

Instructions for Filing a Remedial Application Package for Floodplain Management and Water Quality Certification Violations

Revised: 10-10-2025

Approved by: Shawn Hokanson, Water Resources Branch Manager

These instructions are to help you submit a remedial application package for an individual state floodplain stream construction permit and state water quality certification. If you were issued a violation for not having a state floodplain stream construction permit, for not having a state water quality certification, or for project activities in the floodplain, then you are obligated to submit by email a remedial application package to floodplain management in Frankfort dowfloodplain@ky.gov so that the project can be assigned to a floodplain management engineer and/or a water quality certification specialist who will aid you in remediating your project into compliance with the law so that the open civil action/violation can be closed. When persons in violation fail to submit a remedial application package as the violation sent to you directs, eventually the project is referred to our enforcement branch where fines can be levied. The notice of violation gives you 30 days to respond by filing a remedial application package. The remedial application form can be obtained at the link below and should have been part of your notice of violation package that you received. Send it in as soon as possible.

REMEDIAL APPLICATION FORM (included at the end of this document)

In hindsight, you should have acquired a state floodplain stream construction permit and/or state water quality certification before you began any construction activities in the floodplain. Detailed instructions on this process can be obtained at the link below. You need to understand this process to better understand the remedial process.

Instructions for Obtaining State and Local Floodplain Permits and Water Quality Certification –

<https://eec.ky.gov/Environmental-Protection/Forms%20Library/StreamConstructionApplicationPackage.zip>

For future reference and future projects, these instructions are to help you apply for an individual state floodplain stream construction permit and state water quality certification. This also explains the role of the local floodplain coordinator and how local floodplain permits are issued in conjunction with the state floodplain stream construction permit. The instructions will help you determine if either of two state floodplain general permits apply to your project and if not what steps to take. The instructions also explain what other permits may be required for your project.

At this time, you have an open civil action/violation issued against you. **After you submit your remedial application, and it is assigned to a floodplain management engineer and/or a water quality certification specialist, you will be contacted with requirements** that if met will bring your project into compliance with floodplain management and water quality certification regulations. For example, you may either remove the fill or floodplain obstruction in violation or you may hire a professional engineer in the state of Kentucky to provide a hydrologic hydraulic analysis before and after to demonstrate that you comply with floodplain management regulations; this would allow you to keep the fill in question. Water quality certification would have specific requirements on how any water quality certification violation can be remedied. Explain in the application package the scope of activities as thoroughly as possible.

When completing a remedial application package provide accurate latitude/longitude (can be obtained from google maps by right clicking) and an aerial map (floodplain or google maps are acceptable instead of a topo map). The map must show the scope of activities that is where structures, crossings, or construction are or will be placed and occur, and if fill or cut/fill has or is being done, a complete explanation is required; that is, dimensions and volumes of cut and fill. For structures in violation, describe the structure, provide the size and type of foundation (slab on grade, elevated, crawl space), and show the four corners on the map. For low water crossings, culverts, and bridges, we require the depth of the stream from top of bank to bottom of stream channel and the width of the stream from bank to bank. If you replaced or are replacing a bridge or culvert, describe how the new installation compares to the old that is if the new installation will have a larger or same cross-sectional area. **Basically, explain the scope of what you are doing in its entirety in your remedial application submittal. If we can't understand what you are doing then remediating your project will be more difficult; so, be as clear as possible or the project will be placed on technical hold until we can contact you, obtain requirements from you, or we could require you to obtain in professional engineer in Kentucky to represent your situation. Hydrologic hydraulic flood modeling by a professional engineer in the state of Kentucky to demonstrate the project meets regulations as well as to demonstrate no rise no impacts will be required for projects that have potential to affect the floodplain or have**

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impacts to adjacent life or property. A professional engineer can be used to manage your project and is sometimes essential to achieving compliance.

Public notice requirements will be discussed with you after your remedial application package has been received and assigned to a floodplain management engineer for review. If required, the public notice process is the same as required for the application for state floodplain stream construction permit.

Other Permits that may be required

If you are working below the top of the bank, within a stream channel, or within wetlands, a 404 permit from the US Army Corps of Engineers and 401 Water Quality Certification may also be required. Our Water Quality Certification section will review the application to determine if 401/404 permitting is needed. Information regarding water quality certification can be found at the link below.

<https://eec.ky.gov/Environmental-Protection/Water/PermitCert/WQ401Cert/Pages/Apply-for-Certification.aspx>.

PLEASE REBUILD SAFER AND STRONGER

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER

**REMEDIAL INFORMATION
FOR
STREAM / FLOODPLAIN VIOLATION**

Any construction activity or placement of fill material in or along a stream that could, in any way, obstruct flood flows without a construction permit from the Division of Water is a violation of Chapter 151 of the KENTUCKY REVISED STATUTES.

1. **OWNER:** _____
Give name of person(s), company, government agency, or other owner of project.

MAILING ADDRESS: _____

TELEPHONE #: _____ **E-MAIL:** _____

2. **AGENT:** _____
Give name of person(s) submitting information, if other than owner.

ADDRESS: _____

TELEPHONE #: _____ **E-MAIL:** _____

3. **ENGINEER:** _____ **P.E. NUMBER:** _____
Contact Division of Water if waiver can be granted.

TELEPHONE #: _____ **E-MAIL:** _____

4. **DESCRIPTION OF CONSTRUCTION:** _____
Describe both what construction has been completed and what work remains.

5. **LOCATION OF CONSTRUCTION:** _____
Give county name, direction from nearest town, stream name and mile, latitude & longitude.

(OVER)

6. **DATE CONSTRUCTION STARTED:** _____
7. **DATE CONSTRUCTION COMPLETED OR STOPPED:** _____
8. **PUBLIC NOTICE:** _____
Contact Division of Water for Public Notice requirements.
9. **LIST OF ATTACHMENTS:** _____

List plans, profiles or other drawings and data provided. A map should always be submitted. Also provide a description of any attached photographs [What is shown, direction photo was taken (upstream or downstream or N, E, W, S)].

10. I, _____ (initials) **CERTIFY THAT THE "OWNER", AS SHOWN IN ITEM # 1 ABOVE, HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT IS LOCATED OR ON WHICH RELATED CONSTRUCTION WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR** (in the case of dams, the area that would be impounded during the design flood).

11. **REMARKS:** _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

This information is provided to allow the Division of Water to determine what remedial requirements are necessary to bring the existing construction into compliance with current regulations. Any additional information which is necessary will be provided upon request. I certify that, to the best of my knowledge, all the information is true and correct.

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

DATE: _____

SUBMIT INFORMATION AND ATTACHMENTS TO:

**Division of Water
Water Resources Branch
300 Sower Blvd
Frankfort, Kentucky 40601**

DOWFLOODPLAIN@KY.GOV