater management facilities are proposed on commercial land</td>
</tr>
<tr>
<td>Local LFUCG Capacity Assurance Program for Sewer Tap-On Permit</td>
<td>LFUCG Division of Water Quality</td>
<td>Permit Application</td>
<td>When a new or redeveloped building will generate additional sewage flow</td>
</tr>
<tr>
<td>Local LFUCG Building Permit</td>
<td>LFUCG Division of Building Inspection</td>
<td>Permit Application</td>
<td>When the activity will involve construction of a building</td>
</tr>
<tr>
<td>Local LFUCG Demolition Permit</td>
<td>LFUCG Division of Building Inspection</td>
<td>Permit Application</td>
<td>When demolition of a building or parking lot is proposed</td>
</tr>
<tr>
<td>Local LFUCG Curb Cut Permit</td>
<td>LFUCG Division of Building Inspection</td>
<td>Permit Application</td>
<td>When a public curb is to be cut</td>
</tr>
<tr>
<td>Local LFUCG Lane Closure Permit</td>
<td>LFUCG Division of Traffic Engineering</td>
<td>Permit Application</td>
<td>When necessary to close a lane of traffic</td>
</tr>
<tr>
<td>Local LFUCG Right-of-Way Construction</td>
<td>LFUCG Division of Engineering</td>
<td>Permit Application</td>
<td>When construction will occur within an LFUCG right-of-way</td>
</tr>
<tr>
<td>State KYTC Right-of-Way Encroachment</td>
<td>Kentucky Transportation Cabinet, District 7</td>
<td>Permit Application</td>
<td>When construction will occur within the state right-of-way</td>
</tr>
<tr>
<td>State KDOW Construction Permit for Clean Water Collection Systems</td>
<td>Kentucky Division of Water</td>
<td>Permit Application</td>
<td>For installation / construction of new sewage collection piping</td>
</tr>
<tr>
<td>Federal US EPA Class V Injection Well Permit</td>
<td>U.S. Environmental Protection Agency, Region IV</td>
<td>Application to Register</td>
<td>When an infiltration facility or practice will be deeper than it is wide</td>
</tr>
</tbody>
</table>
Overview of the Development and Redevelopment Process

Real estate development and redevelopment typically involves changing the land cover – from pasture grasses to buildings and pavement, for example – and sometimes the land use (e.g., farm to residential or commercial). This process can affect traffic patterns, aesthetics, water quality, public health, and overall quality of life. In order to minimize undesirable impacts of development/redevelopment, Lexington has adopted ordinances and other guidelines that seek to accommodate and enhance both local construction projects and the overall community.

Requirements for the construction of development infrastructure are detailed in the city’s engineering manuals, which cover structures, roadways, stormwater management, construction inspection, geotechnical issues, and sanitary sewers / pump stations. Generally, the various phases of a development/redevelopment project include the following elements and activities, which are illustrated in the flow chart in this section (see next page). Subsequent sections provide greater detail on the permits, approvals, or other authorizations related to the following project phases and subtopics:

Planning and Project Design

- Deed, plat and zoning filing and compliance issues
- Roadways, access and utility infrastructure planning
- Grading, infrastructure and building plan design and scheduling

Project Permitting

- Erosion, sediment, and stormwater control plan development
- Submittal of plans and other information for the Land Disturbance Permit
- Application for other environmental permits (i.e., USACE, KDOW)
- Application for local building and/or other permits

Project Construction

- Engineering and infrastructure compliance issues
- Sanitary sewers and stormwater facilities requirements
- Construction phase erosion and sediment control compliance

Web links to the most recent version of the engineering manuals that address the permitting, compliance, and other requirements associated with the activities above are provided below, and in the links listed in the final section of this document.

- Procedures Manual for Infrastructure Development
- Stormwater Manual
- Geotechnical Manual
- Structures Manual
- Roadway Manual
- Construction Inspection Manual
- Sanitary Sewer and Pumping Station Manual
- Standard Drawings

The flow chart on the next page provides a detailed overview of the development process, including actions and responsible parties for planning, design, permitting, construction, and oversight.
Determine whether or not the project contains public infrastructure.\(^{3}\)

Submit permit applications to all agencies including but not limited to KDOW, USACE, KHBC, KYTC, and private utilities or other project specific agencies. Some permit approvals may be required by DOE during plan review.

Prepare construction documents, and an ESC Plan/SWPPP in accordance with the Subdivision Regulations, Zoning Ordinance, Engineering Manuals, and Standard Drawings. Note that construction documents will be required for many of the permits/submittals listed above; coordinate all permits and submittals with the project schedule.

(DOE) Conduct an administrative review of the construction documents within ten working days of receiving the plans to verify that all items have been submitted.\(^{3}\) Are the plans acceptable to DOE?

Submit construction documents, ESC Plan/SWPPP, design calculations, Stormwater Management Plan, signed IOA, Compliance Statement, and other required documents to DOE in accordance with the Engineering Manuals.

(DOE) Review LDP submittal.\(^{3}\) Is application ready to accept?

Start the permitting and coordination process. Determine if any of the following permits/submittals apply to the project. Contact a representative for each discipline to discuss applicability, scheduling, and delivery.

Footnotes:
\(^{1}\) The project type may help determine if Planning and Zoning approvals are required prior to design. The project type will determine the level of water quality control requirements. If the project is an LFUCG Capital project, specific requirements of the project should be discussed with the project manager.

\(^{2}\) Refer to the Division of Planning for detailed information.

\(^{3}\) Public Infrastructure is defined as roads, sanitary sewer facilities, and stormwater facilities designated as public infrastructure by the Department of Planning, Preservation, and Development. An Infrastructure Development Agreement (IDA) will be required for projects that contain public infrastructure. Refer to the Procedures Manual for detailed information.

\(^{4}\) The Developer/Engineer is responsible for ensuring all required permits are obtained prior to construction. This list is not all inclusive. It contains permits or submittals that are typically encountered during development projects in Lexington-Fayette County.

\(^{5}\) The Engineer shall prepare an ESC Plan or SWPPP, based on the project type, as required with LFUCG Code of Ordinances Ch. 16 Article X Div. S for specific requirements. Note the Contractor may use the ESC Plan/SWPPP prepared by the Engineer; however, the Contractor assumes full responsibility for the plan once submitted.

\(^{6}\) DOE performs a summary review to ensure all items have been submitted. The Developer/Engineer shall have sole responsibility for the accuracy of the drawings, calculations, and reports.

\(^{7}\) LDP – Land Disturbance Permit

LFUCG – Lexington-Fayette Urban County Government

NFP – National Flood Insurance Program

NOT – Notice of Termination

NOV – Notice of Violation

SWPPP – Stormwater Pollution Prevention Plan

USACE – United States Army Corps of Engineers

\(^{8}\) The Engineering Manuals and other applicable permits will be required for the permits/submittals listed above; coordinate all permits and submittals with the project schedule.

\(^{9}\) Contact a representative for each discipline to discuss applicability, scheduling, and delivery.

\(^{10}\) DOE Conduct a pre-construction meeting (if required) and authorize installation of the Erosion and Sediment Control BMPs.

\(^{11}\) DOE Conduct a pre-construction meeting (if required) and authorize installation of the Erosion and Sediment Control BMPs.

\(^{12}\) For projects that involve relocating a plat, DOE will sign the plat only after receiving the above information. DBl will issue Building Permits once the plat is signed.

\(^{13}\) For projects that do not require a plat, DBl will issue a Certificate of Occupancy only after DOE receives the above information.
Land Disturbance Permit for New Development/Redevelopment

Name of Required Permit or Authorization

Land Disturbance Permit.

Who Issues It?

Lexington-Fayette Urban County Government Division of Engineering, with input from the Division of Water Quality.

When Is It Needed?

For all soil disturbance activities of any size where a new commercial or residential building is being constructed, for soil disturbances of 500 linear feet or more for utility construction, and for soil disturbance of more than 5,000 square feet that do not involve:

- accepted agricultural land management practices (e.g., plowing, cultivation, home gardens), nursery operations (removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing ground level) and logging operations that leave the stump, ground cover, and root mat intact.
- individual excavations at cemeteries for human or animal burial.
- seeding and sod replacement where the disturbed land area is less than ten thousand (10,000) square feet and the seeding or sod replacement is completed in less than five (5) calendar days.

What Kind of Information is Required?

Information about the permittee (i.e., the person with operational control of the project, or the owner of the site) and an Erosion and Sediment Control plan describing the project and schedule; the erosion, sediment, and stormwater controls proposed for the construction phase; and a listing of any other permits or authorizations required (e.g., permit for construction in the floodplain or along/across a stream).

Point of Contact for Submittals

Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410

Web Link for More Information

https://www.lexingtonky.gov/departments/engineering; lexingtonky.gov/new-development

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

Note: Submit the Land Disturbance Permit application and the Erosion and Sediment Control (ESC) Plan (or Stormwater Pollution Prevention Plan – SWPPP) to the LFUCG Division of Engineering. Requirements for ESC plans can be found in Chapter 11 of the LFUCG Stormwater Manual, which is posted at https://drive.google.com/file/d/0B_VhcJmdL_nhTThoZnJsWIBmZkk/view.
<table>
<thead>
<tr>
<th>Permitting Information and ESC Plan Narrative</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Page#</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>KY DOW Construction NOI / KYR10 Permit</td>
<td></td>
<td></td>
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<td></td>
<td>Required for disturbance ≥ 1 acre</td>
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<tr>
<td>US ACE Section 404 Permit</td>
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<td></td>
<td>Required for stream crossings, wetland fills</td>
</tr>
<tr>
<td>KY DOW Stream Construction Permit / WQ Certif.</td>
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<td></td>
<td></td>
<td>Required for stream crossings / encroachment</td>
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<tr>
<td>FEMA LOMR or CLMR</td>
<td></td>
<td></td>
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<td></td>
<td>If applicable</td>
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<tr>
<td>Project description and purpose</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Brief summary</td>
</tr>
<tr>
<td>Land cover, soils, percent impervious area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Pre and post construction</td>
</tr>
<tr>
<td>Land cover / land use of adjacent property</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Can designate on plan sheets</td>
</tr>
<tr>
<td>Work schedule with start/end dates</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sequencing, clearing, grading, revegetation</td>
</tr>
<tr>
<td>Phasing plan for large projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25 acre limit on total disturbed area</td>
</tr>
<tr>
<td>BMP installation schedule</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Can be included on plan sheets (see below)</td>
</tr>
<tr>
<td>Inspection and BMP maintenance schedule</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Every 7 days, or every 14 days and after ½” rain</td>
</tr>
<tr>
<td>Material storage, waste &amp; litter pollution prevention</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Covered, away from drainage system, etc.</td>
</tr>
<tr>
<td>Fueling / vehicle maintenance pollution prevention</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Conducted away from drainage system, etc.</td>
</tr>
<tr>
<td>Spill prevention, control, and countermeasures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>If reportable quantities present at the site</td>
</tr>
<tr>
<td>Dust control plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Consider if neighbors are present</td>
</tr>
<tr>
<td>Stabilized site exit inspection plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>For keeping offsite pavement clear of soil/debris</td>
</tr>
<tr>
<td>Stabilization and schedule for site areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Seed/mulch/etc. within 14 days of inactivity</td>
</tr>
</tbody>
</table>

**ESC Plan Site Map and Drawing Detail** *(See LFUCG Stormwater Manual for BMP Design and Installation Information)*

- Plans stamped by a licensed professional: Required for engineered plan components
- Location of the project; property lines: Include small locational map; street address
- Limits of construction, disturbed area location/size: Flag off "no disturbance" areas
- Topography and drainage patterns (pre and post): 1" = 50 ft; 2 ft contours
- Buildings, utilities, paved areas, ditches, culverts: Show stormwater inlets within 100 ft of site
- Retention ponds, detention basins, sediment traps: Stabilize immediately after construction
- Access and haul roads: Consider dust control where neighbors present
- Stabilized exit (50 ft #2 rock pad, shaker rack, etc.): Must drain to a sediment control BMP
- Silt fence or etc. at downslope perimeters: Super silt fence along critical areas
- Diversion ditches/berms above disturbed areas: Stabilize immediately after construction
- Protection for post-construction BMPs: Keep sediment out of post-construction BMPs
- Slope stabilization (seed with mulch/blanket/mat): See Figure 11-1 in Stormwater Manual
- Inlet protection measures: Specify type(s) and location(s)
- Outlet erosion protection measures: Specify type(s) and location(s)
- Ditch stabilization (sod, or seed with blanket/mat): Stabilize immediately after construction
- Sediment basins (> 5 ac) and traps (< 5 ac): Stabilize immediately after construction
- Dewatering sites and methods: Must use sediment controls
- 50 ft natural vegetated buffer for all critical areas: Applies to streams, wetlands, sinkholes
- Stream crossings: Crossing type, detail; USACE 404 permit req’d
- Stockpile areas, equipment storage/fueling areas: Keep away from drainage system if possible
- Waste and concrete wash water storage/disposal: Show initial area; can be moved as needed

**LFUCG Use Only:** Review Date: Status - In Compliance: Yes No Additional Info Needed: Yes No
Reviewed By: Department: DOE DWQ DES
Comments / Missing Items:
Construction General Permit for Stormwater Discharges

Name of Required Permit or Authorization:

Stormwater Construction General Permit, also referred to as “KRY10” or the Kentucky Pollutant Discharge Elimination System (KPDES) General Permit for Construction Activities for sites with a disturbed area of one acre or less.

Who Issues It?

The Kentucky Division of Water.

When Is It Needed?

For all construction activities with soil disturbances totaling one acre or more, including activities on smaller lots within a common plan of development that will disturb one acre or more in total.

What Kind of Information is Required?

Information about the permittee (i.e., the person with operational control of the project, or the owner of the site) and a Stormwater Pollution Prevention Plan describing the project, schedule, and the erosion, sediment, and stormwater controls proposed for the construction phase.

Point of Contact for Submittals:

Kentucky Division of Water, Kentucky Pollutant Discharge Elimination System. 300 Sower Boulevard, 3rd Floor, Frankfort, KY 40601. swpbsupport@ky.gov. 502.564.3410

Web Link for More Information:

http://water.ky.gov/permitting/Pages/WastewaterDischarge.aspx

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

Note: The cover page of the permit is posted on the following page. Use the link above to access the online KPDES permit application web site, the text of the permit itself, and to apply for a Notice of Intent for permit coverage. Submit the Stormwater Pollution Prevention Plan via the web link. The KDOW Stormwater Pollution Prevention Plan and the LFUCG Erosion and Sediment Control Plan can be combined into a single plan. Templates for SWPPPs are available on the KDOW and LFUCG web sites (see http://dca.ky.gov/DCA%20Resource%20Document%20Library/StormwaterPollutionPreventionPlanExample.pdf, and http://dca.ky.gov/DCA%20Resource%20Document%20Library/Storm%20Water%20Pollution%20Prevention%20Plan%20Sample.pdf.

After receiving a notice that the project is covered by the permit, implement the Stormwater Pollution Prevention Plan, and keep it onsite. File a Notice of Termination with KDOW once the area is stabilized.
For full text of permit, see: https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Documents/KYR10PermitPage.pdf
Acceptance of Improvement Plans for Construction

Name of Required Permit or Authorization:

Notification of Acceptance of Improvement Plans for Construction.

Who Issues It?

Lexington-Fayette Urban County Government Division of Engineering.

When Is It Needed?

For residential and commercial developments that include the construction of public infrastructure, such as roads, sewer collection systems, stormwater drainage facilities, etc.

What Kind of Information is Required?

Execution of an Infrastructure Development Agreement is required for residential and commercial developments that include construction of public infrastructure. The agreement includes an Improvement Plan, which provides detail on elements of infrastructure design and construction. Requirements for design and construction are addressed in the LFUCG engineering manuals, which are posted at https://www.lexingtonky.gov/new-development. Details on the requirements related to this agreement can be found in the Procedures Manual for Infrastructure Development, which describes how the Lexington-Fayette Urban County Government manages the design and construction of roads, sanitary sewers and pump stations, and stormwater facilities in developing areas. The Procedures Manual applies to 1) the public infrastructure that is financed and constructed by developers, which later becomes LFUCG property and is operated and maintained by LFUCG, and 2) stormwater controls on private property that are financed and constructed by developers to meet the post-construction stormwater management requirements of the LFUCG Stormwater Manual.

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410.

Web Links for More Information:

https://www.lexingtonky.gov/new-development
https://drive.google.com/file/d/0B_VhcJmdL_nhQVQyeFF1dTBhZG8/view

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

Note: The project engineer must coordinate with the LFUCG Division of Engineering, Division of Water Quality, Division of Traffic Engineering, Division of Building Inspection, Division of Planning, Division of Parks, and other agencies to complete the design of all public infrastructure, including a Stormwater Management Plan. After receiving input from LFUCG agencies, private utilities, and other involved parties, the project engineer submits the Improvement Plans to the LFUCG Division of Engineering for an administrative review.
Summarized from the Procedures Manual for Infrastructure Development:

Execution of an Infrastructure Development Agreement is required for residential and commercial developments that include construction of public infrastructure (roads, stormwater and sewer systems, etc.). The agreement includes an Improvement Plan, which provides detail on elements of infrastructure design and construction. The project engineer must coordinate with the LFUCG Division of Engineering, Division of Water Quality, Division of Traffic Engineering, Division of Building Inspection, Division of Planning, Division of Parks, and other agencies to complete the design of all public infrastructure, including a Stormwater Management Plan. After receiving input from LFUCG agencies, private utilities, and other involved parties, the project engineer submits the Improvement Plans to the LFUCG Division of Engineering for an administrative review.

The Division of Engineering conducts an administrative review of the Stormwater Management Plan and the Executive Summary of the Improvement Plan within 10 working days of receipt. The purpose of this review is to 1) verify that all items have been submitted and 2) confirm that the Executive Summary demonstrates compliance with the water quantity and water quality requirements of the Stormwater Manual. The review is not to check for design errors by the engineer – the engineer shall have sole responsibility for the accuracy of the drawings, calculations, and reports.

The Division of Engineering must, within ten working days of receiving the plans, sign the Compliance Statement in Appendix C of the Procedures Manual for Infrastructure Development or notify the engineer and developer in writing of items that are missing. The plans are considered accepted by LFUCG when the Division of Engineering signs the compliance statement. The Division of Engineering must notify the developer and the engineer in writing when the final plans have been accepted.

When the Improvement Plans have been accepted, the Division of Engineering must confirm with the Division of Water Quality that the sanitary sewer system has sufficient collection, transmission, and treatment capacity. The Division of Engineering must submit a letter to the Kentucky Division of Water stating that LFUCG:

- will accept responsibility for operation and maintenance of the proposed sanitary sewer system upon LFUCG acceptance of the construction
- approves the connection and accepts responsibility for the additional flow
- has adequate collection, transmission and treatment capacity
Approval of Alternative Design for Water Quality Considerations

Name of Required Permit or Authorization:

Lexington-Fayette Urban County Government Approval of Alternative Design for Environmental Water Quality Considerations.

Who Issues It?


When Is It Needed?

When a proposed stormwater management plan conflicts with the LFUCG Zoning Ordinance or the LFUCG Subdivision Regulations.

What Kind of Information is Required?

The Planning Commission may approve alternative designs, such as low impact development and green infrastructure, to meet the water quality requirements of the LFUCG Stormwater Manual when it can be demonstrated that the alternative meets the objectives of the manual. More information is provided in the Article 1-5(d) of the Subdivision Regulations.

Point of Contact for Submittals:


Web Link for More Information:


Example of Permit/Authorization Application Form or Requirements

The applicant shall provide a written report to the Commission outlining the environmental benefits to be obtained through the alternative design being proposed and the consistency of the alternate designs with low impact development and green infrastructure guidance endorsed by the United States Environmental Protection Agency, including an analysis and justification of the merits of the proposal. The report shall be prepared by an engineer licensed to practice in the Commonwealth of Kentucky.
Clean Water Act Section 404 Permit

**Name of Required Permit or Authorization:**

Clean Water Act Section 404 Dredge and Fill Permit.

**Who Issues It?**

U.S. Army Corps of Engineers Regulatory Division in Louisville, Kentucky.

**When Is It Needed?**

Permit coverage is required for any work in intermittent or perennial streams, wetlands, lakes, or other waters, or for dumping or placing dredged or fill materials in waters of the U.S. This includes laying pipe across or along stream channels, filling wetlands, building dams or berms across streams, installing temporary or permanent stream crossings, armoring bank areas, operating equipment within stream channels, and similar work.

**What Kind of Information is Required?**

The Corps of Engineers issues either general or individual permits. General (e.g., nationwide or regional) permits cover projects with relatively minor impacts to aquatic organisms and hydrology, such as small wetland fills, temporary stream crossings, and pipeline projects with small footprints. Individual permits cover projects with larger impacts, such as those that involve more than a half-acre of wetland or more than 300 feet of ditching along a stream channel. In all cases, the USACE permit application required detailed information about the applicant, the project, its location, the materials being discharged, reasons for the discharge, and measures that will be taken to avoid and/or minimize any harmful impacts to aquatic resources and hydrology.

**Point of Contact for Submittals:**

U.S. Army Corps of Engineers, Louisville District Regulatory Division. 502.315.6686. P.O. Box 59, Louisville, KY 40201-0059.

**Web Link for More Information:**

https://www.lrl.usace.army.mil/Missions/Regulatory/Obtain-a-Permit/.

**Example of Permit/Authorization Application Form or Requirements – See Next Page(s)**

The following pages contain a table describing key USACE Nationwide Permits (NWPs) that apply to the construction and development industry, general construction conditions that apply to all Nationwide Permits – with detailed examples for NWPs #29 and #39, and the application form for a Nationwide Permit. Note the importance of the “Pre-Construction Notification” to the USACE for many of the permits. Also, note that LFUCG requires applicants for Land Disturbance Permits to obtain USACE permits prior to submitting the LDP application to the Division of Engineering.
### Summary of Key USACE Nationwide Permits Affecting the Construction and Development Industry

<table>
<thead>
<tr>
<th>Nationwide Permit</th>
<th>Limits</th>
<th>Pre-Construction Notification (PCN) Threshold</th>
<th>Delineation Required?</th>
<th>Applicable Waters</th>
<th>Other Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NWP 7 – Outfall Structures and Associated Intake Structures</strong></td>
<td>none</td>
<td>• all activities</td>
<td>yes</td>
<td>all waters of the U.S.</td>
<td>Activity must comply with National Pollutant Discharge Elimination System Program.</td>
</tr>
<tr>
<td><strong>NWP 12 – Utility Line Activities - General</strong></td>
<td>1/2 acre</td>
<td>• a section 10 permit is required</td>
<td>yes, if PCN required</td>
<td>see text of NWP</td>
<td>Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations.</td>
</tr>
<tr>
<td><strong>Utility Lines</strong></td>
<td></td>
<td>• utility line exceeds 500 linear feet in waters of the U.S.</td>
<td></td>
<td>all waters of the U.S., including navigable waters</td>
<td>Must restore area to pre-construction contours. For overhead utility lines, district engineer coordinates PCN and NWP verification letter</td>
</tr>
<tr>
<td><strong>Utility Line Access Roads</strong></td>
<td></td>
<td>• above-grade permanent access roads exceeding 500 ft</td>
<td></td>
<td>non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters</td>
<td>Access roads must be constructed to minimize adverse effects to waters of the U.S.</td>
</tr>
<tr>
<td><strong>NWP 13 – Bank Stabilization</strong></td>
<td></td>
<td>• 500 feet along the bank (unless waived by DE – waivers for bulkheads limited to 1,000 linear feet along the shore)</td>
<td>yes, if PCN required</td>
<td>all waters of the U.S.</td>
<td>Activity cannot impair surface water flow into or out of waters of the U.S. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. Native plant species appropriate for site must be used</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 1 cubic yard per running foot (unless waived by DE)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nationwide Permit</td>
<td>Limits</td>
<td>Pre-Construction Notification (PCN) Threshold</td>
<td>Delineation Required?</td>
<td>Applicable Waters</td>
<td>Other Information</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| NWP 29 – Residential Developments | • 1/2 acre  
• 300 linear feet of stream bed, but DE can waive for intermittent and ephemeral streams | • all activities                             | yes                   | non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters | For residential subdivisions, the aggregate total loss of waters of the U.S. cannot exceed ½ acre.                                                                 |
| NWP 33 – Temporary Construction, Access, and Dewatering | • none                                                                 | • all activities in navigable (i.e., section 10) waters | yes                   | all waters of the U.S.                                | Associated primary activity must be authorized by Corps or U.S. Coast Guard, or be exempt from permit requirements. PCN must include restoration plan. |
| NWP 39 – Commercial and Institutional Developments | • 1/2 acre  
• 300 linear feet of stream bed but DE can waive for intermittent and ephemeral streams | • all activities                             | yes                   | non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters | Does not authorize construction of new golf courses or new ski areas. For wind energy generating structures, solar towers, or overhead transmission lines, district engineer coordinates PCN and NWP verification with Department of Defense Siting Clearinghouse. |
| NWP 43 – Stormwater Management Facilities | • 1/2 acre  
• 300 linear feet of stream bed but DE can waive for intermittent and ephemeral streams | • all activities involving expansion or construction of SWM facilities | yes, if PCN required | non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters | Does not authorize construction of new stormwater facilities in perennial streams. Maintenance does not require PCN if limited to restoring original design capacities. Also authorizes low impact development integrated management features and pollutant reduction green infrastructure features. |
US Army Corps of Engineers Nationwide Permit #29: Residential Development

**USACE Conditions for NWP # 29 Eligibility**

Covers discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2 acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

*Preconstruction notification in writing to USACE is required for all activities.*

US Army Corps of Engineers Nationwide Permit #39: Commercial and Institutional Developments

**USACE Conditions for NWP # 39 Eligibility**

This permit covers discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses, new ski areas, or oil and gas wells is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer.

*Preconstruction notification in writing to USACE is required for all activities.*
Special Conditions for All USACE Nationwide Permits

- Projects cannot interfere with navigation.
- Activities cannot disrupt the life cycles or movement of aquatic life.
- Spawning areas must be avoided to the maximum extent practicable.
- Migratory bird breeding areas must be avoided to the maximum extent practicable.
- No trash, debris, car bodies, asphalt, toxic material, or other unsuitable materials are allowed.
- Work around water supply intakes is limited to work on the intake or stabilizing adjacent banks.
- Impoundments must minimize any adverse effects on aquatic systems and flows.
- Pre-construction flows must be restored after construction; work must withstand high flows.
- Fills within the 100-year floodplain must comply with state/local FEMA requirements.
- Heavy equipment working in wetlands or mudflats must be placed on mats.
- Appropriate erosion and sediment controls, including prompt stabilization, is required.
- Temporary fills must be removed and the area revegetated after work is completed.
- Any structure or fill must be properly maintained, to ensure public safety.
- Any activities in Wild and Scenic Rivers require special federal and state approval.
- Activities cannot jeopardize the continued existence of a threatened or endangered species.
- Activities affecting historic properties require special federal and state review and approval.
- Impacts to critical water resources (e.g., Steeles Run in Fayette County) require special review.
- Mitigation may be required by USACE for impacts to streams, wetlands, and other U.S. waters.
- USACE permittees must comply with state water quality certification requirements.
- Each project must be permitted under a single nationwide permit.
- Permits may be transferred upon application to and approval of the USACE.
- Permittees receiving NWP verifications must file a report on the work, including mitigation.
- Each activity must be a single and complete project, with coverage by the same permit.
- NWPs do not eliminate the need for other permits or grant any property rights or privileges.
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at ertsl-icu-sarac.erd.mil.dod-information-collections@mail.mil. Responders should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://epic.defense.gov/Privacy/SORNs/index/DDC-wide-SORN- Article-View/Article/570115/a1145b-ce.aspx

1. APPLICATION NO. | 2. FIELD OFFICE CODE | 3. DATE RECEIVED | 4. DATE APPLICATION COMPLETE

ITEMS BELOW TO BE FILLED BY APPLICANT

5. APPLICANT'S NAME
   First - Middle - Last -
   Company -
   E-mail Address -

6. APPLICANT'S ADDRESS:
   Address -
   City - State - Zip - Country -

7. APPLICANT'S PHONE NOs. w/AREA CODE
   a. Residence b. Business c. Fax

8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
   First - Middle - Last -
   Company -
   E-mail Address -

9. AGENT'S ADDRESS:
   Address -
   City - State - Zip - Country -

10. AGENTS PHONE NOs. w/AREA CODE
    a. Residence b. Business c. Fax

STATEMENT OF AUTHORIZATION

11. I hereby authorize ___________________________ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

   ___________________________
   SIGNATURE OF APPLICANT

   ________________
   DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATERBODY, IF KNOWN (if applicable)

14. PROJECT STREET ADDRESS (if applicable)
   Address -
   City - State - Zip -

15. LOCATION OF PROJECT
   Latitude: N Longitude: W

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
   State Tax Parcel ID - Municipality -
   Section - Township - Range -
17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount in Cubic Yards</th>
<th>Type</th>
<th>Amount in Cubic Yards</th>
<th>Type</th>
<th>Amount in Cubic Yards</th>
</tr>
</thead>
</table>

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

<table>
<thead>
<tr>
<th>Acres</th>
<th>or Linear Feet</th>
</tr>
</thead>
</table>

23. Description of Avoidance, Minimization, and Compensation (see instructions)
24. Is Any Portion of the Work Already Complete?  [ ] Yes  [ ] No  IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).
   a. Address-
   City -  State -  Zip -
   b. Address-
   City -  State -  Zip -
   c. Address-
   City -  State -  Zip -
   d. Address-
   City -  State -  Zip -
   e. Address-
   City -  State -  Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>TYPE APPROVAL*</th>
<th>IDENTIFICATION NUMBER</th>
<th>DATE APPLIED</th>
<th>DATE APPROVED</th>
<th>DATE DENIED</th>
</tr>
</thead>
<tbody>
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</table>

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT  DATE  SIGNATURE OF AGENT  DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.
Permit for Construction Along or Across a Stream

Name of Required Permit or Authorization:
Permit for Construction Along or Across a Stream.

Who Issues It?
Kentucky Division of Water, Floodplain Management Section. Note that this permit uses the same application form as the Clean Water Act Section 401 Water Quality Certification, also issued by KDOW.

When Is It Needed?
For all construction projects (grading, structures, etc.) that occur within the 100-year floodplain.

What Kind of Information is Required?
Detailed information about the project sponsor / owner, the construction site, its location, activities proposed at the site, the schedule, erosion and sediment control practices to be employed, notification to the local floodplain administrator, and plans to be used during construction. LFUCG Division of Engineering review and signature is required prior to submittal to the Kentucky Division of Water.

Point of Contact for Submittals:
Kentucky Division of Water, Floodplain Management Section. 300 Sower Boulevard 3rd Floor, Frankfort, KY 40601. 502.564.3410; Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410.

Web Link for More Information:

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

Submit the completed form (next pages) with a location map, plans for the proposed construction, and plans for public notice. If there is existing flood data on the proposed site (i.e., National Flood Insurance Program flood maps, Corps of Engineers flood studies or previous permit data), then a permit review may begin. If there is no existing data, the submittal of survey information is required in order to perform an in-house flood study of the area. KDOW uses HEC-2 and HEC-RAS computer programs to analyze the effects of the proposed construction on existing flood conditions. From this analysis, construction limits for fills and buildings and required elevations for finished floors or floodproofing can be provided. For all construction, especially bridges and culverts, a check is made to ensure that the project has only minimal impacts on existing flood levels. If denied, a letter is sent with possible options.

If the reviewer determines the project meets all regulatory requirements, a draft permit is prepared. The Floodplain Management Section will notify the applicant, in writing, within 20 working days from the date of receipt of the completed application whether the permit will be approved or denied. Note that a Stormwater Pollution Prevention Plan is required if the project will disturb one or more acres.
COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM  
AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water. This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb one or more acres of land, or if the project is part of a larger common plan of development or sale that ultimately will disturb one or more acres, you will also need to complete a Notice of Intent for general permit coverage for storm water discharges associated with construction activities (NOI-SWCA). You may find the forms for Kentucky Pollution Discharge Elimination System (KPDES) at http://www.water.ky.gov/homepage_repository/kpdes_permit_aps.htm or https://dep.gateway.ky.gov/eForms/default.aspx?FormID=7. Return forms to the Floodplain Management Section of the KDOW. This general permit will require you to create and implement an erosion control plan for the project.

1. OWNER: _________________________________________________________________________________________  
   Give name of person(s), company, governmental unit, or other owner of proposed project.  
   MAILING ADDRESS: ______________________________________________________________________________  
   ____________________________________________________________________________________________________  
   TELEPHONE #: _____________________________ EMAIL: ____________________________________________  

2. AGENT: __________________________________________________________________________________________  
   Give name of person(s) submitting application, if other than owner.  
   ADDRESS: ________________________________________________________________________________________  
   ____________________________________________________________________________________________________  
   TELEPHONE #: _____________________________ EMAIL: ____________________________________________  

3. ENGINEER: _____________________________________ P.E. NUMBER: _________________________________  
   Contact Division of Water if waiver can be granted.  
   TELEPHONE #: _____________________________ EMAIL: ____________________________________________  

4. DESCRIPTION OF CONSTRUCTION: __________________________________________________________________  
   Describe the type and purpose of construction and describe stream/wetland impact  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________

5. COUNTY: ___________________________ NEAREST COMMUNITY: ________________________________  

6. USGS QUAD NAME________________________ LATITUDE/LONGITUDE: ________________________________  

7. STREAM NAME: __________________________________________________________________ WATERSHED SIZE (in acres): ________________  

8. LINEAR FEET OF STREAM IMPACTED AND/OR ACRES OF WETLAND IMPACT: ________________  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________  

9. DIRECTIONS TO SITE: __________________________________________________________________________  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________  
   ________________________________________________________________________________________________
10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? □ Yes □ No. If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: ____________________________

11. ESTIMATED BEGIN CONSTRUCTION DATE: ____________________________

12. ESTIMATED END CONSTRUCTION DATE: ____________________________

13. HAS AN APPLICATION BEEN SUBMITTED TO THE US ARMY, CORPS of ENGINEERS? □ Yes □ No

14. AN APPLICANT FOR A PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM MUST ADDRESS PUBLIC NOTICE:

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:
   ____ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)
   ____ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)

(b) ____ I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

   Contact Division of Water for requirements.

   * PUBLIC NOTICE FOR 401 WATER QUALITY CERTIFICATIONS IS GOVERNED BY 401 KAR 9:010

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:

   __________________________________________________________
   Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: __________________________________________

   List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

17. I, ______________________ (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).

18. REMARKS: __________________________________________________________

   __________________________________________________________
   I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

   SIGNATURE: ______________________________
   Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

   DATE: ____________________________

   SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

   ______________________________
   Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

   DATE: ____________________________

   SUBMIT APPLICATION AND ATTACHMENTS TO:

   Floodplain Management Section
   Division of Water
   200 Fair Oaks Lane
   Frankfort, KY 40601
   Revised 12-09
Clean Water Act Section 401 Water Quality Certification

Name of Required Permit or Authorization:

Clean Water Act Section 401 Water Quality Certification.

Who Issues It?

Kentucky Division of Water, Water Quality Branch. Note that this certification uses the same form as the Permit for Construction Along or Across A Stream (previous pages), also issued by KDOW.

When Is It Needed?

For all construction projects (grading, structures, etc.) that occur within the 100-year floodplain.

What Kind of Information is Required?

Detailed information about the project sponsor / owner, the construction site, its location, activities proposed at the site, the schedule, erosion and sediment control practices to be employed, notification to the local floodplain administrator, and plans to be used during construction. LFUCG Division of Engineering review and signature is required prior to submittal to the Kentucky Division of Water.

Point of Contact for Submittals:

Kentucky Division of Water, Water Quality Branch. 300 Sower Boulevard 3rd Floor, Frankfort, KY 40601. 502.564.3410; Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410.

Web Link for More Information:


Example of Permit/Authorization Application Form or Requirements – See Previous Pages

Examples of activities that may require a certification from the Kentucky Division of Water, Water Quality Certification Section are listed below. The following page lists Water Quality Certification Conditions for two common construction-related Nationwide Permits (NWP), NWP #29 and NWP #39.

- Placement of dredged or fill materials into waters of the state and/or wetlands
- Structural fill such as culverts, bridge supports, and road / utility crossings
- Dredging, excavation, channel widening, or straightening
- Flooding, excavating, draining and/or filling a wetland
- Bank sloping; stabilization
- Diverting, obstructing, or changing the natural flow or bed of any waters of the state (e.g. stream channel relocation, stream diversions, debris removal, bank stabilization, culverting)
- Constructing a barrier across a stream, channel, or watercourse that will create a reservoir: dams, weirs, dikes, levees or other similar structures
Kentucky Division of Water Clean Water Act Section 401 Water Quality Certification Conditions for NWP #29 and NWP #39

- The activity will not occur within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.
- The activity will impact less than 1/2 acre of wetland/marsh.
- The activity will impact less than 300 linear feet of impact to surface waters of the Commonwealth. Realignment of streams and in-stream stormwater detention/retention basins are not authorized under this general certification.
- The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
- Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
- The Kentucky Division of Water may require submission of a formal application for an individual certification for any project if the project has been determined to likely have a significant adverse effect upon water quality or degrade the waters of the Commonwealth so that existing uses of the water body or downstream waters are precluded.
- Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
- Erosion and sedimentation pollution control plans and Best Management Practices must be designed, installed, and maintained in effective operating condition at all times during construction activities so that violations of state water quality standards do not occur.
- Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., shall not be placed within surface waters of the Commonwealth, either temporarily or permanently, without prior approval by the Kentucky Division of Water’s Water Quality Certification Section. If placement of sediment and erosion control measures in surface waters is unavoidable, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities.
- 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.
- To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.
- 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 in which 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 rip-rap is used, it should be of such weight and size that bank stress or slump conditions will not be created after it’s placed.
- 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 such work will be done.

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.
Special Use Permit for Floodplain Construction

Name of Required Permit or Authorization:
Special Permit Authorizing Structures or Other Prohibited Land Uses in the Floodplain.

Who Issues It?
Lexington-Fayette Urban County Government Division of Engineering.

When Is It Needed?
Special permits for grading, fill work, buildings, or other structures in the floodplain are required whenever a prohibited structure or land use is proposed within the regulatory floodplain. Special permits may be issued only where existing streets or utilities are at elevations which make construction outside the horizontal limits of the floodplain impractical, or in other special circumstances. Note that land uses that do not generally obstruct the movement of flood waters do not require a Special Permit if they do not include grading, filling, structures, storage of materials and equipment, or any other obstructive features. This includes:

- agricultural uses (e.g., general farming, pasture, farm fencing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, or wild crop harvesting);
- private and public recreational uses (e.g., golf courses, driving ranges, archery ranges, picnic grounds, boat-launching ramps, parks, wildlife and nature preserves, trails, target ranges, etc.);
- residential uses (e.g., lawns, gardens, parking areas, play areas); and
- detention and retention basins when designed and constructed in accordance with the LFUCG engineering manuals and all state and federal regulations.

What Kind of Information is Required?

- Plans drawn to scale showing the nature, location, dimensions, and elevation for the lot, existing or proposed structures, obstructions, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel, floodway, and the regulatory flood protection elevation.
- A typical valley cross-section showing the channel of the stream, elevation of the land area adjoining each side of the channel, cross-section of areas to be occupied by the proposed development and high-water information.
- Plans (surface view) showing elevations or contours of the ground; pertinent structures, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures and obstructions on the site; location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses, trees, and other vegetation upstream and downstream, soil types, and other pertinent information.
- A profile showing the slope of the bottom of the channel or flow line of the stream.
- Specifications for building construction and materials, flood-proofing, water supply, and sanitary facilities; and, where proposed, filling, dredging, grading, and storage of materials.
- Other information as may be necessary to evaluate the proposed development in terms of the flood hazard created.
The Division of Engineering may require the applicant to transmit one copy of the information required above to a designated engineer or other expert person or agency for technical assistance where necessary to aid in evaluating the proposed project in relation to flood heights.

**Point of Contact for Submittals:**

Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410.

**Web Link for More Information:**


**Example of Permit/Authorization Application Form or Requirements**

Details on Special Permits for floodplains can be found in Article 19 of the LFUCG Zoning Ordinance (see https://drive.google.com/file/d/0B0aBvWAKyfXaYm5nUEUtVmZ4S0k/view). The LFUCG Division of Building Inspection reviews all requests for building or location permits in order to determine whether such requests would require a Special Permit under the provisions of Article 19. Activities requiring a Special Permit are referred to the Division of Engineering. this Article.

Ordinarily, structures must be located outside the horizontal limits of the floodplain and at least two feet above the elevation of the regulatory flood, but may be allowed under a Special Permit if they are elevated or flood-proofed to a point above the regulatory flood protection elevation. Such structures are limited to those that 1) will not be subject to substantial flood damage, and 2) will not substantially affect the capacity of any stream or increase the regulatory flood elevation.

All Special Permit uses must be located outside the horizontal limits of the vegetative buffer zone, and no structure is permitted as a within the floodway. A licensed professional engineer must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the requirements of Article 19.
Building Permit

Name of Required Permit or Authorization:
Lexington-Fayette Urban County Government Building Permit.

Who Issues It?
Lexington-Fayette Urban County Government Division of Building Inspection.

When Is It Needed?
A building permit is required for the construction of any building or structure, and for the construction of electrical, gas, mechanical, or plumbing systems. This includes residential, commercial, and institutional buildings, warehouses, towers, parking lots, swimming pools, and other structures.

What Kind of Information is Required?
Detailed information about the applicant (name, address, contact information, etc.), the building or construction site (address, subdivision, etc.), the proposed building or construction project (type, square footage, cost, proposed use, wastewater treatment system, etc.), paving and curb cuts needed, and other special instructions and information.

Point of Contact for Submittals:
Lexington-Fayette Urban County Government Division of Building Inspection. 101 East Vine Street, Lexington, KY 40507. 899.258.3770

Web Link for More Information:

Example of Permit/Authorization Application Form or Requirements

The LFUCG Division of Building Inspection maintains an online application form for building and other permits. Click on the web link above to access the site. The figure at the right shows the permit portal homepage. Applicants can create a user name and choose a password to register, then proceed to enter the required information in the various fields.
Demolition Permit

Name of Required Permit or Authorization:

Who Issues It?
Lexington-Fayette Urban County Government Division of Building Inspection.

When Is It Needed?
When the demolition of a building, structure, or parking lot is proposed.

What Kind of Information is Required?
The Lexington-Fayette Urban County Government Division of Building Inspection maintains an online application form for Demolition Permits. In order to apply for and receive a permit, the applicant will need the following:

- A certificate of insurance identifying LFUCG as the holder, with coverage for bodily injury, property damage, and worker’s compensation insurance.
- An LFUCG Land Disturbance Permit. The type of permit varies according to the project. See the LDP section in this document, or contact the LFUCG Division of Engineering.
- Notification by letter to the owners of all surrounding property owners.
- An asbestos report, which must be obtained from a private agency. If the report is positive, proof of abatement of the asbestos will be required.
- Signed letter of proof of contractor permission, which is a letter from the owner giving the contractor permission to perform the work.
- Sewer plug number, which is issued by the LFUCG Division of Water Quality. To find out the number, contact DWQ at 859.425.2400.
- A plan for demolition, which must be submitted with the application. This needs to be a step-by-step plan of how you intend to take the structure to the ground.

Point of Contact for Submittals:
Lexington-Fayette Urban County Government Division of Building Inspection. 101 East Vine Street, Lexington, KY  40507. 899.258.3770

Web Link for More Information:

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)
Access the online form via the link above – it is the same portal as the one on the Building Permits page. The LFUCG Division of Building Inspection will provide a list of addresses for properties within 50 feet of the property line. If a property is determined to be architecturally or historically significant, a 30-day hold is placed on the issuance of the permit application to allow for its documentation.
Sanitary Sewer Collection System Construction Permit

Name of Required Permit or Authorization:

Construction Permit Application for Clean Water Collection Systems.

Who Issues It?

Kentucky Division of Water, Kentucky Pollutant Discharge Elimination System Section.

When Is It Needed?

Whenever public or private sewage collection piping is installed to serve new or redeveloped facilities.

What Kind of Information is Required?

Applicant identification information and a description of the facility (homes, businesses, etc.) to be served by the proposed sewer line extension. For example, Knoll Subdivision, Jones’ Lane, Smith’s Market, and so on. Also required are design drawings, authorization for connection from the receiving wastewater treatment plant, and the KDOW KPDES permit number and other information from the wastewater treatment plant which will receive the waste. Funding sources for the sewer collection system construction is also needed – e.g., state revolving fund, grants, local funds, private funds, etc.

Point of Contact for Submittals:

Kentucky Division of Water Infrastructure Branch, Engineering Section. 300 Sower Boulevard 3rd Floor, Frankfort, KY 40601. 502.564.3410.

Web Link for More Information:

http://water.ky.gov/permitting/Pages/WastewaterConstruction.aspx

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

The application form can be found on the next page; an online version is posted at the web site above. Send completed application with applicable enclosures and the applicable permit fee to the address above. Fees range from $50 to $800, depending on the type of applicant and nature of the facility receiving the wastewater. The complete requirements for wastewater collection system construction permits are in Kentucky’s administrative regulation 401 KAR 5:005; definitions for terms are in 401 KAR 5:002. If state revolving funds (SRF) are involved, see the checklist posted at http://water.ky.gov/Funding/Pages/SRFForms.aspx.
Commonwealth of Kentucky
Energy and Environment Cabinet
Division of Water
CONSTRUCTION PERMIT APPLICATION
for CLEAN WATER COLLECTION SYSTEMS

See the INSTRUCTIONS for more information about selected portions of this application. Questions on completing this application? Contact the Water Infrastructure Branch at 502/564-3410 or visit our website at http://water.ky.gov for more information.

I. CONSTRUCTION PROJECT INFORMATION

Project Name: ________________________________
Name of WWTP which will treat sewage from this project: ________________________________
KPDES Number of the WWTP: KY __________ WWTP County: ________________________________
Name of Receiving Collection System (if different than WWTP): ________________________________
KPDES Number of Receiving Collection System: KY __________ Project County: ________________________________
Project Latitude/Longitude (DMS): ________________________________ Estimated construction cost of this project: $ __________
Provide the funding source(s) for this project:
☐ CWSRF ☐ SPAP ☐ Other: ________________________________
If the project is SRF funded, is the funding checklist included?: ________________________________

II. APPLICANT MAILING ADDRESS

Applicant (Entity paying for construction): ________________________________
Street Address: ________________________________
City, State, Zip: ________________________________
Phone: (______) _______ Fax: __________ E-mail: ________________________________
Will ownership be transferred? ☐ Yes, future owner will be: ________________________________ ☐ No

III. DESIGN CONSIDERATIONS

A. PLANS AND SPECIFICATIONS COMPLIANCE REQUIREMENTS:

Design plans and specifications shall comply with 401 KAR 5:005 and "Recommended Standards for Wastewater Facilities" ("Ten States' Standards"), 2004 edition. If engineering practices, other than those contained in "Ten States' Standards", were used in the design, indicate the source and the corresponding portion of the design. [See 401 KAR 5:005, Section 7] For plans submitted to this office, one set of plans must have an original signed and dated Professional Engineer stamp. The additional plan set must have either an original signature and dated stamp, or a legible facsimile thereof. Digital plans submitted to this office must contain a stamp, date and verifiable signature as required by 201 KAR 18:104. SRF funded projects shall include at least 1 printed copy of the specifications.
Plans and specification submittals shall meet one of the following options:

☐ Submit at least one paper printed set of detailed plans (no larger than 24" x 36") and a PDF copy of the plans and specifications on CD/DVD. The PDF copy shall contain a stamp, signature, and date. The plans on the CD/DVD shall consist of a single pdf file and be in a folder called “Engineering Plans” and the specifications manual shall be in a folder called “Specifications”.

☐ Submit a PDF copy of the plans and specifications on CD/DVD. The PDF copy shall contain a stamp, signature, and date which complies with the requirements of 201 KAR 18:104. The plans shall consist of a single pdf file and be in a folder called “Engineering Plans” and the specifications manual shall be in a folder called “Specifications”.

B. DESIGN ENGINEER, if the project will become part of a sewer system served by a regional facility. [Section 6]
P.E.’s Name: ____________________________ Firm: ____________________________
Street Address: ____________________________
City, State, Zip: ____________ Phone: (_____) _______ E-mail: ____________________________

C. CONFORMITY TO PLANS AND SPECIFICATIONS. Provide name of person who will inspect and certify that the constructed facility conforms to the approved plans and specifications. If the sewer lines will become part of a sewer system served by a regional facility, this person must be a professional engineer (P.E.). [Section 3]
Name: ____________________________ Firm: ____________________________
Street Address: ____________________________
City, State, Zip: ____________ Phone: (_____) _______ E-mail: ____________________________

D. DESIGN CAPACITIES. The amount of average daily flow added by the sewer line extension is _______ gpd. The basis for the amount of additional flow is ____________________________

E. OTHER INFORMATION TO BE SUBMITTED WITH APPLICATION. Place a check (v) by the items that are included in this application or an N/A if the item is not applicable to the project.

1. A copy of a USGS 7½ minute topographic map with the locations of the proposed sewer lines shown. [Section 3]
2. If modifying, replacing or abandoning an existing facility, a closure plan indicating how the new facility will be constructed without a by-pass to a stream and the procedures that will be used for abandoning the existing facility. [Section 3]
3. If the project includes a pump station, provide the pump performance curve, design calculations, and detailed wet well drawing with elevations. [Section 8]
4. If the project includes gravity sewer lines or force mains, a plan view and a profile view of each. [Section 6]
5. A model of the hydraulic analysis if the project consists of, or is connected to a network of pumps. [Section 8]
6. A brief description of the project, including what is being constructed, who will be served by this project, the flow rate, and the flow rate calculations. [Section 8]
7. A signed letter from the owner of the proposed sewer line stating that the owner will accept responsibility for the operation and maintenance of the sewer line when it is constructed. [Section 8]
8. Letters from both the owner of the sewer system and the WWTP stating that they approve the connection and accept responsibility for the additional flow. [Section 8]
9. A written statement that the portion of the sewer system used by the connection has adequate capacity to transport the current and anticipated peak flow to the WWTP and that the portion of the sewer system used
by the connection is not subject to excessive infiltration or excessive inflow. [Section 8]

____ 10. A written statement that the WWTP has adequate capacity to treat the current and anticipated flow and is not subject to excessive infiltration or excessive inflow. [Section 8]

____ 11. A completed sewer sanctions exemption request form has to be submitted, if the receiving WWTP for this project is on sewer sanction. (Required only when additional flow is added). [Section 9]

IV. Fees

Fees. Check or money order must be made payable to “Kentucky State Treasurer” for the total amount. Fees do not apply for a municipality, sanitation district, or other publicly owned facility. [Section 5] If claiming Non-Profit status, provide proof.

Sewer Collection Project Category: ___________________________  Total Amount: $ ___________________________

VI. Certification

I, the applicant, certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment or both for known violations. [Section 2]

<table>
<thead>
<tr>
<th>Applicant’s Name and Official Title (Type or Print)</th>
<th>Phone Number (Include area code)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Signature</td>
<td>Date</td>
</tr>
</tbody>
</table>

3-  S-1a (10/2017)
INSTRUCTIONS--Form S-1a

Listed below are explanations of selected questions on Form S-1a. If you need further information about any item, contact the Water Infrastructure Branch, Engineering Section, at 502/564-3410. Send completed application with applicable enclosures and applicable permit fee to the Division of Water, Water Infrastructure Branch, 300 Sower Boulevard 3rd Floor, Frankfort, KY 40601. The complete requirements for construction permits are in Kentucky’s administrative regulation 401 KAR 5:005; definitions for terms are in 401 KAR 5:002. Specific cites to 401 KAR 5:005 are given for selected items.

I. CONSTRUCTION PROJECT INFORMATION
   Project Name: Describe the facility served by the proposed sewer line extension. For example, Knoll Subdivision, Jones' Lane, Smith's Market.
   KPDES Number: This is available from the owner of the WWTP which will receive the waste.
   Receiving Collection System: Provide the KPDES number for the collection system if the collection system has a Kentucky Inter-system Operating permit (KISOP) (i.e., has over 5,000 LF of sewer line and is owned by a separate entity from the WWTP). This number can be obtained from the owner of the collection system.
   Funding Sources: List agencies providing funds to pay construction costs. For example, Kentucky Infrastructure Authority, CWSRF Loan, State grants, Federal Grants, local funds, and private funds.
   SRF Checklist: Information on the SRF checklist can be found at http://water.ky.gov/Funding/Pages/SRForms.aspx.

II. APPLICANT INFORMATION
   Name: Name of the entity paying for construction, not the funding agency (KIA, Rural Development Administration (former FmHA), etc.) or name of the contractor who is constructing the sewer lines, pump station, or force mains for another entity.
   Address: Location where correspondence should be sent, not the address of the project that the sewer line extension will serve.
   Ownership Transfer: If the sewer line extension will be transferred to a municipality or other regional facility, give name of entity that will be the new owner. Upon transfer, the NEW owner must submit to the Division of Water a “Change in Ownership Certification for Sewer Line Extensions,” available from the Water Infrastructure Branch. The applicant will remain the responsible party until the transfer is completed.

III. DESIGN CONSIDERATIONS
   A. Plans and Specifications. Any deviations from “Ten States’ Standards,” 2004 edition, must be submitted to the Division of Water in writing with the basis for the deviation, supported by current engineering practice. Other alternative measures may be approved if the applicant submits the basis for the alternatives, and the alternatives may include special maintenance procedures or sufficient treatment. Seals and Signature for electronic shall be in compliance with 201 KAR 18:104
   B. Design Engineer. If the proposed sewer line extension will become part of a sewer system served by a regional facility, the plans and specifications must be prepared, stamped, signed, and dated by a professional engineer, licensed to practice in Kentucky. Give the name, firm, and address of the design engineer.
   E. Other Information.
      Topo maps are available at the Kentucky Watershed Viewer website at https://epgcis.ky.gov/watershed/. 9 & 10. An example of the necessary demonstrations would be letters from the owner of the sewer system (7) and the WWTP (8) stating that each had sufficient capacity to transport the current and anticipated flow and that neither is subject to excessive infiltration or excessive inflow. Applicants may provide other demonstrations.

V. FEES
   Construction Permit Fees are listed in 401 KAR 5:005. The construction permit fee must be submitted with the completed permit application. The fee must be a check or money order, payable to the Kentucky State Treasurer, for the applicable amount as indicated below. Fees are not applicable if the applicant (entity paying for construction) is a publicly-owned facility. Examples are DOT rest areas, school facilities, and regional airport authorities.
   Facility for Qualified Non-Profit Organization*: $ 50
   Small Facility: (Pump station or sewer line or force main) $ 200
   Intermediate Facility: (Pump station or sewer line or force main less than 2,500 feet in length) $ 400
   Large facility: (Pump station or sewer line or force main more than 5,000 feet in length) $ 800

Enter the category (small, intermediate, or large) and the dollar amount submitted. When determining the fee category, add the total lengths of all pipe to be installed.
* To qualify for the $50 fee, non-profit organizations must submit proof that they qualify for the reduction under Section 501(c)(3) of the Internal Revenue Code and must own their WWTP which has a capacity of less than 10,000 gpd.
Sanitary Sewer Capacity Assurance Approval and Tap-On Permit

Name of Required Permit or Authorization:

Who Issues It?
Lexington-Fayette Urban County Government Division of Water Quality.

When Is It Needed?
Whenever a new development or redevelopment project will increase sanitary sewage volumes, such as construction of a new subdivision or conversion of a retail property to an apartment or restaurant building. Lexington was required to implement a sanitary sewer Capacity Assurance Program (CAP) as part of the federal court Consent Decree with the US EPA. The CAP requires Lexington to first confirm available sewer system capacity before allowing new or expanded connections to the sanitary sewer system.

What Kind of Information is Required?
Applicants can request sewer system capacity by filling out the application form and providing basic information about the proposed development, such as the general location, where it would connect to the sanitary sewer collection system, and how much capacity would be required – i.e., calculated by determining the type of facility, its size, etc. Payment of a non-refundable administrative fee of $450 is required.

Point of Contact for Submittals:

Web Link for More Information:
https://www.lexingtonky.gov/capacity-assurance-program-0

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)
The following pages contain an informational brochure about the CAP program and the application form. Note that the CAP program addresses imbalances in sewer line tap-on availability, because some portions of the sanitary sewer service area lack adequate capacity for new or expanded service connections. Potential applicants should access the Credit Bank Maps online at http://ctims.lexingtonky.gov/ to see if their proposed project is in a capacity limited area. Applicants can apply for a permanent allocation or a sewer capacity reservation. A permanent allocation of sewer capacity does not expire and will be assigned to the parcel(s) identified in the application until utilized or released. A sewer capacity reservation is granted upon approval of a preliminary development plan by the LFUCG Planning Commission. Reservations are granted for one year, with a one-year extension available upon request after payment of an additional non-refundable administrative fee of $225.
Why does Lexington have a Capacity Assurance Program?

Lexington is required to implement a sanitary sewer Capacity Assurance Program (CAP) as part of the Consent Decree with the United States Environmental Protection Agency (EPA).

The CAP requires Lexington to first confirm available capacity, in accordance with the terms of the Consent Decree, before allowing new or expanded connections to the sanitary sewer system.

Sanitary sewer overflows are a violation of the Consent Decree and a serious problem that can harm the environment and decrease quality of life. As Lexington works to fix its sanitary sewer system, we will all see the effects of a cleaner, healthier environment and a more efficient wastewater collection system.

For More Information about Water Quality in Lexington

LexCall
(859) 425-CALL or 311
lexcall.lexingtonky.gov

Lexington’s Division of Water Quality
(859) 425-2400 or 311
www.lexingtonky.gov/waterquality

Lexington’s Department of Environmental Quality & Public Works
(859) 425-2800 or 311
www.livegreenlexington.com

Planning our development
Protecting our environment

lexington-kentucky.gov
**CAP Important Information**

- Lexington was required to develop a written CAP plan and submit it for approval by the EPA.
- Lexington began implementation of the CAP plan on July 3, 2015.
- Some portions of the sanitary sewer service area lack adequate capacity for new or expanded service connections. Potential applicants should access the Credit Bank Maps online at www.lexingtonky.gov/capacityassurance to see if their proposed project is in a capacity limited area.
- Sewer Capacity Requests must be in writing on LFUCG provided forms and include a non-refundable sewer application fee of $450.00.
- Sewer Capacity Request applications can result in approval, denial or placement on a waiting list, depending on the amount of capacity requested and the amount of capacity available.
- Details regarding the CAP can be found by accessing the final ordinance link — available online at www.lexingtonky.gov/capacityassurance.

**Understanding the CAP Process**

Businesses and other developments that require a sanitary sewer connection can follow these simple steps to find out if there is sanitary sewer capacity available for the project.

1. **Applicant fills out Capacity Request Form.**
   - To request sewer capacity, applicants will first complete a Capacity Request Form with basic information about the proposed development to determine the general location where it would connect to the sanitary sewer and how much capacity would be required. Payment of a non-refundable administrative fee of $450 is required.

2. **Applicant applies for either a Permanent Allocation or a Sewer Capacity Reservation.**
   - **A. Permanent Allocation**
     - If the applicant has an approved, qualified Plan on file, the applicant may be granted a permanent allocation of sewer capacity. A permanent allocation of sewer capacity does not expire and will be assigned to the parcel(s) identified in the application until utilized or released.
   - **B. Sewer Capacity Reservation**
     - If the applicant has submitted a Preliminary Development Plan to the Planning Commission, the applicant may be granted a capacity reservation for one year that may be extended for an additional year, by request, upon payment of an additional non-refundable administrative fee of $225.

3. **Application is reviewed by the Division of Water Quality.**
   - The Division of Water Quality will calculate the sewer capacity needed for the proposed development. If there is adequate sewer capacity in the project area, the capacity request is approved. If not, there may be banked credits available to offset the sewer capacity requested. The application may be placed on a waiting list, or a Developer-Earned Capacity project may be possible. The flowchart to the left details how a capacity request is considered.

4. **Applicant receives notice about project.**
   - Applicants will receive written notification that project capacity has been allocated or waitlisted within 10 calendar days of submitting the Capacity Request Form.
   - **A. Credits Allocated to Project**
     - If there is sufficient sanitary sewer capacity for the development, the applicant will receive written notification of adequate capacity that clearly identifies the amount of flow increase that will result from the development.
   - **B. Project is Waitlisted**
     - If there is not sufficient sanitary sewer capacity for the project, the project can be waitlisted or made part of a Developer-Earned Capacity Program.

As part of the Remedial Measures Program required by the Consent Decrees with the EPA and the Commonwealth of Kentucky, Lexington is improving its sanitary sewer system and increasing capacity. Improvements are made, available capacity will increase and waitlisted applications will be approved on a first-come, first-served basis.

**How can I learn more?**

Additional information about Lexington’s CAP Program, including the complete ordinance, can be found at: www.lexingtonky.gov/capacityassurance.

To request a Capacity Request Form, contact:
Sanitary Sewer Tap-on Desk
(859) 425-2400 or
LexCall at 311

For more information about CAP, contact:
CAP Manager
(859) 425-2400
SEWER CAPACITY APPLICATION
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Environmental Quality & Public Works
Division of Water Quality

Notice to Applicants:

This application form and supporting documentation must be completed in its entirety and submitted to the Lexington-Fayette Urban County Government's Sanitary Sewer Tap-On Desk per Article XIII of Chapter 16 of the Code of Ordinances and Sections 16-301 through 16-306; and Section 5-30 of the Code of Ordinances. The Sanitary Sewer Tap-On Desk is located at 125 Lisle Industrial Ave., Suite 180 and may be reached at (859) 258-3433.

Applicants will receive written notification that sewer capacity has been allocated or waitlisted within 10 calendar days of submitting the Sewer Capacity Application. Capacity requests may be delayed if the application form is unsigned or contains incomplete or missing information.

Payment of an Administrative Fee of $450.00 and a Capacity Reservation Deposit is required prior to approval of the capacity request. The Capacity Reservation Deposit is equal to 25% of the estimated tap permit fee. The Capacity Reservation Deposit will be credited toward the applicant's sewer tap permit fee. Checks shall be made payable to the Lexington-Fayette Urban County Government.

By signing this document, the applicant hereby certifies that all the information provided in this application submittal is true and accurate to the best of their knowledge.

Applicant's Printed Name: ___________________________ Date: ___________________________

Applicant's Signature: ___________________________

Owner's Printed Name (Required only if different from Applicant)*: ___________________________ Date: ___________________________

Owner's Signature (Required Only if different from Applicant)*: ___________________________

*Owner's signature may be substituted in lieu of authorized documentation.

For Official Use Only:

Application Submittal Date: __________ Application Submittal Time: __________ Application Payment Amount: __________ Method of Payment/Check #: __________

Admin Fee Waived? YES NO

☐ Expansion Area 2
☐ Residential Remodel (no increase in dwelling units)
☐ Flow increase less than 45 gpd
☐ Residential development with plat of record
☐ Grandfather
☐ Iliicit connection removal / Septic Conversion

Sewer Capacity Application
Lexington-Fayette Urban County Government

Page 1 of 3
Rev. 2/13/2015
# Sewer Capacity Application

**Lexington-Fayette Urban County Government**

Department of Environmental Quality & Public Works  
Division of Water Quality

## PLAN INFORMATION

<table>
<thead>
<tr>
<th>Box 1</th>
<th>Has the Planning Commission approved your Preliminary Subdivision Plan (PSP) or Final Development Plan (FDP) for this project?</th>
<th>Y / N</th>
</tr>
</thead>
</table>

*If Box 1 is "Yes" you must indicate the Plan Identification Number in Box 13 and Plan Approval Date in Box 14.*

<table>
<thead>
<tr>
<th>Box 2</th>
<th>If &quot;No&quot; in Box 1: Has a Preliminary Development Plan (PDP) been submitted for this project?</th>
<th>Y / N</th>
</tr>
</thead>
</table>

*If Box 2 is "Yes" you must indicate the Plan Identification Number in Box 13 and Plan Approval Date in Box 14.*

<table>
<thead>
<tr>
<th>Box 3</th>
<th>Does the Plan on file with the Planning Commission (and identified in Box 13) accurately reflect the currently proposed development associated with this sewer capacity request? (Yes/No)</th>
<th>Y / N</th>
</tr>
</thead>
</table>

*If Box 3 is "No", then applicant must attach a copy of an updated development or subdivision plan.*

## APPLICANT INFORMATION

*Note: Information listed as the Contact is identified as the Owner's Representative. Submit documentation as Owner's representative (e.g., signed letter from Owner).*

<table>
<thead>
<tr>
<th>Box 5</th>
<th>Contact Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Box 6</td>
<td>Contact Phone</td>
</tr>
<tr>
<td>Box 7</td>
<td>Contact E-mail</td>
</tr>
<tr>
<td>Box 8</td>
<td>Contact Address (w/ City, State, Zip)</td>
</tr>
<tr>
<td>Box 9</td>
<td>Owner Name</td>
</tr>
<tr>
<td>Box 10</td>
<td>Owner Phone</td>
</tr>
<tr>
<td>Box 11</td>
<td>Owner E-mail</td>
</tr>
<tr>
<td>Box 12</td>
<td>Owner Address (w/ City, State, Zip)</td>
</tr>
</tbody>
</table>

## PROPERTY/DEVELOPMENT INFORMATION

<table>
<thead>
<tr>
<th>Box 13</th>
<th>Plan ID No. (e.g. 2000-100)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Box 14</td>
<td>Plan Approval Date</td>
</tr>
<tr>
<td>Box 15</td>
<td>Plan Type (e.g. PSP, FDP, or PDP)</td>
</tr>
<tr>
<td>Box 16</td>
<td>Subdivision Name &amp; Lot Number (if address unknown)</td>
</tr>
<tr>
<td>Box 17</td>
<td>Developer Entity/Name</td>
</tr>
<tr>
<td>Box 18</td>
<td>Property Address</td>
</tr>
<tr>
<td>Box 19</td>
<td>Total Area of Project Site (Acres):</td>
</tr>
<tr>
<td>Box 20</td>
<td>Current Zoning Designation:</td>
</tr>
<tr>
<td>Box 21</td>
<td>Is this development an expansion of an existing commercial structure? (Y/N)</td>
</tr>
</tbody>
</table>

*If Box 20 is "Yes", please briefly describe:*  

<table>
<thead>
<tr>
<th>Box 22</th>
<th>Is this request located within the LFUCG Urban Service Boundary? (Y/N)</th>
<th>Y / N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Box 23</td>
<td>Is there existing water service on-site? (Y/N)</td>
<td>Y / N</td>
</tr>
<tr>
<td>Box 24</td>
<td>Is there an existing sanitary sewer connection on-site? (Y/N)</td>
<td>Y / N</td>
</tr>
<tr>
<td>Box 25</td>
<td>What is the Estimated Capacity Total from Line 41 on Page 3 of this application?</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Comments:**

---

**Return completed Sanitary Sewer Tap-on Desk (Tate Building)**  
Application to:  
125 Lisle Industrial Ave., Ste. 180, Lexington, KY 40511  
(859) 258-3433  
8:00 - 5:00 (M-F)
# SEWER CAPACITY APPLICATION

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**

Department of Environmental Quality & Public Works

Division of Water Quality

## FLOW CALCULATION WORKSHEET

<table>
<thead>
<tr>
<th>Line</th>
<th>Type of Facility</th>
<th>Total Post-Developed Number of Units</th>
<th>Total Existing Units</th>
<th>Unit</th>
<th>Unit Rate in Gallons Per Day (GPD)</th>
<th>Requested Capacity Subtotal (GPD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family Residence</td>
<td></td>
<td></td>
<td>Units</td>
<td>x 192</td>
<td>=</td>
</tr>
<tr>
<td>2</td>
<td>Townhome</td>
<td></td>
<td></td>
<td>Units</td>
<td>x 192</td>
<td>=</td>
</tr>
<tr>
<td>3</td>
<td>Efficiency Apartment</td>
<td></td>
<td></td>
<td>Units</td>
<td>x 100</td>
<td>=</td>
</tr>
<tr>
<td>4</td>
<td>1-bedroom Apartment</td>
<td></td>
<td></td>
<td>Units</td>
<td>x 138</td>
<td>=</td>
</tr>
<tr>
<td>5</td>
<td>2-bedroom Apartment</td>
<td></td>
<td></td>
<td>Units</td>
<td>x 175</td>
<td>=</td>
</tr>
<tr>
<td>6</td>
<td>3- or 4-Bedroom Apartment</td>
<td></td>
<td></td>
<td>Units</td>
<td>x 192</td>
<td>=</td>
</tr>
<tr>
<td>7</td>
<td>Duplex</td>
<td></td>
<td></td>
<td>Buildings</td>
<td>x 384</td>
<td>=</td>
</tr>
<tr>
<td>8</td>
<td>3-Plex</td>
<td></td>
<td></td>
<td>Buildings</td>
<td>x 576</td>
<td>=</td>
</tr>
<tr>
<td>9</td>
<td>4-Plex</td>
<td></td>
<td></td>
<td>Buildings</td>
<td>x 768</td>
<td>=</td>
</tr>
<tr>
<td>10</td>
<td>Hotel/Motel</td>
<td></td>
<td></td>
<td>Units</td>
<td>x 138</td>
<td>=</td>
</tr>
<tr>
<td>11</td>
<td>Hospital</td>
<td></td>
<td></td>
<td>Beds</td>
<td>x 300</td>
<td>=</td>
</tr>
<tr>
<td>12</td>
<td>Nursing Home</td>
<td></td>
<td></td>
<td>Beds</td>
<td>x 150</td>
<td>=</td>
</tr>
<tr>
<td>13</td>
<td>University Dorm (Water Efficient)</td>
<td></td>
<td></td>
<td>Capita</td>
<td>x 25</td>
<td>=</td>
</tr>
<tr>
<td>14</td>
<td>University Dorm (Traditional)</td>
<td></td>
<td></td>
<td>Capita</td>
<td>x 75</td>
<td>=</td>
</tr>
<tr>
<td>15</td>
<td>Cafeteria</td>
<td></td>
<td></td>
<td>Capita</td>
<td>x 2.5</td>
<td>=</td>
</tr>
<tr>
<td>16</td>
<td>Catering hall</td>
<td></td>
<td></td>
<td>Capita</td>
<td>x 7.5</td>
<td>=</td>
</tr>
<tr>
<td>17</td>
<td>Schools</td>
<td></td>
<td></td>
<td>Students</td>
<td>x 20</td>
<td>=</td>
</tr>
<tr>
<td>18</td>
<td>Non-Medical Office</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.06</td>
<td>=</td>
</tr>
<tr>
<td>19</td>
<td>General Industrial</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.04</td>
<td>=</td>
</tr>
<tr>
<td>20</td>
<td>Medical Arts (e.g. Doctor's Office)</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.10</td>
<td>=</td>
</tr>
<tr>
<td>21</td>
<td>Theatre</td>
<td></td>
<td></td>
<td>Seats</td>
<td>x 5</td>
<td>=</td>
</tr>
<tr>
<td>22</td>
<td>Bowling Alley</td>
<td></td>
<td></td>
<td>Lanes</td>
<td>x 100</td>
<td>=</td>
</tr>
<tr>
<td>23</td>
<td>Church</td>
<td></td>
<td></td>
<td>Capitans</td>
<td>x 1.5</td>
<td>=</td>
</tr>
<tr>
<td>24</td>
<td>Bar/Lounge/Disco</td>
<td></td>
<td></td>
<td>Seats</td>
<td>x 15</td>
<td>=</td>
</tr>
<tr>
<td>25</td>
<td>Restaurant (With Dishwasher)</td>
<td></td>
<td></td>
<td>Seats</td>
<td>x 30</td>
<td>=</td>
</tr>
<tr>
<td>26</td>
<td>Restaurant (Fast Food)</td>
<td></td>
<td></td>
<td>Seats</td>
<td>x 20</td>
<td>=</td>
</tr>
<tr>
<td>27</td>
<td>Convenient Store (Food Processing)</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.15</td>
<td>=</td>
</tr>
<tr>
<td>28</td>
<td>Dry Store</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.03</td>
<td>=</td>
</tr>
<tr>
<td>29</td>
<td>Market</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.05</td>
<td>=</td>
</tr>
<tr>
<td>30</td>
<td>Service Station</td>
<td></td>
<td></td>
<td>Pumps</td>
<td>x 300</td>
<td>=</td>
</tr>
<tr>
<td>31</td>
<td>Shopping Center (With Food)</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.13</td>
<td>=</td>
</tr>
<tr>
<td>32</td>
<td>Shopping Center (Without Food)</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.10</td>
<td>=</td>
</tr>
<tr>
<td>33</td>
<td>Warehouse</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.02</td>
<td>=</td>
</tr>
<tr>
<td>34</td>
<td>Barber Shop/Beauty Salon</td>
<td></td>
<td></td>
<td>Chair/Station</td>
<td>x 200</td>
<td>=</td>
</tr>
<tr>
<td>35</td>
<td>Country Club</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.30</td>
<td>=</td>
</tr>
<tr>
<td>36</td>
<td>Swimming Pool</td>
<td></td>
<td></td>
<td>Capita</td>
<td>x 20</td>
<td>=</td>
</tr>
<tr>
<td>37</td>
<td>Laundry</td>
<td></td>
<td></td>
<td>Washers</td>
<td>x 425</td>
<td>=</td>
</tr>
<tr>
<td>38</td>
<td>Car Wash</td>
<td></td>
<td></td>
<td>Bays</td>
<td>x 6840</td>
<td>=</td>
</tr>
<tr>
<td>39</td>
<td>Fitness Center</td>
<td></td>
<td></td>
<td>Sq. Feet</td>
<td>x 0.50</td>
<td>=</td>
</tr>
<tr>
<td>40</td>
<td>Other/Manual Entry</td>
<td></td>
<td></td>
<td>GPD</td>
<td>x 1</td>
<td>=</td>
</tr>
</tbody>
</table>

**Sum of Lines 1 through 40 is the Estimated Capacity Total**

*If Other/Manual Entry utilized, applicant must provide the source/basis for the Unit Rate assumed.*
Commercial Agreement to Maintain Stormwater Facilities

Name of Required Permit or Authorization:
Commercial Agreement to Maintain Stormwater Controls.

Who Issues It?
Lexington-Fayette County Division of Water Quality.

When Is It Needed?
For all commercial properties containing stormwater management facilities or controls, such as curb inlet filters or other inlet devices, infiltration systems (e.g., rain gardens, pervious pavement, infiltration swales, etc.), vegetated riparian (streamside) buffers, detention basins, retention ponds, green roofs, rainwater harvesting systems, or other features installed or built to meet the permanent post-construction stormwater control requirements of the LFUCG Stormwater Manual.

What Kind of Information is Required?
Information about the property owner, the property itself, and the stormwater control facilities or features on the property, including the as-built installation drawings and the operation and maintenance plan for each type of facility/feature on the site.

Point of Contact for Submittals:
Lexington-Fayette Urban County Government Division of Water Quality, Municipal Separate Storm Sewer System Section. 125 Lisle Industrial Avenue, Lexington, KY. 859.425.2400.

Web Link for More Information:

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)
The following pages contain the agreement form, found in Appendix F of the LFUCG Procedures Manual for Infrastructure Development. Note that the manual describes how the Lexington-Fayette Urban County Government manages the design and construction of roads, sanitary sewers and pump stations, and stormwater facilities in developing areas. The Procedures Manual applies to 1) the public infrastructure that is financed and constructed by developers, which later becomes LFUCG property and is operated and maintained by LFUCG, and 2) stormwater controls on private property that are financed and constructed by developers to meet the post-construction stormwater management requirements of the LFUCG Stormwater Manual.
APPENDIX F

Commercial Agreement to Maintain Stormwater Controls

This Agreement contains specific provisions related to the maintenance of permanent stormwater controls (water quantity or water quality) that were constructed to meet the post-construction requirements of the LFUCG Stormwater Manual.

For information on LFUCG’s maintenance requirements for permanent stormwater controls, refer to Sections 16-84 to 16-88 and Sections 16-200 to 16-213 of the LFUCG Code of Ordinances, and LFUCG’s Policy Statement on Repair, Maintenance, and Ownership of Stormwater Control Devices.

--- TO BE FILLED OUT BY THE PROPERTY OWNER (PAGES 1 & 2) ---

DEVELOPMENT NAME:

PROPERTY SITE ADDRESS(ES):

PERMANENT STORMWATER CONTROL FACILITIES:
List all permanent controls in service on the site at the completion of the development project and describe the plan for maintenance for each control. The maintenance plan can be one of the following: (1) a reference to the manufacturer’s recommended schedules and procedures, and/or (2) a plan described below or in an attachment.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
As current property owner of the aforementioned property, or authorized representative thereof, I:

1. Certify that I am aware of my responsibilities related to permanent stormwater controls.
2. Agree to implement the maintenance program included herein or attached.
3. Agree to maintain the permanent stormwater controls in good working condition, acceptable to LFUCG, so that they are performing their design functions.

__________________________  Signature  ______________________  Printed
Name
__________________________  Date  ______________________  Title
Organization

Property Owner’s Contacts for Compliance

Final Construction Inspection: Owner or Representative Name: ______________________
Phone Number: ______________________  E-Mail: ______________________

Post-Construction Maintenance: Owner or Representative Name: ______________________
Organization: ______________________  Address: ______________________
Phone Number: ______________________  E-Mail: ______________________
Urban County Government Contact for Compliance

Representative Name: Jennifer Carey, P.E. (MS4 / Water Quality Section Manager)

Organization: LFUCG DWQ
Address: 125 Lisle Industrial Ave., Suite 180
Lexington, KY 40511

Phone Number: 859-425-2400
E-Mail: MS4@lexingtonky.gov

--- TO BE FILLED OUT BY LFUCG CONTACT FOR COMPLIANCE ---

☐ I have received Construction Plans dated:

☐ I have received all necessary supporting documentation or amendments dated:
Notes:

☐ This site has permanent stormwater controls subject to the LFUCG Permanent Stormwater Controls Inventory & Maintenance Program.

☐ I have received an Inspection & Maintenance Plan (described above or in a separate attachment).
☐ I have received contact information for the Final Construction Inspection and Post-Construction project phases.
☐ I have received a copy of the record drawings and the Certificate of Substantial Completion
N/A
Notes:

_________________________ Signature ________________ Date
LFUCG Contact for Compliance
Class V Underground Injection Well Permit

Name of Required Permit or Authorization:
US EPA Class V Underground Injection Control Well Permit.

Who Issues It?
U.S. Environmental Protection Agency, Region IV.

When Is It Needed?
Whenever stormwater or other fluids move underground via a device or structure that is deeper than it is wide, e.g., dry wells, septic systems, underground infiltration systems, etc.

What Kind of Information is Required?
Detailed information about the site owner, address and contact information, site location (address and latitude/longitude), well/facility type, number of wells/facilities, status (i.e., plugged or not plugged), well depth, injection purpose, fluid being injected (e.g., stormwater, floor drain wastewater, etc.), source of fluids being injected, dispersal direction (i.e., downward, laterally), other permits covering the site, and comments or other information.

Point of Contact for Submittals:
U.S Environmental Protection Agency, Groundwater / Underground Injection Control Section. 61 Forsyth Street SW, Atlanta GA 30303-8960. 404.562.9423

Web Link for More Information:

Example of Permit/Authorization Application Form or Requirements

Most Class V wells are shallow disposal systems that depend on gravity to drain fluids directly in the ground. Over 20 well subtypes fall into the Class V category. Class V wells are registered under a “permit by rule” approach, where permit coverage is granted for wells that are 1) placed on the US EPA / state inventory or registry, which includes the detailed information described above, and 2) operated and maintained in accordance with US EPA Class V UIC regulations.

The regulations note that most Class V wells are used to dispose of wastes into or above underground sources of drinking water. This disposal can pose a threat to groundwater quality if not managed properly. The regulations are intended to prevent drinking water aquifer contamination. This includes keeping hazardous wastes – such as oils, fuels, antifreeze, etc. – out of stormwater flows to the maximum extent practicable, and ensuring that stormwater facilities are not used for dumping or illicit disposal of wastes.

See the web link above for more information.
Curb Cut Permit

Name of Required Permit or Authorization:

Curb or Street Cut Permit.

Who Issues It?

Lexington-Fayette Urban County Government Division of Building Inspection.

When Is It Needed?

Whenever a curb on a public roadway is to be cut, i.e., for construction of a new driveway or access road. The permit is required when any person intends to depress the curb or change the grade of any public sidewalk for the purpose of constructing or reconstructing or altering a driveway, either residential or nonresidential, to provide ingress to and egress from property owned by them or under their control.

What Kind of Information is Required?

Information on the applicant, the site, and a plat and plan of the area to be improved. The plat must be drawn to a scale of not less than one-eighth inch to one (1) foot and with all principal dimensions shown. Show the location of all existing walks, curbs and the relative elevation of the gutters, the top of the curb, and the sidewalk; all existing trees, their size and kind, fire hydrants, mailboxes, traffic signs, water shutoff boxes, storm sewer inlets, utility poles and conduits, and any other structure existing on or in the street adjacent to the property. Also, show the proposed location of tanks, buildings, air hoses, wash racks, oil pits, pump islands, and all other equipment which the applicant proposed to install on the property, together with the distance from such equipment to the street property line.

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Building Inspection. 101 East Vine Street, Lexington, KY 40507. 859.258.3770

Web Link for More Information:


Example of Permit/Authorization Application Form or Requirements

Applications for curb or street cut permits are collected via a link at the web site above. Drawings and other information can be submitted through the web site along with information about the applicant and site. Driveway widths must not exceed twelve (12) feet for a single driveway or twenty (20) feet for a double or joint driveway. Before issuing a permit, LFUCG staff will determine the type of driveways proposed, its width and location, and whether or not construction will create a hazardous condition. Installation or construction must occur in a safe manner, with adequate barricades and lights to protect the safety of the public using the adjacent streets and sidewalks. All debris and surplus material shall be removed immediately after construction. Other rules can be found in Chapter 17C of the LFUCG Code of Ordinances, which can be accessed via the web link above.
Lane Closure Permit

**Name of Required Permit or Authorization:**


**Who Issues It?**

Lexington-Fayette Urban County Government Division of Traffic Engineering.

**When Is It Needed?**

When construction operations require the closing of a sidewalk or one or more lanes of roadway traffic.

**What Kind of Information is Required?**

The online permit request form is posted at the link below. The form requires information about the applicant, the project sponsor, detailed contact information, type of request (e.g., closing a single lane, entire street, sidewalk only, dumpster siting, etc.), location of the activity, and start/stop dates and times for the closure. A traffic control plan is also required (see below and next page).

**Point of Contact for Submittals:**


**Web Link for More Information:**


**Example of Permit/Authorization Application Form or Requirements – See Next Page(s)**

The online form for permit coverage is at https://lexingtonky.formstack.com/forms/lane_blockage. There is no charge for this permit and it is mandatory when blocking any portion of a street within Fayette County. Blockages may be related to construction activities, installation and/or repair of facilities, crane work, equipment siting, utility projects, or placing a dumpster or storage container. The Division of Traffic Engineering requires a two (2) working day notice (before noon) in order to process permit and to allow time for notice to Police, Fire, Public Information and the Traffic Information Network. The only exception to this is for emergency repairs, which requires the contractor to notify Traffic Engineering, Police, and Fire.

Note that the Lexington-Fayette Urban County Traffic Engineering allows traffic lane closures from 9:00 am until 3:00 pm only; other requested times may cause a delay in issuing the permit. All entities are required to use approved work zone traffic control procedures. The Manual on Uniform Traffic Control Devices guides these work zone activities. The Division of Traffic Engineering has copies of the Traffic Control in Work Zones available upon request. Government agencies, utility companies and contractors are required to provide traffic control devices as deemed necessary to relay to motorists/pedestrians of the work zone activity and modifications to the anticipated route. Drainage ditches, culverts, and other facilities must not be impeded by the work.
Local Right-of-Way Construction Permit

Name of Required Permit or Authorization:
Right-of-Way Construction Permit.

Who Issues It?
Lexington-Fayette Urban County Government Division of Engineering, Right-of-Way Management

When Is It Needed?
When construction will occur within an LFUCG right-of-way, or within a state right-of-way in Fayette County except for along New Circle Road (KY 4) and Interstates 64 and 75. Right-of-way means the surface of and the space above and below a public roadway, highway, street, freeway, lane, path, sidewalk, alley, court, boulevard, avenue, parkway, cartway, bicycle lane or path, public sidewalk, or easement held by the government for the purpose of public travel. It does not include the communication airwaves above a right-of-way or greenways. Note that installing facilities in a greenway requires separate approval from the Division of Environmental Services, Division of Engineering, Division of Water Quality, and other city agencies, depending on project location and type.

What Kind of Information is Required?
Detailed information about the applicant, project sponsor, nature of activities, location, and the type of construction – including the time period involved, areal extent, physical description of any encroachment, and measures that will be taken to eliminate or minimize any disruptions to the public and any threats to public safety or the environment. Note that a separate Land Disturbance Permit, Road/Curb Cut Permit, Lane Closure Permit, and/or other permits/authorizations may also be needed.

Point of Contact for Submittals:

Web Link for More Information:

Example of Permit/Authorization Application Form or Requirements
Note that a permit fee and performance bond are required. Chapter 17C of the LFUCG Code of Ordinances establishes public policy for managing rights-of-way in Lexington. The ordinance governs the placement and maintenance of facilities, provides for reasonable access, seeks to minimize street cuts and damage to property, and promotes cooperation among city offices, utilities, and other public/private parties using public rights-of-way. LFUCG may require that work be coordinated with other contractors and may require removal or changes to any activities deemed to threaten use of the right-of-way or public safety. Any property damaged during construction must be repaired or replaced within 21 days. The removal or trimming of trees in the right-of-way must comply with LFUCG’s street tree, tree protection, and other ordinances.
State Right-of-Way Encroachment Permit

Name of Required Permit or Authorization:

Kentucky Transportation Cabinet (KYTC) Right-of-Way Encroachment Permit.

Who Issues It?

Kentucky Transportation Cabinet District 7 Office in Lexington.

When Is It Needed?

When construction activities – including clearing, grubbing, grading, or installation or construction of any type of facilities – will occur within a state right-of-way. LFUCG also requires a local right-of-way construction permit when working in the state right-of-way (see previous section). The applicant must get the state KYTC permit first, then get the LFUCG permit.

What Kind of Information is Required?

Detailed information about the applicant, project sponsor, nature of activities, location, and the type of encroachment requested – including the time period involved, areal extent, physical description of the encroachment, and measures that will be taken to eliminate or minimize any disruptions to the public and any threats to public safety or the environment. Note that a separate Land Disturbance Permit and/or other permits/authorizations may also be needed.

Point of Contact for Submittals:

Kentucky Transportation Cabinet, District 7 Office. 800 Newtown Court, Lexington, KY 40511. 859.246.2355. Fax: 859.246.2354

Web Link for More Information:

https://transportation.ky.gov/DistrictSeven/Pages/District-7-Permits.aspx.

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

The permit, including the application (next pages) and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the applicant and its successors as long as the encroachment(s) exists, until the permittee is finally relieved by the Department of Highways from all its obligations. Applicants must meet all requirements of the Clean Water Act if the project will disturb one acre or more, and the applicant must obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas must meet the requirements of the Department of Highway’s Standard Specifications, Sections 212 and 213, as amended.

A performance bond and liability insurance are required. Perpetual maintenance of the encroachment is the responsibility of the permittee. An encroachment may be ordered removed by KYTC at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The cost of removing the encroachment and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.
APPLICATION FOR ENCROACHMENT PERMIT

SECTION 1: APPLICANT CONTACT INFORMATION

KYTC KEPT #: ____________________________

NAME ____________________ ADDRESS _________________ CITY _________________

EMAIL ____________________ STATE _________________ ZIP _________________

CONTACT NAME 1 ____________________ EMAIL _________________ PHONE # _________________

CELL # ____________________

CONTACT NAME 2 (if applicable) ____________________ EMAIL _________________ PHONE # _________________

CELL # ____________________

SECTION 2: PROPOSED WORK LOCATION

ADDRESS ____________________ CITY _________________ STATE _________________ ZIP _________________

COUNTY ____________________ ROUTE # _________________ MILE POINT _________________

LONGITUDE (X) _________________ LATITUDE (Y) _________________

FOR KYTC USE ONLY

Permit Type: □ Air Right □ Entrance □ Utilities □ Vegetation Removal □ Other: ____________________

Location: □ Left □ Right □ Crossing ____________________

Access: □ Full □ Partial □ by Permit ____________________

SECTION 3: GENERAL DESCRIPTION OF WORK

THE UNDERSIGNED APPLICANT(s), being duly authorized representative(s) or owner(s), DO AGREE TO ALL ORIGINAL UNEDITED TERMS AND CONDITIONS ON THE TC 99-1A, pages 1-4.

SIGNATURE ____________________ DATE ____________________

This is not a permit unless and until the applicant(s) receives an approved TC 99-1B from KYTC. This application shall become void if not approved by the cancellation date. The cancellation date shall be a minimum of one year from the date the applicant submits their application.
APPLICATION FOR ENCROACHMENT PERMIT

TERMS AND CONDITIONS

1. The permit, including this application and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the Applicant/Permittee, its successors and assigns, as long as the encroachment(s) exists and also until the permittee is finally relieved by the Department of Highways from all its obligations.

2. Applicant shall meet all requirements of the Clean Water Act if the project will disturb one acre or more, the applicant shall obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas shall meet the requirements of the Department of Highway’s Standard Specifications, Sections 212 and 213, as amended.

3. INDEMNITY:
   A. PERFORMANCE BOND: The permittee shall provide to the Department a performance bond according to the Permits Manual, Section PE-203 as a guarantee of conformance with the Department’s Encroachment Permit requirements.
   B. PAYMENT BOND: At the discretion of the department, a payment bond shall be required of the permittee to ensure payment of liquidated damages assessed to the permittee.
   C. LIABILITY INSURANCE: Liability insurance shall be required of the permittee (in an amount approved by the department) to cover all liabilities associated with the encroachment.
   D. It shall be the responsibility of the permittee, its successors and assigns, to maintain all indemnities in full force and effect until the permittee is authorized to release the indemnity by the Department.

4. A copy of this application and all related documents making up the approved permit shall be given to the applicant and shall be made readily available for review at the work site at all times.

5. Perpetual maintenance of the encroachment is the responsibility of the permittee, its successors and assigns, with the approval of the Department as required, unless otherwise stated.

6. Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of (a) this application and all related documents making up the approved permit, (b) by the Department’s Permits Manual, and (c) by the Manual on Uniform Traffic Control Devices, both manuals as revised to and in effect on the date of issuance of the permit, all of which documents are made a part thereof by this reference. Compliance by the permittee, its successors and assigns, with subsequent revisions to applicable provisions of either manual or other policy of the Department may be made a condition of allowing the encroachment to persist under the permit.

7. Permittee agrees that this and any encroachment may be ordered removed by the Department at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The permittee agrees that the cost of removing and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.

8. Permittee, its successors and assigns, agree that if the Department determines that motor vehicular safety deficiencies develop as a result of the installation or use of the encroachment, the permittee, its successors and assigns, shall provide and bear the expenses to adjust, relocate, or reconstruct the facilities, add signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department within a reasonable time after receipt of a written notice of such deficiency. The period within which such adjustments, relocations, additions, modifications, or other corrective measures must be completed will be specified in the notice.

9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee, its successors and assigns and the Department in its reasonable discretion and only in accordance with the Department’s current policy set forth in the Traffic Operations Manual and Permits Manual. Any modifications to the permittee’s entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors and assigns, at no expense to the Department.
10. The requested encroachment shall not infringe on the frontage rights of an abutting owner without their written consent as hereinafter described. Each abutting owner shall express their consent, which shall be binding on their successors and assigns, by the submission of a notarized statement as follows, “I (we), ____________________________, hereby consent to the granting of the permit requested by the applicant along Route ________________________, which permit does affect frontage rights along my (our) adjacent real property.” By signature(s) ____________________________, subscribed and sworn by ____________________________, on this date ____________________________.

11. The permit, if approved, is subject to the agreement that it shall not interfere with any similar rights or permit(s) previously granted to any other party, except as otherwise provided by law.

12. Permittee shall include documentation which describes the facilities to be constructed. Permittee, its successors and assigns, agree as a condition of the granting of the permit to construct and maintain any and all permitted facilities or other encroachments in strict accordance with the submitted and approved permit documentation and the policies and procedures of the Department. Permittee, its successors and assigns, shall not use facilities authorized herein in any manner contrary to that prescribed by the approved permit. Only normal usage as contemplated by the parties and by this application and routine maintenance are authorized by the permit.

13. Permittee, its successors and assigns, at all times from the date permitted work is commenced until such time as all permitted facilities or other encroachments are removed from the right-of-way and the right-of-way restored, shall defend, protect, indemnify and save harmless the Department from any and all liability claims and demands arising out of the work, encroachment, maintenance, or other undertaking by the permittee, its successors and assigns, related or undertaken pursuant to the granted permit, due to any claimed act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party nor operate to enlarge any liability of the Department beyond that existing at common law or otherwise if this right to indemnity did not exist.

14. Upon a violation of any provision of the permit, or otherwise in its reasonable discretion, the Department may require additional action by the permittee, its successors and assigns, up to and including the removal of the encroachment and restoration of the right-of-way. In the event additional actions required by the Department under the permit are not undertaken as ordered and within a reasonable time, the Department may in its discretion cause those or other additional corrective actions to be undertaken and the Department shall recover the reasonable costs of those corrective actions from the permittee, its successors and assigns.

15. Permittee, its successors and assigns, shall use the encroachment premises in compliance with all requirements of federal law and regulation, including those imposed pursuant to Title VI of the Civil Right Act of 1964 (42 U.S.C. § 2000d et seq.) and the related regulations of the U.S. Department of Transportation in Title 49 C.F.R. Part 21, all as amended.

16. Permittee, its successors and assigns, agree that if the Department determines it is necessary for the facilities or other encroachment authorized by the permit to be removed, relocated or reconstructed in connection with the reconstruction, relocation or improvement of a highway, the Department may revoke permission for the encroachment to remain under the permit and may order its removal, relocation or reconstruction by the permittee, its successors and assigns, at the expense of the permittee, except where the Department is required by law to pay any or all of those costs.
17. Permittee agrees that the authorized permit is personal to the permittee and shall remain in effect until such time as (a) the permittee’s rights to the adjoining real property to have benefitted from the requested encroachment have been relinquished, (b) until all permit obligations have been assumed by appropriate successors and assigns, and (c) unless and until a written release from permit obligations has been granted by the Department. The permit and its requirements shall also bind the real property to have benefitted from the requested encroachment to the extent permitted by law. The permit and the related encroachment become the responsibility of the successors and assigns of the permittee and the successors and assigns of each property owner benefitting from the encroachment, or the encroachment may not otherwise permissibly continue to be maintained on the right-of-way. (Does not apply to utility encroachments serving the general public.)

18. If work authorized by the permit is within a highway construction project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Department’s Engineer on the project in order to coordinate all permitted work with the Department’s prime contractor on the project.

19. This permit is not intended to, nor shall it, affect, alter or alleviate any requirement imposed upon the permittee, its successors and assigns, by any other agency.

20. Permittee, its successors and assigns, agree to contain and maintain all dirt, mud, and other debris emanating from the encroachment away from the surrounding right-of-way and the travel way of the highway hereafter and at all times that its obligations under the permit remain in effect.

21. Before You Dig: The contractor is instructed to call 1-800-752-6007 to reach KY 811, the One-Call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor should be aware that the owners of underground facilities are not required to be members of the KY 811 One-Call Before U-Dig (BUD) service. The contractor must coordinate excavation with the utility owners, including those whom do not subscribe to KY 811. It may be necessary for the contractor to contact the County Clerk to determine what utility companies have facilities in the area.

To Submit a Locate Request
24 Hours a Day, Seven Days a Week:
Call 811 or 800-752-6007
Key Agencies Involved in Construction and Development

There are a number of key agencies involved with construction, development, redevelopment and capital construction projects in Lexington. A summary list of these is posted below.

**Key Agencies**

**Lexington-Fayette Urban County Government (LFUCG)**  
The governing body of the combined city/county government for the City of Lexington and Fayette County, Kentucky, consisting of an elected mayor and council members.

**LFUCG Division of Engineering (DOE)**  
The Division of Engineering oversees the design and construction of capital infrastructure projects, ensures new development is compliant with the community’s standards, and manages construction activities and permitting within the public right-of-way.

**LFUCG Division of Water Quality (DWQ)**  
DWQ provides citizens with sewage conveyance and transmission services, wastewater treatment, and stormwater management services, including wastewater and stormwater capital projects. DWQ also works closely with the Division of Engineering and Division of Environmental Services to ensure compliance with construction permitting, inspection, and enforcement activities.

**LFUCG Division of Environmental Services (DES)**  
Provides a wide range of environmentally-related services to city government and the public, including beautification, urban forestry, greenway management, mowing, enforcement of environmental ordinances, public outreach and education, and internal energy initiatives.

**Kentucky Division of Water (KDOW)**  
KDOW manages, protects, and enhances the quality and quantity of water resources through voluntary, regulatory, and educational programs. KDOW issues and enforces stormwater discharge permits issued to municipalities and construction site operators, and ensures that water quality standards are met.

**Kentucky Transportation Cabinet (KYTC)**  
KYTC plans for, designs, and manages construction and maintenance of roadway and other transportation projects in Kentucky. The cabinet also conducts inspections and enforces state laws and regulations regarding activities that occur on state rights-of-way, including clearing, grading, construction, placement of equipment of materials, and installation of signs, structures, buildings, and other facilities.
Web Links for Additional Information

Planning and project design

- **Stormwater Manual 2016**
  - Stormwater Manual Addendum No. 001
  - Executive Summary Stormwater Management Plan for New Development Projects (Stormwater Manual 2016)
  - Executive Summary Stormwater Management Plan for Redevelopment Projects (Stormwater Manual 2016)
- **Water Quality Volume (WQV) Spreadsheet**
- **Standard Drawings 2017**
- **Standard Drawings 2008**
- **Procedures Manual for Infrastructure Development 2016**
- **Geotechnical Manual 2005**
- **Structures Manual 2005**
- **Roadway Manual 2005**
- **Sanitary Sewer and Pumping Station Manual 2009**
  - Sanitary Sewer and Pumping Station Manual Amendment No. 1
- **Sanitary Sewer TV Inspection Information**

Project permitting

- **Stormwater Manual 2016**
  - Stormwater Manual Addendum No. 001
- **Land Disturbance Permit Application Form and ESC Plan Checklist**
- **Summary of Requirements for ESC Plans and Construction BMPs**
- **Permit Checklist for Commercial and Institutional Development In and Along Streams**
- ESC plan and land disturbance permit procedures for:
  - Residential and Commercial Projects
  - Water Quality Capital Projects
  - Engineering Capital Projects
  - DWQ Remedial Measures Projects
- **Template for Developing ESC / Stormwater Pollution Prevention Plans**
- **Code of Ordinance Requirements for ESC Plans and Land Disturbance Permits**
- **Right-of-Way and Surface Cut Permit Portal – Division of Engineering (ACCELA)**
• Surety Calculation
  o Procedures
  o Spreadsheet
• Performance Bond Form To Be Used In Conjunction With Letter Of Credit Or Bond
• Procedures for Raising a Sanitary Sewer Manhole Rim

**Project construction**

• Stormwater Manual 2016*
  o Chapter 11 (Erosion and Sediment Control)
• Summary of Requirements for Erosion and Sediment Control Best Management Practices
• Sample Erosion and Sediment Control Self-Inspection Form
• Enforcement Response Plan for Construction Site ESC
• ESC, LDP and site inspection procedures for:
  o Residential and Commercial Projects
  o Water Quality Capital Projects
  o Engineering Capital Projects
  o DWQ Remedial Measures Projects
• Slide Presentation: Conducting Erosion and Sediment Control Inspections
• Brochure: Erosion and Sediment Control BMPs for Small Sites
• Erosion and sediment control videos:
  o Erosion and Sediment Control Compliance for Homebuilder Sites
  o Silt Fence Installation and Maintenance
• Procedures Manual for Infrastructure Development 2016*
• Construction Inspection Manual 2005
  o Construction Inspection Manual Amendment No. 1
Kentucky Environmental Emergency Hotline

Spills •• Hazardous Materials •• Discharges to Water •• Hazardous Air Discharges

Hotline Number for Reporting an Environmental Emergency

24 hours a day, 7 days a week – call:

800-928-2380 or 502-564-2380

The Kentucky Environmental Response Team (ERT) responds to spills and other environmental emergencies. Contact the ERT when an actual spill or release of a hazardous material occurs, or when there appears to be a threat of a severe environmental harm. Environmental damage can sometimes be reduced by a quick response and application of appropriate cleanup techniques.

You must report spills or releases if you possess or control:

- Petroleum or petroleum products. Reportable quantities are 25 gallons or more of a petroleum product within a 24-hour period and 75 gallons or more of diesel fuel in a 24-hour period or any amount that creates a visible sheen on surface waters. (KRS 224.01-400)
- Hazardous substances, as listed under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended.
- Extremely hazardous substances designated under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986.
- Nerve and blister agents designated under state law.
- Pollutants or contaminants or any materials that – when released into the environment – may present an imminent or substantial danger to the public health or welfare. (KRS 224.01-400)

Anyone who witnesses a "spill" or "release" of any of the materials mentioned above should immediately call ERT to ensure that the spill is remediated properly.

Also, if you believe the spill, release, or emergency poses a threat to the public:

Call 911, then 311

And then call the ERT number above.

Failing to report a release can result in fines of up to $25,000 per day per violation.