



Fact Sheet

Division of Water Permits

January 2017

The Division of Water (DOW) regulates a variety of activities that can result in impacts to Kentucky's waters. This includes wastewater discharges, construction and storm-water run-off, water withdrawal, stream and wetlands mitigation, and handling materials with potential to impact groundwater. Persons wishing to engage in activities which may cause pollution to waters of the Commonwealth may first need to obtain a permit from DOW. Each permit provides permission to operate but also limits the amount of pollutants that can legally be emitted or discharged while engaging in the activity.

DOW monitors permit holders to ensure they are in compliance with the permit requirements. This is accomplished by records review, on-site inspections, and permit renewal.

When permit conditions are violated or nonexistent, DOW undertakes enforcement action. The action may include a warning of noncompliance, a notice of violation, or the levying of fines. Criminal action may also result.

General Wastewater Discharge Permit

General permits are "one size fits all" types of permits that standardize the manner in which a specific type of activity may be conducted. The term "general" is commonly used in the Kentucky Pollutant Discharge Elimination System (KPDES).

General permits are issued to facilities that have similar or the same types of operations. The permit regulates facilities' wastewater practices, and establishes limits for discharge of pollutants and assigns monitoring requirements. Examples are wastewater discharges from highway maintenance garages, and run-off from agricultural pesticide application.

Because there are many sources or facilities involved statewide in the types of activities allowable under a general permit, the DOW saves staff time and state resources by using them. Furthermore, general permits allow DOW to focus on facilities and sources that have a greater potential to impact the environment.

Individual Permit

Individual environmental permits are those permits issued on a case-by-case basis and are specific to the types of activities at a facility or site. Individual permits are typically issued for large or complex facilities with a potential for significant environmental impact.

Permits Issued by the Division of Water

• Wastewater Discharge

For any point source discharge of pollutants to a water body in Kentucky, a Kentucky Pollutant Discharge Elimination System (KPDES) permit is required. If wastewater is discharged from a facility into a municipal wastewater treatment system, the facility may need to meet pretreatment limits set by the local authority accepting the wastewater. Additionally, before building any agriculture, domestic sewage system, or sanitary treatment facility that will discharge wastewater, a construction permit is required. Facilities or home owners that wish to install a septic system must work with the local health department for septic system approval.

• Stormwater Discharges

Construction work that will disturb more than one acre requires a discharge permit for stormwater run-off. To obtain a General Permit for stormwater discharge at a construction site, a Notice of Intent must be filed with DOW seven days prior to beginning earthwork. In addition, certain industrial facilities must also obtain a stormwater permit. Some facilities are eligible for a general permit, but it does not apply when stormwater and process water are comingled. If a facility is located within a political boundary that has a Municipal Separate Storm Sewer System (MS4), there may be additional requirements per local ordinances.

• Water Withdrawal

The water withdrawal program governs all withdrawals of water greater than 10,000 gallons per day from any surface water, spring, or groundwater. A permit is required to withdraw water unless the water is required for domestic purposes, agricultural needs, steam-powered electrical generating plants, or underground injection in conjunction with operations for the production of oil and gas.

• Floodplain and Wetlands

A Floodplain Construction Permit is required prior to constructing, relocating, or improving a dam, embankment, levee, or bridge. A permit is also required to fill or raise the level of any area located adjacent to a river or stream such that the alteration would affect the flow of water.



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- **Water Quality Certification**

Projects that involve the discharge of dredged or fill material into waters of the United States, including wetlands, are regulated by the US Army Corps of Engineers and require Section 401 certification. Examples of activities that may require these certifications are relocating streams, constructing stream bank protection, constructing boat ramps, clearing or building a wetland, and constructing a dam.

- **Groundwater Protection**

A groundwater protection plan must be maintained at a facility if it handles pesticides, hazardous or solid wastes, bulk quantities of raw material, and other potentially polluting substances. General groundwater protection plans are available for some types of facilities.