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Notice of Kentucky Water Quality Standards 2021 Triennial Review Listening Session and Comment Period Kentucky Division of Water June 7, 2021

In accordance with the federal Clean Water Act (CWA), Congress gave states the responsibility to establish objectives or goals for managing, maintaining, and enhancing water quality. States are required to review state water quality standards (WQS) and hold a public hearing every three years, known as a "Triennial Review", pursuant to Section 303(c)(1) of the CWA.

The Kentucky Division of Water (the Division) hereby gives notice of its intent to conduct a public listening session to satisfy the requirements of CWA Section 303(c)(1). The listening session will be recorded and will assist the Division in determining what revisions, if any, may be appropriate for Kentucky's WQS regulations which are located in 401 KAR Chapter 10 (Water Quality Standards – links are provided below). The Division will provide a link to the recorded session once available. Depending upon the outcome of the 2021 Triennial Review, the Division tentatively anticipates pursuing any proposed regulatory changes pursuant to KRS Chapter 13A in 2022.

At the beginning of the listening session, the Division will provide a brief overview of Kentucky WQS and the topics the Division is considering for revision (<https://eec.ky.gov/Environmental-Protection/Water/Documents/2021%20Triennial%20Review%20Listening%20Session1.pdf>). In evaluating updates to WQS, the Division will consider the latest recommended water quality criteria updates from the U.S. Environmental Protection Agency. Topics for the 2021 Triennial Review include:

- Updating criteria for aquatic life for ammonia
- Establishing aquatic life criteria for aluminum
- Updating human health criteria for 94 pollutants
- Designating new Outstanding State Resource Waters (OSRW) and Exceptional Waters

Following the brief overview, the Division will receive comments on topics and issues from the public until the end of the listening session, and encourages participants to also provide a written copy of their comments. The Division will also accept written comments through August 6, 2021. Please note that written and verbal comments will receive equal consideration.

The Division invites comments from interested parties and members of the public regarding any WQS that it should consider for potential revision, even if it is not listed above. Comments should include the regulation and topic, whether 401 KAR Chapter 10 already covers the topic, and any suggested revisions

and basis of support for the suggested revision. Any technical or scientific information, reports, or data should be included.

Listening session date, time, and location: Tuesday, June 22, 2021 at 6:00 p.m. EST
<https://global.gotomeeting.com/join/926425293>

You can also dial in using your phone. (For supported devices, tap a one-touch number to join instantly.)
United States: +1 (571) 317-3112 One-touch: <tel:+15713173112,,926425293#> Access Code: 926-425-293
If you have questions about connecting to the videoconference, please contact Kim Greenidge at 502-782-6630.

Send comments: Via email (*preferred*) to: water@ky.gov (Subject line: "2021 Triennial Review")

Via U.S. Mail to: Water Quality Branch (ATTN: 2021 Triennial Review)
Kentucky Division of Water
300 Sower Blvd., 3rd Floor
Frankfort, KY 40601

The Division will pursue any final proposed changes as a result of the 2021 Triennial Review through the regulatory process established in KRS Chapter 13A. Existing Kentucky WQS regulations may be accessed online at:

401 KAR 10:001- Definitions for 401 KAR Chapter 10
<https://apps.legislature.ky.gov/law/kar/401/010/001.pdf>

401 KAR 10:026 - Designated Uses of Surface Waters
<https://apps.legislature.ky.gov/law/kar/401/010/026.pdf>

401 KAR 10:029. General Provisions –
<https://apps.legislature.ky.gov/law/kar/401/010/029.pdf>

401 KAR 10:030. Antidegradation Policy Implementation Methodology
<https://apps.legislature.ky.gov/law/kar/401/010/030.pdf>

401 KAR 10:031. Surface Water Standards
<https://apps.legislature.ky.gov/law/kar/401/010/031.pdf>