

CHAPTER 98

(HB 378)

AN ACT relating to impaired waters.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 70 OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Beginning on July 1, 2014, the cabinet shall maintain on its Web site a listing of:*
1. *All waters or portion thereof in the Commonwealth identified pursuant to 33 U.S.C. sec. 1313(d);*
 2. *Total maximum daily loads established after the effective date of this Act; and*
 3. *All waters or portion thereof in the Commonwealth for which notice is provided pursuant to subsection (2) of this section.*
- (b) *The listing required by this subsection shall include:*
1. *A detailed summary, in plain and unambiguous words that are easily understood by laymen, of the basis for the listing. The summary shall identify the location of all available data, in reasonably accessible form, utilized in the cabinet's identification of the waters or portion thereof and establishment of the total maximum daily load; and*
 2. *Sources of information utilized, sources and methods of data collection and analysis, and the age of the data utilized.*
- (c) *The cabinet shall maintain on its Web site a listing of local, state, and federal resources, along with contact information, available to communities in efforts to enhance compliance with applicable water quality standards.*
- (2) *No later than ninety (90) days prior to submitting to the United States Environmental Protection Agency a new water or portion thereof to be included in the list of waters or portion thereof identified pursuant to 33 U.S.C. secs. 1313(d)(1)(A) and 1313(d)(1)(B), the cabinet shall provide notice, in accordance with subsection (4) of this section that water quality data may indicate that the water or portion thereof does not meet water quality standards applicable to that water or portion thereof and shall offer the opportunity for review and public comment of no less than sixty (60) days on the listing decision and the data and justification therefor.*
- (3) *In addition to any other requirement imposed by federal law, prior to developing a total maximum daily load pursuant to 33 U.S.C. sec. 1313 after the effective date of this Act, the cabinet shall provide notice in accordance with subsection (4) of this section and shall offer the opportunity for public review and input throughout the total maximum daily load development process.*
- (4) *Notice provided pursuant to subsections (2) and (3) of this section may be provided electronically and shall:*
- (a) *Include a reference to the location where additional information may be found, including the county or counties in which the water or portion thereof is located; and*
 - (b) *Be provided to all persons who have requested to be notified of new waters added to the listing or total maximum daily load development.*
- (5) *If any water or portion thereof that has previously been listed or a total maximum daily load established pursuant to 33 U.S.C. sec. 1313(d) meets water quality standards, the cabinet shall take all necessary measures pursuant to applicable laws and regulations to remove the listing and any requirements as a result of the establishment of the total maximum daily load, except as necessary to otherwise comply with applicable laws and regulations.*

➔Section 2. The Energy and Environment Cabinet is hereby directed to provide a written report to the Interim Joint Committee on Natural Resources and Environment by December 31 of each year setting forth the cabinet's plan for total maximum daily load development for the following year. The written report also shall be made available to the public on the cabinet's Web site.

