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General Certification--Nationwide Permit # 49
Coal Remining Activities

This General Certification is effective March 19, 2012, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A (B) (49), namely coal remining activities, provided that the following conditions are met:

1. The activity will impact less than one acre of wetlands.

2. The activity will not impact waters of the Commonwealth designated by the cabinet in its water quality standards as Outstanding State or National Resource Waters or as Cold Water Aquatic Habitat.

3. Stream impacts occur in a stream with a watershed less than 480 acres in drainage above the most downstream permanent structure. For projects without permanent structures, stream impacts are limited to those with a watershed less than 480 acres in drainage above the most downstream point of disturbance.

4. Activities that do not meet the conditions of this general certification require an individual Section 401 water quality certification.

5. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:

- All earthwork operations shall be carried out so that sediment runoff and soil erosion to waters of the Commonwealth are controlled and minimized. Best management practices for water pollution control shall be used by the surface coal mining operation.

- Heavy equipment, such as bulldozers, backhoes and draglines shall not be used or operated within waters of the Commonwealth outside the boundaries of a permanent structure, unless that use cannot be avoided. If use of heavy equipment within waters of the Commonwealth outside the boundaries of a permanent structure is unavoidable, then the work shall be performed so as to minimize resuspension of sediments and disturbance to substrates, banks, and riparian vegetation.

- Measures shall be taken to prevent and to control spills of fuels, lubricants and other materials from entering waters of the Commonwealth.

- Any fill or riprap shall be of a composition that shall not cause violations of water quality standards by adversely affecting the biological, chemical or physical properties of waters of the Commonwealth. If riprap is used, it shall be of a weight and size that bank stress or slump conditions shall not occur.

- Removal of riparian vegetation outside the boundaries of a permanent structure shall be minimized.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.