



**Andy Beshear**  
GOVERNOR

**ENERGY AND ENVIRONMENT CABINET**  
**DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

300 Sower Boulevard  
Frankfort, Kentucky 40601  
Phone: (502) 564-2150  
Fax: 502-564-4245

**Rebecca W. Goodman**  
SECRETARY

**Anthony R. Hatton**  
COMMISSIONER

## **§ 401 Water Quality Certification**

### **Certification Request Guidelines**

Pursuant to 40 C.F.R § 121.5, a project proponent shall submit a request for certification.

To minimize confusion and avoid delays in process Water Quality Certification Applications, the Division of Water provides the following guidelines to assist applicants in meeting this federal requirement.

A certification request can be submitted by letter or email ([401WQC@ky.gov](mailto:401WQC@ky.gov)) to the Division of Water. Alternatively, you can use the Certification Request Form. This request should be made at least 30 days after submission of a pre-filing meeting request. The certification request shall include the following minimum contents:

- I. If the request for certification is for an individual Federal license or permit, it shall be in writing, signed, and dated and shall include the following:
  - a. A copy of the Federal license or permit application submitted to the Federal agency; and
- II. If the request for certification is for the issuance of a general Federal license or permit, it shall be in writing, signed, and dated and shall include the following:
  - a. A copy of the draft Federal license or permit; and
- III. Identify the project proponent and point of contact; and
- IV. Identify the proposed project location (latitude and longitude) and aerial maps; and
- V. Water Quality Statement explaining how water quality will be maintained if the project is impacting a Special Use Water as defined in 401 KAR Chapter 10; and
- VI. Water Quality Statement explaining how water quality will be maintained if the project is impacting a full support or impaired water; and
- VII. Describe the project purpose and need; and
- VIII. A list of aquatic resource assessments including; and
  - a. A waters delineation; and
  - b. Stream flow type; and
  - c. Wetland Cowardin classification; and
  - d. Stream assessments and wetland assessments; and

e. Wetland delineation forms.

- IX. A table of impacts; and
- X. Project timeline; and
- XI. Alternative Analysis; and
- XII. Avoidance and minimization; and
- XIII. Mitigation Statement; and
- XIV. Biological Assessment; and
- XV. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge
- XVI. Identify the nature of the potential discharge that may result from the proposed project and the location of the receiving waters; and
- XVII. Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received



## §401 Water Quality Certification Request Form

Additional information regarding federal regulation 40 CFR 121 and the nine components listed in this guidance form may be viewed on the [U.S. EPA Overview of §401 Certification](#) webpage.

A §401 Water Quality Certification request must be submitted to the Division of Water and to the licensing or permitting Federal agency. For the U.S. Army Corps of Engineers contact information, please review the [District map](#).

Contact the [Water Quality Certification](#) Section at [401WQC@ky.gov](mailto:401WQC@ky.gov) or 502-564-3410 with any questions.

Did you already submit the state Application (Form DOW 7116)? ☐ Yes ☐ No

Provide your DOW Agency Interest No. (Example: AI#123456) :

Project Proponent Name:

An [Application for Permit to Construct Across or Along A Stream and/or Water Quality Certification \(Form DOW 7116\)](#) is required for Individual Water Quality Certification. Additional Information & Directions are available here:

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

Have you included 40 CFR 121 for a valid Certification Request?

Please attach any additional information that was not previously provided to your DOW WQC project manager.

Items for a Complete Certification Request	
<input type="checkbox"/>	Identify the applicable federal license or permit
<input type="checkbox"/>	Identify the project proponent(s) (applicant) and a point of contact
<input type="checkbox"/>	Identify the proposed project location (latitude and longitude) and aerial maps;
<input type="checkbox"/>	Water Quality Statement explaining how water quality will be maintained if the project is impacting a Special Use Water as defined in 401 KAR Chapter 10
<input type="checkbox"/>	Water Quality Statement explaining how water quality will be maintained if the project is impacting a full support or impaired water as defined in 401 KAR Chapter 10
<input type="checkbox"/>	Describe the project purpose and need; and
<input type="checkbox"/>	A list of aquatic resource assessments including; <ul style="list-style-type: none"> <li>a. A waters delineation; and</li> <li>b. Stream flow type; and</li> <li>c. Wetland Cowardin Classification; and</li> <li>d. Stream assessments and wetland assessments; and</li> <li>e. Wetland delineation forms.</li> </ul>
<input type="checkbox"/>	A table of impacts
<input type="checkbox"/>	Project timeline
<input type="checkbox"/>	Alternative Analysis
<input type="checkbox"/>	Avoidance and minimization
<input type="checkbox"/>	Mitigation Statement
<input type="checkbox"/>	Biological Assessment
<input type="checkbox"/>	U.S. Fish & Wildlife Service Documentation (Concurrence Letter or Biological Opinion)
<input type="checkbox"/>	Identify the nature of the potential discharge that may result from the proposed project and the location of the receiving waters
<input type="checkbox"/>	Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge
<input type="checkbox"/>	Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received

Submit the completed form and attachments through email to [401WQC@ky.gov](mailto:401WQC@ky.gov).