

1 AN ACT relating to water pollution control and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF SUBCHAPTER 16 OF KRS CHAPTER
4 224 IS CREATED TO READ AS FOLLOWS:

5 *(1) In accordance with the water quality standards established in 401 KAR 10:029 in*
6 *effect on the effective date of this Act, which have been submitted to and deemed*
7 *approved by the United States Environmental Protection Agency pursuant to its*
8 *2018 triennial review of Kentucky's water quality standards under 33 U.S.C. sec.*
9 *1313(c), any mixing zone for bioaccumulative chemicals of concern assigned by*
10 *the cabinet on or before September 8, 2004, shall be in effect from that date*
11 *unless and until explicitly extinguished by the cabinet after the effective date of*
12 *this Act.*

13 *(2) Any change or extinguishment in mixing zone assignments for bioaccumulative*
14 *chemicals of concern by the cabinet shall only be accomplished through the*
15 *promulgation of administrative regulations pursuant to KRS Chapter 13A.*

16 ➔SECTION 2. A NEW SECTION OF SUBCHAPTER 16 OF KRS CHAPTER
17 224 IS CREATED TO READ AS FOLLOWS:

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

23 *(2) The cabinet shall apply rapid and complete mixing in establishing permit*
24 *limitations and conditions for any discharge regulated under a Kentucky*
25 *Pollutant Discharge Elimination System permit where the discharge occurs*
26 *through a submerged high-rate multi-port diffuser or outfall structure.*

27 ➔Section 3. Whereas continued regulatory uncertainty is an undue burden on

1 Kentucky Pollutant Discharge Elimination System permit holders, an emergency is
2 declared to exist, and this Act takes effect upon its passage and approval by the Governor
3 or upon otherwise becoming law.