

Drinking Water and Clean Water Joint Advisory Council January 12, 2022



January 2022

To Protect and Enhance Kentucky's Environment

Kentucky Division of Water

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Watershed Management Branch

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The mission of the Kentucky Division of Water is to manage, protect and enhance the quality and quantity of the Commonwealth's water resources for present and future generations through voluntary, regulatory and educational programs.

Intention

- To provide Cabinet/Department/Division updates and for industry, regulated community, engineering community, and consumers to provide input on drinking water and clean water issues
 - Drinking Water Advisory Council
 - Clean Water Advisory Council



Per- and Polyfluoroalkyl Substances (PFAS)

- Drinking Water study
 - November 2019
 - 81 community public drinking water treatment plants
 - Surface and groundwater sources
 - PFAS detected at 41 of 81 WTPs
 - 31 of 43 surface water WTPs (72%)
 - 10 of 38 groundwater WTPs (26%)
- Study evaluating Kentucky Source Waters for PFAS – Aug. 4, 2021
 - 40 surface water monitoring stations
 - PFAS detected in 36 of 40 stations
- Ongoing fish tissue sampling and analysis
 - Preliminary results and report expected soon
- Ongoing collaboration within DEP to begin sampling drinking water and wastewater effluent and biosolids
- UCMR 5
 - Sample collection for 29 PFAS and lithium between 2023 and 2025
 - <https://www.epa.gov/dwucmr/fifth-unregulated-contaminant-monitoring-rule>



Waters of the US (WOTUS)

- September 7, 2021 – USEPA and USACE declare national vacatur and announce return to pre-2015 (Rapanos) regulatory regime
- December 7, 2021 – Proposed rule defining WOTUS
 - https://www.epa.gov/system/files/documents/2021-12/revised-definition-of-wotus_nprm_december2021.pdf
 - Comments due February 7, 2022
 - DOW coordinating with other states, ACWA, ASWM on comments
- All 401 WQCs of Nationwide Permits (NWP) current
 - February 25, 2022 – 40 NWPs and 1 new NWP go into effect
- Operating under DOW and US Army Corps of Engineers long-standing regulatory regime
 - Jurisdictional waters - USACE broad-ranging authority



Bipartisan Infrastructure Law (BIL)

- Funds available via State Revolving Fund (SRF) Programs
 - Clean Water SRF
 - CWSRF Emerging Contaminants
 - Drinking Water
 - DWSRF Lead Service Line Replacement
 - DWSRF Emerging Contaminants
- Gulf hypoxia task force
 - Regional programs
- Federal guidance expected in Jan/Feb 2022
- Appropriations by September 2022 (anticipated)



State Revolving Fund (SRF) Funding

KY SRF Allocations



	2017	2018	2019	2020	2021	2022
Drinking Water SRF	\$12,830,000	\$18,303,000	\$18,132,000	\$18,144,000	\$18,127,000	\$29,587,000
DWSRF Lead Service Line Replacement						\$46,593,000
DWSRF Emerging Contaminants						\$12,425,000
Clean Water SRF	\$17,044,000	\$20,634,000	\$20,427,000	\$20,429,000	\$20,427,000	\$22,839,000
CWSRF Emerging Contaminants						\$1,199,000





Productivity

DOW Priorities for 2022



Accountability

- Provide strategic guidance on water infrastructure investments
- Continue department's PFAS-related work
- Continue Nutrient Reduction Strategy work and Gulf hypoxia task force participation
- Better use of IT investments (data collection, mapping) and website
- Continue Integrated Report and Triennial Review of WQS work
- Work toward institutionalizing environmental justice
- Enhance partnerships and collaborations where possible
- Engage DW/CW Advisory Council subcommittees and workgroups
 - Establish new subcommittees as necessary



Tasking the DW/CW Advisory Council

- DOW will be asking committees, subcommittees, and workgroups for input
- Priority before March 2022 DW/CW Advisory Council meeting
- Allows for cabinet re-engagement of existing work groups
 - Capacity Development
 - Operator Recruitment and Development
- May require establishing new working groups
 - PFAS
 - UCMR 5
 - Triennial Review



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Contact Information (water.ky.gov)

Director's Office	Carey Johnson, Director, 502-782-6990, Carey.Johnson@ky.gov John Webb, Assistant Director, 502-782-7126, John.Webb@ky.gov Sarah Gaddis, Environmental Scientist Consultant Senior, 502-782-6953, Sarah.Gaddis@ky.gov	General questions.
Drinking Water Branch	Alicia Jacobs, Branch Manager, 502-782-6987, Alicia.Jacobs@ky.gov	Maintains list of certified laboratories. Provides technical assistance to drinking water facilities. Ensures drinking water complies with federal and state regulations.
Field Operations Branch	Connie Coy, Branch Manager 502-782-6587, Constance.Coy@ky.gov	Inspects municipal and non-municipal facilities. Responds to reports of spills or bypasses. Investigates citizen's complaints.
Program Planning and Program Support Branch	Vacant	Accepts general public inquiries. Manages contracts and grants.
Surface Water Permits Branch	Jason Hurt, Branch Manager, 502-782-6167, Jasonm.Hurt@ky.gov	Issues KPDES permits to discharge stormwater from construction sites. Issues KPDES permits for wastewater discharges. Oversees pretreatment programs. Oversees Municipal Separate Storm Sewer Systems (MS4) program.
Water Infrastructure Branch	Jory Becker, Branch Manager, 502-782-6887, Jory.Becker@ky.gov	Issues construction permits for drinking water facilities and distribution lines. Issues construction permits for wastewater treatment facilities. Issues construction permits for sewer lines and extensions.
Water Quality Branch	Melanie Arnold, Branch Manager 502-782-6879, Melanie.Arnold@ky.gov	Maintains list of special use and impaired waters. Assesses the water quality of rivers, lakes and streams.
Water Resources Branch	Shawn Hokanson, Branch Manager, 502-782-6977, Shawn.Hokanson@ky.gov	Issues permits for construction in floodplain. Issues permits to construct dams. Issues §401 water quality certifications for construction in waters of the US.
Watershed Management Branch	Bill Caldwell, Acting Branch Manager 502-502-782-6906, Bill.Caldwell@ky.gov	Issues permits to withdraw water. Certifies well drillers and maintains well driller directory. Maintains database of water availability for use (quantity and quality).