

Kentucky Erosion Prevention and Sediment Control Guide

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

Section 404 Permits for Work in Regulated Waters

Section 404 of the Clean Water Act regulates the placement of dredged or fill material into the waters of the U.S., including small streams and wetlands adjacent or connected to regulated waters (See Regulatory Information). The U.S. Army Corps of Engineers (USACE) administers the permit program dealing with these activities, in cooperation with the U.S. Environmental Protection Agency (USEPA). Individual permits are issued for activities with significant impacts, and nationwide or regional general permits are issued for activities with minimal impacts.

Nationwide permits are authorized every five years. These permits authorize specific categories of activities that have minimal environmental impact, permit conditions are met, and all appropriate and reasonable measures related to erosion and sediment control, project seeding and stabilization, and prevention of water quality degradation (e.g., working during low-flow conditions) are applied and maintained. Applicants will be responsible for ensuring that erosion and sediment control measures are selected, installed, and maintained properly. For more information, see eec.ky.gov/Environmental-Protection/Water/PermitCert/WQ401Cert/Pages/default.aspx.

For any activity that requires a Section 404 permit, the applicants must also obtain a Section 401 Water Quality Certification. To apply for a WQC please visit: eec.ky.gov/Environmental-Protection/Water/PermitCert/WQ401Cert/Pages/Apply-for-Certification.aspx.

Authorized Section 404 permits have conditions and special conditions that must be met. Applicants will be responsible for ensuring that erosion and sediment control measures are selected, installed, and maintained properly. For more information, see eec.ky.gov/Environmental-Protection/Water/PermitCert/WQ401Cert/Pages/default.aspx.

Contact information for the USACE District Offices serving Kentucky is available at www.usace.army.mil/Missions/Locations/.