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February 6, 2020

RE: 401 KAR 5:091 - Repeal of 401 KAR 5:090 (Control of water pollution from oil and gas facilities) – Statement of Consideration

Dear Concerned Citizen,

The Kentucky Division of Water (the “Division”) filed the proposed regulation referenced above with the Legislative Research Commission (“LRC”) on November 14, 2019, and it was published in the Kentucky Administrative Register on December 1, 2019. The Division cancelled the public hearing scheduled for Thursday, January 23 at 6:00 p.m. because it did not receive any written notice of intent to attend by a member of the public, pursuant to KRS 13A.270(7). The public comment period closed on January 31, 2020.

On February 6, 2020 the Division filed a Statement of Consideration to address the comment it received, and which will be available on the Division website under the “Pending Regulations” tab at <https://eec.ky.gov/Environmental-Protection/Water/Regs/Pages/default.aspx>, and the LRC website at <https://apps.legislature.ky.gov/law/kar/TITLE401.HTM>. The Statement of Consideration is attached for your convenience pursuant to KRS 13A. We anticipate that the proposed regulation will be considered by the legislative Administrative Regulation Review Subcommittee at its March 2020 meeting.

The Division appreciates and recognizes the importance of public participation in the regulatory process and the role it plays in meeting and protecting the interests of Kentucky citizens, stakeholders, and state resources.

Sincerely,

Paul Miller, P.E.,  
Director  
Division of Water

JPM/cjc