

Senate Bill 89

Energy & Environment Cabinet's analysis of proposed House Committee Substitute

- The proposed language does not address groundwater aquifers, which would leave approximately 89,000 Domestic Use (DU) and agricultural (ag) wells unprotected as well as 156 water systems whose source water comes from groundwater. These utilities serve 558,624 connections, with an estimated population impact of over 1,500,000 Kentuckians, and additional impacts to nursing homes, schools, hospitals, parks, mobile home parks and hotels. The impact also includes three bottled water companies that bottle and distribute groundwater across the Commonwealth.
- Wellhead Protection Areas (WPA) are geographic areas where certain activities are prohibited because of their proximity to a water well or wellfield supplying water to a public water system. Inclusion WPA's in the definition of Waters of the Commonwealth does not add protection for these wells because WPA's exist to protect Public Water Supplies, not the individual water wells.
- Sinkholes with open throats are geologic features and are not "water" under the current definition of WOTC. Inclusion of these features in the definition of Waters of the Commonwealth does not address groundwater.
- The proposed language only includes springs used as a domestic water supply and does not capture all springs. The only way groundwater is covered under the proposed language is if it emerges from a spring and if that spring is a source of domestic water supply.
- The proposed language should include lakes and impounding reservoirs without a continuous surface connection. The exclusion of these waters from the definition would mean that lakes/reservoirs used for drinking water supply and recreation are not included. Kentucky has many of these surface water features that are not Waters of the United States and, as such, would not be protected under this proposed language.