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# FACT SHEET

## General Permit For On-Site Wastewater Treatment Systems (OSWTSs)

Serving Single Family Residences

**KPDES No.:** KYG400000

**AI No.:** 35050

**Permit Writer:** Mark Fogleman

**Date:** July 8, 2013

### Public Notice Information

Public Notice Start Date: March 22, 2013

Comment Due Date: April 21, 2013

Information concerning the public notice process may be obtained on the Division of Water's Public Notice Webpage at the following address:

[http://dep.gateway.ky.gov/eSearch/Search\\_Pending\\_Approvals.aspx?Program=Wastewater&NumDaysDoc=30](http://dep.gateway.ky.gov/eSearch/Search_Pending_Approvals.aspx?Program=Wastewater&NumDaysDoc=30)

Comments may be filed electronically at the following e-mail address: [DOWPublicNotice@ky.gov](mailto:DOWPublicNotice@ky.gov)

Or by sending written comments to:

Division of Water  
Surface Water Permits Branch  
200 Fair Oaks Lane  
Frankfort, Kentucky 40601

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# **SECTION 1**

## **FACILITY INFORMATION**

## **1. FACILITIES COVERED**

This general permit authorizes the construction and operation of On-Site Wastewater Treatment Systems (OSWTSs) that serve single family residences.

### **1.1. Eligibility Requirements**

OSWTSs meeting the following criteria are eligible for coverage under KYG40:

- 1) Serve a residence designed for occupation by a single family;
- 2) Have a design capacity of 1,000 gallons or less;
- 3) Are NSF Certified capable of meeting NSF/American National Standards Institute (ANSI) Standard 40 for Residential Wastewater Treatment Systems; and
- 4) Do not qualify for an on-site system authorized by the local Health Department.

### **1.2. Location**

Within the 120 counties of the Commonwealth of Kentucky

### **1.3. Treatment Provided**

The treatment provided is specific to the facility and is dependent upon the final disposal method of the treated effluent, i.e. discharge to surface waters or spray irrigation. The minimum treatment provided by OSWTSs discharging to surface waters shall consist of extended aeration, filtration, disinfection and de-chlorination. Additional treatment for OSWTSs discharging to lakes, special use waters (Coldwater Aquatic Habitats (CAHs), Outstanding State Resource Waters (OSRWs), Exceptional Waters (EWs)), and impaired waters includes post aeration. OSWTSs spray irrigating shall treat the wastewater using extended aeration and disinfection.

### **1.4. Permitting Action**

Reissuance of an existing general KDPEs permit KYG400000 addressing the disposal of treated domestic wastewaters from single family residences using on-site wastewater treatment systems. All prior versions of KYG400000 will be superseded upon the issuance of this permit.

## **SECTION 2**

### **RECEIVING WATER INFORMATION**

## **2. RECEIVING / INTAKE WATERS**

### **2.1. Receiving Waters**

Those water bodies of the Commonwealth that comprise the Mississippi and Ohio River basins and sub-basins within the political and geographic boundaries of Kentucky.

### **2.2. Stream Segment Use Classifications**

Includes all water bodies that have been designated by KDOW singularly or in combination thereof as: Warmwater Aquatic Habitat, Coldwater Aquatic Habitat, Primary Contact Recreation, Secondary Contact Recreation, Outstanding State Resource Water and/or Domestic Water Supply.

### **2.3. Stream Segment Antidegradation Categorization**

Included are those water bodies which have been categorized as High Quality Waters, Impaired Waters, Exceptional Waters, or Outstanding National Resource Waters.

### **2.4. Stream Low Flow Condition**

The 7-day, 10-year low flow conditions of the receiving streams can range from zero (0) cubic feet per second (cfs) to 111,000 cfs for the Mississippi River.

# **SECTION 3**

## **EFFLUENT QUALITY REQUIREMENTS**

### 3. REQUIREMENTS

The current version of KYG400000 expired December 31, 2012. It imposed effluent limitations and monitoring requirements for all OSWTSs. The monitoring requirements included quarterly sampling and analysis for the following parameters: Flow, BOD<sub>5</sub>, TSS, NH<sub>3</sub>N, E. Coli, pH, DO, and TRC. DOW has analyzed the Discharge Monitoring Reports (DMRs) submitted and has concluded that although some improvement has occurred, as a whole, this category of dischargers has a poor history of compliance. Factors contributing to poor compliance include improper operation, lack of maintenance, cost of monitoring, etc.

Most homeowners are unfamiliar with the workings of a biological wastewater treatment plant and thus do not understand the importance of proper operation and maintenance. Therefore the OSWTS should be operated and maintained by a person who has adequate knowledge and familiarity with such wastewater treatment plants. Individuals certified by the Department for Environmental Protection (DEP) in accordance with the requirements Chapter 11 of Title 401 of the Kentucky Administrative Regulations are such persons. Pursuant to 401 KAR 5:010, Section 1, wastewater treatment plants that receive domestic wastes are required to be operated by a “certified operator”. The currently effective KYG400000 and the proposed new KYG400000 contain requirements consistent with the aforementioned regulation.

A key factor in the proper operation of a wastewater treatment plant is the working condition of the plant and how well it has been maintained. Plants that are not well maintained cannot be operated as efficiently and may not produce the required effluent quality. Therefore it is imperative that routine maintenance be performed to ensure the plant is functioning at optimum levels. To that end DOW included in the current permit and the proposed draft permit conditions requiring the permittee to enter into a maintenance contract with a qualified person such as a “certified operator”. DOW has determined that with proper operation and maintenance performed by a qualified person an OSWTS should routinely produce effluent that meets the quality requirements imposed.

Although there are a number of obstacles that hinder the proper operation and maintenance, many of which are beyond the influence of DOW, there is one obstacle DOW can lessen: cost. As previously stated the current permit requires quarterly monitoring the cost of which ranges from \$450 to \$600 dollars per year. DOW could not ascertain the cost of the maintenance contract or operation by a “certified operator” from available data. However, West Virginia has a similar permit which imposes requirements for a certified operator and maintenance contract but no monitoring requirements. Costs obtained from West Virginia DEP for these services were in the range of \$200 to \$300 annually. Based on this information the monetary obligations of the current permit range from \$650 to \$900 a year. Many of the KYG400000 permittees are low income families that cannot afford a certified operator to operate and maintain the wastewater treatment plant and the laboratory costs associated with the quarterly monitoring requirements. Thus the permittee is placed in the position of deciding between the two requirements.

**Based on these factors DOW has chosen to adopt the West Virginia approach and not include effluent monitoring requirement in the new KYG400000.** It is the expectation of DOW that monies previously spent on laboratory analysis will now be spent on obtaining the services of a “certified operator” and the performance of maintenance which DOW believes in turn will improve compliance with the effluent quality requirements placed on the OSWTSs.

#### 3.1. Effluent Quality Requirements

The general permit contains effluent quality conditions for existing and new/replacement OSWTSs that discharge the treated effluent to surface waters and those that land apply the treated effluent via spray irrigation. Existing systems are those OSWTSs that have been previously permitted under prior versions of this general permit and are not subject to the requirements for discharges to Lakes, Special Use Waters, or Impaired Waters. However, an existing OSWTS that must be replaced will be considered as a new system.

The purpose of these conditions is to establish the level of treatment required of an OSWTS and to provide the permittee with design requirements. OSWTSs granted coverage under this general permit, must, at a minimum, be capable of meeting NSF/American National Standards Institute (ANSI) Standard 40 for Residential Wastewater Treatment Systems and provide some form of disinfection. Those OSWTSs that dispose of the final effluent by discharging to waters of the Commonwealth are required to de-chlorinate if chlorine disinfection is used and, in some cases, provide post aeration.

### 3.1.1. Surface Water Discharges

OSWTSs that discharge to surface waterbodies shall meet the following effluent quality requirements.

TABLE 1: SURFACE WATER DISCHARGES				
Effluent Characteristic	Effluent Quality Requirements			
	Minimum	Monthly Average	Weekly Average	Maximum
pH (Standard Units)	6.0	N/A	N/A	9.0
BOD <sub>5</sub> (mg/l)	N/A	30	45	N/A
TSS (mg/l)	N/A	30	45	N/A
Ammonia (as mg/l of NH <sub>3</sub> N)	N/A	20	30	N/A
E. Coli (colonies/100 ml)	N/A	130	240	N/A
Dissolved Oxygen (mg/l)	2.0	N/A	N/A	N/A
Total Residual Chlorine (mg/l)	N/A	0.011	0.019	N/A

#### 3.1.1.1. Lake Discharges

OSWTSs that have a surface discharge to lakes shall meet the following effluent quality requirements.

TABLE 2: LAKE DISCHARGES				
Effluent Characteristic	Effluent Quality Requirements			
	Minimum	Monthly Average	Weekly Average	Maximum
pH (Standard Units)	6.0	N/A	N/A	9.0
CBOD <sub>5</sub> (mg/l)	N/A	10	15	N/A
TSS (mg/l)	N/A	30	45	N/A
Ammonia (as mg/l of NH <sub>3</sub> N)				
May 1 – October 31	N/A	2.0	3.0	N/A
November 1 – April 30	N/A	5.0	7.5	N/A
E. Coli (colonies/100 ml)	N/A	130	240	N/A
Dissolved Oxygen (mg/l)	7.0	N/A	N/A	N/A
Total Residual Chlorine (mg/l)	N/A	0.011	0.019	N/A
Total Phosphorus (mg/l)	N/A	1.0	2.0	N/A

#### 3.1.1.2. Special Use Water Discharges

Special Use Waters are those waterbodies that are designated as Coldwater Aquatic Habitats (CAHs) or Outstanding State Resource Waters (OSRWs), or are categorized as an Exceptional Waters (EWs). OSWTSs that have a surface discharge to Special Use Waters shall meet the following effluent quality requirements.

TABLE 3: SPECIAL USE WATER DISCHARGES				
Effluent Characteristic	Effluent Quality Requirements			
	Minimum	Monthly Average	Weekly Average	Maximum
pH (Standard Units)	6.0	N/A	N/A	9.0
CBOD <sub>5</sub> (mg/l)	N/A	10	15	N/A
TSS (mg/l)	N/A	30	45	N/A
Ammonia (as mg/l of NH <sub>3</sub> N)				
May 1 – October 31	N/A	2.0	3.0	N/A
November 1 – April 30	N/A	5.0	7.5	N/A
E. Coli (colonies/100 ml)	N/A	130	240	N/A
Dissolved Oxygen (mg/l)	7.0	N/A	N/A	N/A

**TABLE 3: SPECIAL USE WATER DISCHARGES**

Effluent Characteristic	Effluent Quality Requirements			
	Minimum	Monthly Average	Weekly Average	Maximum
Total Residual Chlorine (mg/l)	N/A	0.011	0.019	N/A

**3.1.1.3. Impaired Waters**

OSWTSs that have a surface discharge to Impaired Waters, where the pollutants of concern are associated with domestic wastewaters and an approved Total Maximum Daily Load (TMDL) has not been developed, shall meet the following effluent quality requirements.

**TABLE 4: IMPAIRED WATER DISCHARGES**

Effluent Characteristic	Effluent Quality Requirements			
	Minimum	Monthly Average	Weekly Average	Maximum
pH (Standard Units)	6.0	N/A	N/A	9.0
CBOD <sub>5</sub> (mg/l)	N/A	10	15	N/A
TSS (mg/l)	N/A	30	45	N/A
Ammonia (as mg/l of NH <sub>3</sub> N)				
May 1 – October 31	N/A	2.0	3.0	N/A
November 1 – April 30	N/A	5.0	7.5	N/A
E. Coli (colonies/100 ml)	N/A	130	240	N/A
Dissolved Oxygen (mg/l)	7.0	N/A	N/A	N/A
Total Residual Chlorine (mg/l)	N/A	0.011	0.019	N/A
Total Phosphorus (mg/l) <sup>2</sup>	N/A	1.0	2.0	N/A

<sup>2</sup>The requirements for Total Phosphorus apply only if the impairment is due to nutrients, or organic enrichment and low dissolved oxygen.

OSWTSs that have a surface discharge to Impaired Waters, where the pollutants of concern are associated with domestic wastewaters and an approved Total Maximum Daily Load (TMDL) has been developed, shall meet the effluent quality requirements in the preceding table if these requirements are consistent with the TMDL. If the requirements above are not consistent with the TMDL, an individual permit will be required.

**3.1.2. Spray Irrigation**

OSWTSs that land apply treated effluent shall meet the following effluent quality requirements.

**TABLE 5: SPRAY IRRIGATION**

Effluent Characteristic	Effluent Quality Requirements			
	Minimum	Monthly Average	Weekly Average	Maximum
BOD <sub>5</sub> (mg/l)	N/A	30	45	N/A
TSS (mg/l)	N/A	30	45	N/A

**3.2. Design and Construction Requirements**

The Kentucky Administrative Regulations (KARs) that apply to OSWTSs require permits to be obtained for the construction, modification and operation of the system. Prior versions of KYG400000 addressed only the operational permit requirement of the KARs thus requiring a separate construction permit to be issued. To improve efficiency and to reduce paperwork and confusion, DOW is proposing to include authorization for the construction of a new OSWTS under the new KYG400000 and cease issuing a separate construction permit. In the case of construction/installation of a new OSWTS replacing an existing OSWTS previously authorized by KYG400000, a separate construction permit will be required.

In addition to the effluent quality conditions specified in Section 3.1 of this Fact Sheet the construction or installation of an OSWTS is subject to the following requirements:

1. The basic unit for a OSWTS shall consist of a NSF Certified Wastewater Treatment Unit capable of meeting NSF/ANSI Standard 40 for Residential Wastewater Treatment Systems and disinfection by either chlorination or ultraviolet;

2. Meet the minimum physical set back requirements specified in Section 3.2.1 of this Fact Sheet; and
3. The requirements specified in Section 3.2.2 of this Fact Sheet for those OSWTSs that spray irrigate the treated effluent; or
4. The requirements specified in Section 3.2.3 of this Fact Sheet for those OSWTSs that discharge to surface waters.

### 3.2.1. Minimum Setback Distances for OSWTSs

Table 6 lists the minimum setback distances between OSWTSs and a structure or topographic feature.

<b>TABLE 6: MINIMUM SETBACK DISTANCES</b>	
<b>Structure or Topographic Feature</b>	<b>Minimum Distance (Ft.) from OSWTS</b>
Property lines	5
Building foundations	10
Basements	20
Basements (Downslope from system)	20
Wells	50
Wells (Properly plugged/abandoned)	20
Cisterns	50
Cisterns (Upslope from system with bottom at higher elevation than system)	10
Natural Lakes or Impoundments (Shoreline)	25
Streams	25
Springs (Upslope from system)	25
(Upslope with curtain interceptor drain)	10
(Downslope from system)	50
Drainage Ditches, Cutbanks (Downslope)	10
Curtain or vertical drain (Upslope and Sides)	10
Curtain or vertical drain (Downslope)	25
Sinkhole Throat (Open)	70
Buried Water Lines or Utility Lines	10
Utility Easements	10
Driveways, parking lots, or paved areas	10
Geothermal Vertical	50
Geothermal Horizontal (Downslope)	10
Inground swimming pools	10
Mine Openings and Air Shafts	50
Livestock pens, feed lots, corrals, etc.	10

### 3.2.2. Spray Irrigation

In addition to the basic unit requirements specified in Section 3.2 an OSWTS that spray irrigates the treated effluent shall comply with the following conditions:

1. The spray system shall be equipped with a minimum of three (3) sprinkler heads;
2. The spray field shall have a minimum surface area of 0.19 acres with at least 12 inches of soil having an infiltration rate between 0.6 and 6.0 inches/hour (10 and 100 micrometers/second) for spray fields with slopes of less than or equal to six (6) percent;
3. The spray field shall have a minimum surface area of 0.38 acres with at least 24 inches of soil having an infiltration rate greater than 6.0 inches/hour (100 micrometers/second) for spray fields with slopes greater than six (6) percent;
4. The spray field shall not be within 200 feet of an existing dwelling;
5. A twenty (20) foot buffer zone shall be maintained between the outer boundary of the spray field and the permittee's property boundary;

6. At least ninety-five (95) percent of the area of the spray irrigation field shall have sufficient perennial vegetative growth to promote absorption, evaporation, and transpiration;
7. The spray field shall have a temporal or physical barrier that inhibits human contact with the airborne spray.
8. Effluent from the spray irrigation field shall be contained on the owner's property.
9. Effluent derived from a wastewater that contained human waste shall not be applied to an area in active production of food for human consumption.

### **3.2.3. Discharge to Surface Waters**

In addition to the basic unit requirements specified in Section 3.2, OSWTSs that discharge to any surface water shall include the following additional treatment units: (1) for all surface waters: filtration and de-chlorination; (2) for surface waters that are lakes, special use waters, and impaired waters: post aeration shall be provided.

## **SECTION 4**

### **JUSTIFICATION OF REQUIREMENTS**

#### 4. JUSTIFICATION OF REQUIREMENTS

The Kentucky Administrative Regulations (KARs) cited have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs). Pursuant to 401 KAR 5:065, Section 2(4) [40 CFR 122.44], each federally or delegated state-issued NPDES permit shall include conditions meeting technology-based effluent limitations and standards and water quality standards and state requirements.

##### 4.1. Effluent Quality

The effluent quality requirements are separated into those that apply to OSWTSs that dispose of the treated effluent through spray irrigation and those that discharge to waters of the Commonwealth. Pursuant to 401 KAR 5:005, Section 22(3) all OSWTS shall be capable of meeting the “secondary treatment” requirements of 401 KAR 5:045.

Section 2 of 401 KAR 5:045 defines secondary treatment as that level of treatment that results in an effluent quality that meets the minimum requirements in Table 7.

<b>Parameter</b>	<b>Monthly Average Concentration</b>	<b>Weekly Average Concentration</b>
Biochemical Oxygen Demand (5 days) (BOD <sub>5</sub> )	30 mg/l	45 mg/l
Total Suspended Solids (TSS)	30 mg/l	45 mg/l

Pursuant to 401 KAR 5:065, Section 2(4) [40 CFR 122.44(d)] KPDES permits are to include water quality-based effluent limitations (WQBELs) when necessary to protect water quality. The water quality standards applicable to this category of discharges are unionized ammonia (401 KAR 10:031, Section 4(1)(i)), dissolved oxygen (401 KAR 10:31, Section 4(1)(e)), total residual chlorine (401 KAR 10:031, Section 4(1)(k)) and pH (401 KAR 10:031, Section 4(1)(b)).

KDOW develops a waste load allocation (WLA) to determine the appropriate effluent limitations for BOD<sub>5</sub>, ammonia (NH<sub>3</sub>H), and dissolved oxygen (DO). The limits determined through the WLA process are representative of secondary, advanced secondary, or tertiary treatment applications. In the majority of cases OSWTSs that discharge to surface waters will be subject to effluent limits achievable through the application of secondary treatment. However, in the case of special use waters, lakes and impaired waters, higher levels of treatment are necessary to protect the quality of these waterbodies. In the case of special use waters the effluent limits are based on the application of advanced secondary treatment requirements which are characterized by the substitution of CBOD<sub>5</sub> for BOD<sub>5</sub>, the application of seasonal limitations for NH<sub>3</sub>N, and increased levels of DO. For lake discharges and discharges to impaired waters, potential nutrient problems require the imposition of phosphorus, thus necessitating the application of tertiary treatment requirements.

##### 4.2. Design and Construction Requirements

The conditions imposed in Section 3.2 of this Fact Sheet are consistent with the requirements of 401 KAR 5:005, Sections 21 and 22. Section 22 establishes the primary design requirements for OSWTSs, the minimum lot size for OSWTS located in a residential subdivision, and minimum set back conditions. Section 21 establishes the spray field size, slope and soil average saturated hydraulic conductivity, and type of spray equipment for those OSWTSs proposing a spray irrigation system.

##### 4.3. Operational Requirements

###### 4.3.1. Certified Operator

The requirement to have a certified operator is consistent with 401 KAR 5:010, which specifies that wastewater treatment plants that treat domestic wastewaters are required to be operated by a certified operator.

**4.3.2. Maintenance Contract/Operation & Maintenance Plan**

As discussed in Section 3 of this Fact Sheet, based on a number of factors, KDOW is substituting the requirement to obtain a maintenance contract with a certified operator for the requirement to monitor the discharges from OSWTs. In the case that the permittee is the certified operator, the requirement to monitor the discharge will be replaced by the requirement to develop and implement an Operation & Maintenance Plan. This approach is consistent with the requirements of 401 KAR 5:065, Section 2(4) [40 CFR 122.44].

**SECTION 5**  
**SCHEDULE OF COMPLIANCE**  
**AND**  
**OTHER CONDITIONS**

## **5. SCHEDULE OF COMPLIANCE AND OTHER CONDITIONS**

### **5.1. Schedule of Compliance**

The permittee will comply with all requirements by the effective date of the permit except as allowed pursuant to 401 KAR 5:080, Section 6.

### **5.2. Antidegradation**

The conditions of 401 KAR 10:029, Section 1 have been satisfied. This permitting action is a reissuance of a KPDES general permit for discharges from OSWTSs for single family residences. As part of the notice of intent the applicant is required to submit copies of the Department for Public Health Onsite Sewage Disposal System Site Evaluation (Form DFS-321) and Onsite Sewage Agency Referral (Form DFS-405) to document that no other alternate treatment system is available. In addition KDOW verifies whether connection to a regional facility's sewer system is possible.

### **5.3. Notice of Intent**

The notice of intent for this general permit is NOI-IFR and serves both as an application for construction permit and NOI for coverage under the general permit.

### **5.4. Outfall Signage**

The KPDES permit establishes effluent requirements and other conditions to address discharges from the permitted facility. As a member of ORSANCO, KDOW is obligated to include language in KPDES permits that notifies the permittee of the permanent marker requirements of Part V, Section A 3 of ORSANCO's Pollution Control Standards, if the discharge is to the Ohio River. For all other receiving waters, KDOW recommends the permittee place and maintain a permanent marker at each of the monitoring locations to better document and clarify these locations.

## **SECTION 6**

### **OTHER INFORMATION**

## **6. OTHER INFORMATION**

### **6.1. Permit Duration**

The permit shall have a duration of five (5) years from the effective date unless modified or reissued. This permit includes facilities in all five Basin Management Units of the Kentucky Watershed Management Framework.

### **6.2. Permit and Public Notice Information**

The draft permit, fact sheet and public notice are available on the DOW Public Notice web page and the Department of Environmental Protection's Pending Approvals Search web page at:

<http://water.ky.gov/Pages/PublicNotices.aspx>:

[http://dep.gateway.ky.gov/eSearch/Search\\_Pending\\_Approvals.aspx?Program=Wastewater&NumDaysDoc=30](http://dep.gateway.ky.gov/eSearch/Search_Pending_Approvals.aspx?Program=Wastewater&NumDaysDoc=30)

Comments may be filed electronically at the following e-mail address: [DOWPublicNotice@ky.gov](mailto:DOWPublicNotice@ky.gov)

Or by sending written comments to:

Division of Water  
Surface Water Permits Branch  
200 Fair Oaks Lane  
Frankfort, Kentucky 40601

### **6.3. References and Cited Documents**

All material and documents referenced or cited in this fact sheet are parts of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the Division of Water's Open Records Coordinator at (502) 564-3410 or by e-mail at [dowopenrecords@ky.gov](mailto:dowopenrecords@ky.gov).