

1 AN ACT relating to water pollution control.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 224.16-080 is amended to read as follows:

4 (1) In accordance with the water quality standards established in 401 KAR 10:029 in
5 effect on March 24, 2021, which ~~were~~~~have been~~ submitted to and deemed
6 approved by the United States Environmental Protection Agency pursuant to its
7 2018 triennial review of Kentucky's water quality standards under 33 U.S.C. sec.
8 1313(c), any mixing zone for ***a*** bioaccumulative ~~chemical~~~~chemicals~~ of concern
9 assigned by the cabinet on or before September 8, 2004, shall be in effect from that
10 date unless and until explicitly ***changed or*** extinguished by the cabinet after March
11 24, 2021. ***Any Kentucky Pollutant Discharge Elimination System permittee who***
12 ***seeks to rely on a mixing zone for a bioaccumulative chemical of concern***
13 ***assigned by the cabinet on or before September 8, 2004, shall include information***
14 ***identifying the mixing zone in any application for the modification or renewal of***
15 ***the relevant Kentucky Pollutant Discharge Elimination System permit.***

16 (2) Any change or extinguishment in mixing zone assignments for bioaccumulative
17 chemicals of concern by the cabinet ***pursuant to subsection (1) of this section*** shall
18 only be accomplished through ***a formal Kentucky Pollutant Discharge***
19 ***Elimination System permitting action by the cabinet, including public notice and***
20 ***opportunity for comment, conducted pursuant to***~~the promulgation of~~
21 administrative regulations ***promulgated in accordance with***~~pursuant to~~ KRS
22 Chapter 13A.

23 ➔Section 2. KRS 224.16-090 is amended to read as follows:

24 (1) As used in this section, "rapid and complete mixing" means the limited area
25 surrounding or downstream from a wastewater discharge location where complete
26 mixing of treated wastewater and receiving water occurs rapidly~~, including~~
27 through the use of a submerged high-rate multi-port ~~diffuser or~~ outfall structure.

1 (2) *If a permit applicant specifically requests in an application for the issuance,*
2 *modification, or renewal of a Kentucky Pollutant Discharge Elimination System*
3 *permit that the cabinet take into account rapid and complete mixing occurring at*
4 *one (1) or more of its wastewater outfalls,* the cabinet shall apply rapid and
5 complete mixing in establishing *water quality-based effluent*~~permit~~ limitations
6 and conditions for any discharge regulated under *the*~~a~~ Kentucky Pollutant
7 Discharge Elimination System permit *if*~~where~~ the discharge occurs through a
8 submerged high-rate multi-port~~diffuser or~~ outfall structure.