



Corrective Measures Process for the Agriculture Water Quality Act

***Following is a brief outline of the process being used to by the Kentucky Division of Water, Conservation Districts and the Division of Conservation to handle water pollution problems related to agriculture and silviculture.*

1. The Division of Water receives a complaint about a water quality problem which may be related to an agriculture or silviculture operation.
2. A Division of Water Inspector conducts a site visit.
 - A. The Division of Water gives local conservation district the option to accompany inspector on site visit.
 - B. The Operator / Landowner is given the opportunity to accompany inspector on site visit or post visit discussion.
 - C. The Division of Water documents water pollution problem with photos, water samples, other scientific methods, observations, notes, etc.
 - D. Division of Water Inspector asks if farm has a site specific agriculture water quality plan and if best management practices (BMP's) are being implemented.
3. Post Site Visit - Action by the Division of Water
If a site investigation documents water pollution traceable to the agriculture or silviculture operation, or if a person has failed to implement provisions of an applicable agriculture water quality plan, then the Division of Water notifies the responsible party in writing. A copy of this notification is also sent to the local conservation district.

Notification includes:

- a) Cause of pollution
- b) Inspection report
- c) Analytical data
- d) Statutes or regulations violated
- e) Instructions to seek technical & financial assistance from the local conservation district to develop a corrective measures plan
- f) Time frame for corrective action plan
- g) Proposed date of follow up inspection
- h) Consequences of non-compliance

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4. Post Site Visit - Action by Local Conservation District
The Conservation District will notify the agriculture or silviculture operator, board members and appropriate technical agencies of intent to address the problem at the next scheduled board meeting.
 - A. Review notification with landowner at board meeting
 - B. Identifies technical and financial assistance.
 - C. Coordinates corrective measure plan and time frame
 - D. Verifies implementation of corrective measures
 - E. Determine adequacy of Agriculture Water Quality Plan and refers problems to the Agriculture Water Quality Authority.
5. The Division of Water performs reinspection. Documentation of the results are sent to Landowner/Operator, Local Conservation District, and appropriate technical agency/agencies.
6. The Division of Water will verify compliance or the Operator / Landowner is deemed a “ bad actor” if:
 - A. Fails, or refuses, to comply with the Division of Water notice.
 - B. Fails, or refuses, to implement corrective measures.
7. The “Notice of Bad Actor Determination” includes (copy of notice is sent to conservation district):
 - A. Results of initial inspection
 - B. Dates of additional communication
 - C. Dates of notice of assistance
 - D. Statement of “Bad Actor” determination
 - E. Statement of loss of financial assistance
 - F. Opportunity for appeal / hearing
8. The “Bad Actor” status can be removed by following these steps:
 - A. The Landowner implements corrective measures
 - B. The Landowner applies to the Division of Water to have designation removed
 - C. Local Conservation District confirms corrective measures were implemented
 - D. The Division of Water verifies corrective measures were implemented

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