

CHAPTER 37

(HB 160)

AN ACT relating to water pollution control.

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

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

- (1) In accordance with the water quality standards established in 401 KAR 10:029 in effect on March 24, 2021, which ~~were~~~~have been~~ submitted to and deemed approved by the United States Environmental Protection Agency pursuant to its 2018 triennial review of Kentucky's water quality standards under 33 U.S.C. sec. 1313(c), any mixing zone for *a* bioaccumulative ~~chemical~~~~chemicals~~ of concern assigned by the cabinet on or before September 8, 2004, shall be in effect from that date unless and until explicitly *changed or* extinguished by the cabinet after March 24, 2021. ***Any Kentucky Pollutant Discharge Elimination System permittee who seeks to rely on a mixing zone for a bioaccumulative chemical of concern assigned by the cabinet on or before September 8, 2004, shall include information identifying the mixing zone in any application for the modification or renewal of the relevant Kentucky Pollutant Discharge Elimination System permit.***
- (2) Any change or extinguishment in mixing zone assignments for bioaccumulative chemicals of concern by the cabinet *pursuant to subsection (1) of this section* shall only be accomplished through *a formal Kentucky Pollutant Discharge Elimination System permitting action by the cabinet, including public notice and opportunity for comment, conducted pursuant to*~~the promulgation of~~ administrative regulations *promulgated in accordance with*~~pursuant to~~ KRS Chapter 13A.

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

- (1) As used in this section, "rapid and complete mixing" means the limited area surrounding or downstream from a wastewater discharge location where complete mixing of treated wastewater and receiving water occurs rapidly~~, including~~ through the use of a submerged high-rate multi-port ~~diffuser or~~ outfall structure.
- (2) ***If a permit applicant specifically requests in an application for the issuance, modification, or renewal of a Kentucky Pollutant Discharge Elimination System permit that the cabinet take into account rapid and complete mixing occurring at one (1) or more of its wastewater outfalls, the cabinet shall apply rapid and complete mixing in establishing water quality-based effluent***~~permit~~ limitations and conditions for any discharge regulated under ~~the~~~~a~~ Kentucky Pollutant Discharge Elimination System permit ~~if~~~~where~~ the discharge occurs through a submerged high-rate multi-port ~~diffuser or~~ outfall structure.

Signed by Governor March 21, 2023.