

1 AN ACT relating to water pollution control.

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

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

4 (1) In accordance with the water quality standards established in 401 KAR 10:029 in
5 effect on March 24, 2021, which ~~were~~~~have been~~ submitted to and deemed
6 approved by the United States Environmental Protection Agency pursuant to its
7 2018 triennial review of Kentucky's water quality standards under 33 U.S.C. sec.
8 1313(c), any mixing zone for **a** bioaccumulative ~~chemical~~~~chemicals~~ of concern
9 assigned by the cabinet on or before September 8, 2004, shall be in effect from that
10 date unless and until explicitly **changed or** extinguished by the cabinet after March
11 24, 2021. **Any Kentucky Pollutant Discharge Elimination System permittee who**
12 **seeks to rely on a mixing zone for a bioaccumulative chemical of concern**
13 **assigned by the cabinet on or before September 8, 2004, shall include information**
14 **identifying the mixing zone in any application for the modification or renewal of**
15 **the relevant Kentucky Pollutant Discharge Elimination System permit.**

16 (2) Any change or extinguishment in mixing zone assignments for bioaccumulative
17 chemicals of concern by the cabinet **pursuant to subsection (1) of this section** shall
18 only be accomplished through **a formal Kentucky Pollutant Discharge**
19 **Elimination System permitting action by the cabinet, including public notice and**
20 **opportunity for comment, conducted pursuant to**~~the promulgation of~~
21 administrative regulations **promulgated in accordance with**~~pursuant to~~ KRS
22 Chapter 13A.

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

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

- 1 (2) *If a permit applicant specifically requests in an application for the issuance,*
2 *modification, or renewal of a Kentucky Pollutant Discharge Elimination System*
3 *permit that the cabinet take into account rapid and complete mixing occurring at*
4 *one (1) or more of its wastewater outfalls,* the cabinet shall apply rapid and
5 complete mixing in establishing *water quality-based effluent*~~permit~~ limitations
6 and conditions for any discharge regulated under *the*~~a~~ Kentucky Pollutant
7 Discharge Elimination System permit *if*~~where~~ the discharge occurs through a
8 submerged high-rate multi-port~~diffuser or~~ outfall structure.