

Kentucky Erosion Prevention and Sediment Control Guide

A guide to preventing erosion and controlling sediment from construction activities in Kentucky

Regulatory Information

Stormwater permits

Construction projects one acre or larger **must** be covered by a federal Clean Water Act *Stormwater KPDES permit*. The permits are issued by the Kentucky Division of Water. If a project smaller than one acre is part of a larger development that exceeds one acre, it also must be covered by a KPDES permit. Following the erosion prevention and sediment control recommendations in this guidance will help you meet most of the permit requirements. **The main goal of the entire permit program is to keep sediment and other pollutants out of lakes, rivers, streams and wetlands.** For more details on permit requirements, see [Federal and State KPDES Stormwater Permit Requirements](#).

Erosion protection and sediment control plans

Always check with the jurisdictional municipality for the site for local permitting requirements prior to beginning land disturbance. If you're working in a MS4 community, you may need to file an erosion and sediment control plan with the local government before you begin work. Always check with the local municipality. Plans are also required for Kentucky Transportation Cabinet construction projects. See [Inspection Checklist](#) and [Compliance Inspection Report](#).

If you are working anywhere in the state and your project is one acre or larger, you have to develop a written erosion and sediment control plan as part of your overall Stormwater Pollution Prevention Plan (SWPPP). These plans do not have to be submitted to the DOW to receive KPDES permit coverage but must be readily available at the construction site for review by contractors, subcontractors and regulatory staff.

Utility construction regulations

In general, utility construction crews and other subcontractors are responsible for their own erosion and sediment controls. General contractors should make sure that all utilities and subcontractors use rock pad construction entrances. Tracking mud out onto paved roads can lead to legal liabilities. If crews disturb areas that have already been stabilized, they

should replace any mulch, sod, seed, blanket, matting, rock or other material disturbed. Failure to properly grade, seed, and stabilize work sites may violate permit requirements.

If your project is larger than one acre and covered under a KPDES Stormwater Permit, it is recommended that subcontractors and others conducting excavation or fill activities sign an agreement that they will follow the SWPPP. If utility projects are conducted in or near streams, Clean Water Act Section 401 Water Quality Certification (See [Section 401](#)) and Clean Water Act Section 404 permit coverage may be required (See [Section 404 Permits](#)).

Transportation project regulations

The Kentucky Transportation Cabinet (KYTC) inspection performance standard for erosion and sediment control is that no sediment should leave the site. KYTC requires that slopes 4:1 or steeper with upland runoff areas exceeding 100 feet and all channels be lined with erosion control blankets. **All KYTC projects are subject to KPDES Stormwater Permit requirements.** The Transportation Cabinet requires that inspection of erosion and sediment controls be conducted at least weekly and after each rain of 0.5 inch or more. If transportation projects are conducted in or near streams, Clean Water Act Section 401 Water Quality Certification (See [Section 401](#)) and Clean Water Act Section 404 permit coverage may be required.

KYTC standards also limit the amount of disturbed area to 750,000 square feet (about 17.2 acres). Written approval from the district engineer is required for exceeding this limit.

Bridge construction/repair and other work near streams require substantial erosion and sediment control efforts. Establish final grade quickly on as much of the site as possible, then stabilize with seed, mulch, blankets, or matting. Bare soil areas at temporary grade should also be seeded and mulched if they will not be worked for over 14 consecutive days. See [Additional Details for KYTC Projects](#) for more information on transportation project requirements.

Section 404 permits for wetlands and streams

Activities conducted in or through streams or wetlands require a separate permit under Section 404 of the Clean Water Act, which regulates the placement of dredged or fill material into public waters. If equipment will be operating in or through a creek, wetland, or river, permit coverage is required. See the list below of the permits issued by the U.S. Army Corps of Engineers under the Section 404 permits:

- Structures in Canals
- Maintenance Activities
- Survey Activities
- Outfall Structure O&M
- Temporary Recreation Structures
- Utility Line Activities
- Bank Stabilization
- Linear Transportation Projects
- Hydropower Projects
- Minor Discharges
- Minor Dredging
- Surface Coal Mining Activities
- Structural Discharges
- Stream/Wetland Restoration

- Marina Modifications
- Single-family Housing
- Flood Control Facilities O&M
- Construction & Access
- Dredging of Existing Basins
- Boat Ramps
- Waste Cleanup Operations
- Development on Waterways
- Agricultural Activities
- Reshaping Drainage Ditches
- Recreational Facilities
- Stormwater Management Facilities
- Mining Activities

Kentucky falls under three different U.S. Army Corps of Engineers districts. Contact information and coverage maps for each District can be found at www.usace.army.mil/Missions/Locations/.

Kentucky Division of Water has regional offices that cover the state. For more information about the office nearest you, visit eec.ky.gov/Environmental-Protection/Water/Pages/Regional-Offices.aspx.



Poor solid waste, silt fencing, and other controls. Failure to control waste and sediment are violations of the KPDES Stormwater Permit.

Resources

[EPA Contractor Training and Certification](#)