

224.71-145 Person implementing practice or plan under Clean Water Act nationwide permit to be deemed as having received state certification -- Effect.

- (1) Notwithstanding the provisions of KRS 224.71-140, if any person conducting an agriculture, silviculture, or other similar best management or technically-assisted practice or plan as defined in KRS 224.71-100(3), (4), (5), (6), or (10) is required to obtain a Clean Water Act Nationwide Permit No. 12, 13, 14, 26, 27, 33, or 37 and is, in good faith, implementing the practice or plan pursuant to KRS 224.71-120, then the practice shall be deemed to have received the certification from the Commonwealth of Kentucky required pursuant to 33 U.S.C. sec. 1341(a).
- (2) If a person is deemed to have a certification pursuant to subsection (1) of this section, then the cabinet shall not require the person to apply for the certification or impose any other conditions on the activity pursuant to state law or the federal Clean Water Act, 33 U.S.C. secs. 1251 et seq., as amended.
- (3) If a person has not been finally adjudged to be in violation of an approved agriculture water quality plan, or agriculture, silviculture, or other similar best management or technically-assisted plan or practice, then the person shall be deemed to be implementing the plan or practice in good faith for purposes of subsection (1) of this section.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 181, sec. 1, effective July 15, 1996.