

224.16-080 Change or extinguishment of assignment of mixing zone for bioaccumulative chemicals of concern -- Required information for permit modification or renewal.

- (1) In accordance with the water quality standards established in 401 KAR 10:029 in effect on March 24, 2021, which were 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 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 administrative regulations promulgated in accordance with KRS Chapter 13A.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 37, sec. 1, effective June 29, 2023. -- Created 2021 Ky. Acts ch. 103, sec. 1, effective March 24, 2021.