

City of Berea Land Disturbance Permit Fact Sheet

Application

The application is through our online permitting portal and can be found online by visiting this link: bereaky.viewpointcloud.com.

Note: The fee for an LDP is \$425. Contractors will also need a current City Business License, and an up-to-date GL and WC Certificate of Insurance filed with the City of Berea Codes & Planning Department.

Below are additional requirements that are associated with obtaining a Land Disturbance Permit:

KPDES NOI for KYR10 (Construction Stormwater General Permit):

The applicant must first apply for and receive a City of Berea Land Disturbance Permit. Then, the applicant must submit an online *KPDES NOI for KYR10 (Construction Stormwater General Permit)* application and scan of approved City of Berea Land Disturbance Permit to the KY Division of Water. This can be done online via the KY EEC eForms website which can be found by following this link: dep.gateway.ky.gov/eForms.

Bond:

Amount must be twice the estimated cost of EPSC (erosion control), with a minimum bond of \$1,500. A letter of credit will also work for this requirement. LDP bond or letter of credit needs to be made out to "City of Berea". Original copy of surety must be submitted or mailed to the City of Berea Codes & Planning Department before LDP application is approved. Cost of erosion control is figured as materials + labor.

The Land Disturbance Permit bond/letter of credit needs to be for the duration of disturbance, until the site is stabilized, and erosion control measures are no longer needed. From our experience, most bonds don't have an expiration date, and most letters of credit are for one year. If you obtain a 12-month letter of credit, please make sure that you renew the letter if your site will remain unstabilized for over a year.

We don't have a specific form for bonds or letters of credit; I've included several examples at the end of this document to show the common format. There will be signature blocks at the bottom of the document, signed by the principal and the representative of the surety company. The principal will be the landowner, developer, or contractor, depending on the situation.

Another page or pages will be attached from the surety company, detailing the power of attorney granted to your surety agent/broker to issue sureties on behalf of the surety company.

See City of Berea Stormwater Ordinance 34.204 FISCAL SURETY for more information: codelibrary.amlegal.com/codes/bereaky/latest/berea_ky/0-0-0-41052.

Stormwater Maintenance Agreement:

If required, this form must be completed, recorded at Madison County Clerk's Office, and a copy of the recorded agreement must be submitted to City of Berea Codes & Planning Department.

Link to form: bereaky.gov/wp-content/uploads/2023/07/GIS-Berea-Stormwater-Maintenance-Agreement.pdf.

For criteria and other information, see City of Berea Stormwater Ordinance 34.304 Maintenance Agreements for more information: codelibrary.amlegal.com/codes/bereaky/latest/berea_ky/0-0-0-41167#JD_34.304.

Land Management Development Ordinance (LMDO):

Please refer to the City of Berea Land Management Development Ordinance Appendix E (Grading & Fill) for additional information. The link to this can be found here:

bereaky.gov/wp-content/uploads/2024/12/GIS-Land-Management-and-Development-Ordinance-Appendix-E.pdf.

Stormwater Manual and Ordinance:

City of Berea Stormwater Design Manual:

bereaky.gov/wp-content/uploads/2024/02/Berea-Stormwater-Design-Manual-FEB-2024.pdf

City of Berea Code of Ordinances Chapter 34 Stormwater Control:

bereaky.gov/wp-content/uploads/2023/07/GIS-Chapter-34-Stormwater-Ordinance.pdf

Land Disturbance Permit Workflow:

- If a Development Plan is required for the project, the Development Plan must be approved before applying for a City of Berea Land Disturbance Permit. However, the applicant may begin submitting required City of Berea Land Disturbance Permit checklist items (on the next page) before the Development Plan is approved.
- If a Stormwater Maintenance Agreement is required as part of the application, this form must be completed, recorded at Madison County Clerk's Office, and a copy of the recorded agreement must be submitted to City of Berea Codes & Planning Department.
- If the City of Berea Land Disturbance Permit is approved by City of Berea, the applicant must submit an online KPDES NOI for KYR10 (Construction Stormwater General Permit) application to the KY Division of Water.
- If the KY Division of Water approves the NOI, the applicant will receive a KY Construction Stormwater General Permit, known as a KYR10.
- Please send a digital or physical copy of the KYR10 Permit to the City of Berea Codes & Planning Department.

Have More Questions?

You can visit our website at bereaky.gov/gis. You can also contact Matthew Thomas, the GIS / MS4 / Floodplain Coordinator, by email at mthomas@bereaky.gov or by phone at (859) 986-8528.

Land Disturbance Permit (LDP) Submittal Checklist:

Note: The applicant is only required to submit checklist items that apply to their project.

- _____ **Stormwater Pollution Prevention Plan (SWPPP)** *Can be a bound document with standard drawings of Erosion C controls (EC)/BMPs (Best Management Practices) or can be a DP (development plan) or other drawing, showing silt fence and const. entrance. If it's all on a drawing, specs for EC/BMPs must be on drawing.*

- _____ **KY Stormwater Construction Permit (KYR10 or Individual)** *An approved KYR10 Permit from KY Division of Water is the result of the applicant submitting a Notice of Intent (NOI). The NOI is the application; a KYR10 is the approval of the application. Applicant must submit the approved Berea LDP with an NOI.*

- _____ **KY DOW 401 Water Quality Certificate** *Only if applicant will be working in a stream, pond, wetland, etc.*

- _____ **KY Stream construction Permit** *Only if applicant will be working in a stream, pond, wetland, etc.*

- _____ **US Corps of Engineers 404 Permit** *Only if applicant will be working in USACE jurisdictional waters.*

- _____ **FEMA LOMR or CLOMR** *Only if applicant will be working in FEMA SFHA (floodplain).*

- _____ **KY Transportation Cabinet Encroachment Permit** *Only if applicant will be working in State Right of Way.*

- _____ **Planning and Zoning Approval** *If project requires a Development Plan, the DP will be approved by Codes Director (approving authority), or Planning Commission before LDP is applied for.*

- _____ **Site Plan Review Checklist** *Only if needed, checklist that Codes + GIS uses to review DPs, Major & Minor plats, etc.*

- _____ **Set of Finalized Construction Plans and Specs** *For clearing & grading plan, construction of temporary silt dams, detention ponds, etc. For small scale LDPs, the plan included as part of the SWPPP will usually suffice.*

- _____ **Application Fee** *\$425.00*

- _____ **Completed Maintenance Agreement** *If needed, this takes over when the project is complete or dumping is no longer taking place on the site, and the site has been stabilized (usually by seed & straw + permanent EC/BMP, if any).*