



JOINT STATEMENT IN OPPOSITION TO SENATE BILL 89

We, the undersigned organizations, stand together in strong opposition to Senate Bill 89, passed by the Kentucky General Assembly last week. By stripping away the long-standing definition of “waters of the Commonwealth,” the bill removes essential protections for critical groundwater sources and headwater streams that sustain our communities, farms, and ecosystems. It leaves tens of thousands of private wells and drinking water sources unprotected from pollution.

A strong state-level water protection program is critical to safeguarding our communities and environment. By maintaining independence in defining our state “waters,” we can proactively protect all of Kentucky’s unique water resources, not just those that the federal government defines as “navigable.”

Contrary to misinformation, this bill is not about regulatory “clarity.” SB89 recklessly dismantles Kentucky’s water protections, prioritizing polluters over the people and industries that rely on clean, safe water. It undermines decades of progress in safeguarding our drinking water, agricultural resources, and public health.

The final version of SB89 did not fix the significant and far-reaching damage that redefining “waters of the Commonwealth” will do to Kentucky’s water resources. It:

Removes Groundwater Protections: Although the House version of SB 89 clawed back for protection a small subset of state waters – sinkholes with open throat drains, certain spring, and wellhead protection areas – SB89 strips away protections for most sources of groundwater, including karst aquifers, which are among the most fragile and pollution-prone groundwater sources in the state.

Threatens Private Well Users and the Health of Rural Communities: SB89 leaves 89,000 domestic and agricultural wells unprotected from pollution, impacting rural Kentuckians most directly. These private wells will be at greater risk of contamination, leaving families and farmers that rely on them to bear the impacts and public health costs alone.

Fails to Protect Farmers: Thousands of private wells used for agricultural irrigation, aquaculture, poultry and egg production, and livestock purposes will no longer be protected. Creeks and streams used by horses, cattle, and other animals will be more susceptible to contamination by unregulated pollution upstream.

Increases Treatment Costs for Public Drinking Water: More than 3 million Kentuckians rely on public water systems that draw from headwater streams and groundwater sources that would lose protection under this law. Kentucky's drinking water system is already challenged and needs an estimated \$7.8 billion over the next 20 years to provide safe drinking water. Weakening these safeguards will only increase treatment costs for already strained local governments and ratepayers.

Weakens Regulation of Waste Disposal and Hazardous Waste Protections and Hinders Clean-Up: "Environment" as defined under our state hazardous spill response law, KRS 224.1-400, will no longer include groundwater or headwater streams, since they are written out of "waters of the Commonwealth." Hazardous spills could go unreported, unaddressed, and uncleaned. By gutting state intervention in pollution events impacting these waters, such as toxic spills, SB89 puts our public health and ecosystems in jeopardy.

Raises Flood Risks and Damages River Systems: By removing protections for ephemeral streams, SB89 threatens flood mitigation and river health. 65% of Kentucky's streams are ephemeral or intermittent—and are essential to slowing floodwaters and filtering pollution before it reaches major waterways. Without protections for our headwater streams, downstream communities will suffer greater flood risks and water quality degradation.

Is Unnecessary: If the goal of SB 89 is to align state permitting with federal regulations under the Clean Water Act, Kentucky law already does that. This bill serves no practical purpose except to remove long-standing protections for waters that are critical to our state, and it reduces Kentucky's ability to hold polluters accountable.

Harms Kentucky's \$5.9 Billion Outdoor Recreation Industry: Hunting, fishing, and other wildlife-related recreation—which all depend on clean water—produces a \$5.9 billion economic impact for Kentucky and supports 70,000 jobs. Allowing

more pollution into our streams and groundwater will lower water quality downstream and harm Kentucky's outdoor recreation economy.

Creates Economic and Regulatory Uncertainty: By relying on a shifting federal definition of "navigable waters," which has changed four times in the past 10 years, SB89 introduces confusion for businesses, industries, and water managers. It risks driving up costs for industries, burdening taxpayers with higher cleanup and water treatment expenses.

SB89 is a betrayal of Kentucky's most precious resource—its water. All Kentucky's communities deserve access to clean, safe drinking water. It isn't a luxury; it's our survival. We cannot afford to roll back these essential protections for the water that all Kentuckians depend on - water that is our common **wealth**.

Kentucky deserves better.

Signed,

American Academy of Pediatrics, KY Chapter
Appalachian Citizens' Law Center
Backcountry Hunters & Anglers
Banklick Watershed Council
Beckham Bird Club of Louisville
Bernheim Forest and Arboretum
Bluegrass Wildwater Association
Center for Biological Diversity
Community Farm Alliance
Concerned Letcher Countians
Envision Franklin County
Equine Land Conservation Resource
Explore Kentucky
Floracliff Nature Sanctuary
Kentuckians for the Commonwealth
Kentucky Academy of Science
Kentucky Conservation Committee
Kentucky Heartwood
Kentucky Natural Lands Trust
Kentucky Resources Council

Kentucky Riverkeeper
Kentuckiana Safari Club International
Kentucky Watershed Watch
Kentucky Waterways Alliance
Kentucky Woodland Owners Association
Louisville Climate Action Network
Louisville Olmsted Parks Conservancy
Martin County Concerned Citizens
Mountain Association
Pike County Clean Community Board, Inc.
Red Oaks Forest School
Sierra Club Kentucky Chapter
The Appalachian Rekindling Project
The Kentucky Steward LLC
West Jefferson Community Task Force
Wild Ones