

**CHAPTER 103****( HB 386 )**

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

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

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

- (1) *In accordance with the water quality standards established in 401 KAR 10:029 in effect on the effective date of this Act, which 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 bioaccumulative chemicals of concern assigned by the cabinet on or before September 8, 2004, shall be in effect from that date unless and until explicitly extinguished by the cabinet after the effective date of this Act.*
- (2) *Any change or extinguishment in mixing zone assignments for bioaccumulative chemicals of concern by the cabinet shall only be accomplished through the promulgation of administrative regulations pursuant to KRS Chapter 13A.*

➔SECTION 2. A NEW SECTION OF SUBCHAPTER 16 OF KRS CHAPTER 224 IS CREATED 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) *The cabinet shall apply rapid and complete mixing in establishing permit limitations and conditions for any discharge regulated under a Kentucky Pollutant Discharge Elimination System permit where the discharge occurs through a submerged high-rate multi-port diffuser or outfall structure.*

➔Section 3. Whereas continued regulatory uncertainty is an undue burden on Kentucky Pollutant Discharge Elimination System permit holders, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon otherwise becoming law.

**Became law without Governor's signature March 24, 2021.**