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SECRETARY

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

ANTHONY R. HATTON  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

April 5, 2023

Danny Peake  
Kentucky Transportation Cabinet (KYTC)  
200 Mero St  
Frankfort, KY 40622

Re: §401 Water Quality Certification  
Letter of Permission No.: WQCLOP2023-035-7  
KY 536 - Kenton Co  
KY-536 Widening Project  
AI No.: 5885; Activity ID: APE20230001  
KYTC Item No.: 6-162  
USACE ID No.: LRL-2023-00155-cdb  
Banklick Creek and UTs to Banklick Creek  
Kenton County, Kentucky

Dear Mr. Peake:

Pursuant to Section 401 of the Clean Water Act (CWA) and 40 CFR 121.7(c), the Commonwealth of Kentucky certifies it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 303, 304, 306, and 307 of the CWA, will not be violated by the above referenced project provided that the U.S. Army Corps of Engineers authorizes the activity under a federal license or permit, and the attached conditions are met. An individual Water Quality Certification is not necessary for this activity provided that this project has satisfies the Transportation Letter of Permission from the U.S. Army Corps of Engineers (Letter of Permission for Transportation Projects, Corps ID No. LRL-2006-259, issued October 03, 2007 and revised October 28, 2010 and September 11, 2020) and all conditions of the attached Water Quality Certification - Letter of Permission Authorizing Transportation Projects are met. If construction does not commence within five years of the date of this letter, this certification will become void.

This letter transmits to you a copy of our Water Quality Certification (WQC) for the Letter of Permission Authorizing Transportation Projects for the Kentucky Transportation Cabinet – KY-536 Widening Project in Kenton County, Kentucky, in accordance with plans included in the “Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification” received 02/13/2023, Pre-Filing Meeting Request received 02/20/2023, application package received 02/13/2023, Certification Request received 04/04/2023, and additional information received on 04/03/2023, including impacts to 6,536 linear feet of ephemeral stream, 125 linear feet of intermittent stream, and 2,413 linear feet of perennial stream and 0.18 acres of wetland. Compensatory mitigation will be accomplished through purchasing 3,247 stream AMUs and 0.4 wetland AMUs from an approved mitigation bank or purchasing 3,893 stream AMUs and 0.4

wetland AMUs from an approved in-lieu fee program. A receipt of purchase must be submitted to the Kentucky 401 Water Quality Certification Section before construction begins.

Although an Individual WQC is not needed, other permits from the Division of Water may be required. If the project will disturb one acre or more of land, or is part of a larger common plan of development or sale that will ultimately disturb one acre or more of land, a Kentucky Pollution Discharge Elimination System (KPDES) stormwater permit shall be required from the Surface Water Permits Branch. This permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must include erosion prevention and sediment control measures. Contact: Surface Water Permits Branch (SWPB) Support (502-564-3410 or [SWPBsupport@ky.gov](mailto:SWPBsupport@ky.gov)). If the project needs to develop a Groundwater Protection Plan (GPP), impacts a Wellhead Protection Areas (WHPAs) or Sinkhole contact the Watershed Management Branch (502-564-3410).

All future correspondence on this project must reference **AI No. 5885**. Please contact Wesley Harrod by phone at 502-782-6589 or email at [Wesley.Harrod@ky.gov](mailto:Wesley.Harrod@ky.gov) if you have any questions.

Sincerely,



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**Samantha Vogeler, Supervisor**  
Water Quality Certification Section  
Kentucky Division of Water

SV:WH

Attachment

cc: Adam Michels, KYTC: Frankfort (via email: [Adam.Michels@ky.gov](mailto:Adam.Michels@ky.gov))  
Andrew Logsdon, KYTC: Frankfort (via email: [Andrew.Logsdon@ky.gov](mailto:Andrew.Logsdon@ky.gov))  
Dave Harmon, KYTC: Frankfort (via email: [Dave.Harmon@ky.gov](mailto:Dave.Harmon@ky.gov))  
Crystal Byrd, USACE: Louisville District (via email: [Crystal.D.Byrd@usace.army.mil](mailto:Crystal.D.Byrd@usace.army.mil))  
Lee Andrews, USFWS: Frankfort (via email: [kentuckyes@fws.gov](mailto:kentuckyes@fws.gov))  
Brian Storz, Licking River Basin Coordinator (via email: [brian.storz@ky.gov](mailto:brian.storz@ky.gov))  
Matt Gross, Florence Regional Field Office (via email: [matthew.gross@ky.gov](mailto:matthew.gross@ky.gov))  
Megan Herod, Copperhead Environmental Consulting (via email: [mherod@copperheadconsulting.com](mailto:mherod@copperheadconsulting.com))