



Andy Beshear  
GOVERNOR

## ENERGY AND ENVIRONMENT CABINET

300 Sower Boulevard  
Frankfort, Kentucky 406 01  
Phone: (502) 564 -3350

Rebecca Goodman  
SECRETARY

February 18, 2025

Representative Jim Gooch  
Capitol Annex, Room 383  
702 Capitol Avenue  
Frankfort, KY 40601  
[Jim.Gooch@kylegislature.gov](mailto:Jim.Gooch@kylegislature.gov)

Dear Representative Gooch:

We are reaching out to provide comments on Senate Bill 89, which the Energy and Environment Cabinet finds very concerning in its present form. The bill threatens the water quality of many Kentucky rivers, streams, and tributaries and, as a result, would significantly compromise Kentucky's groundwater, impacting the water quality of more than 31,000 private use wells and at least 156 public water systems. Attached are two maps that illustrate the magnitude of the situation regarding the impact groundwater has on these wells and water systems that use groundwater as their source water.

Additionally, if adopted, the bill amends the existing definition of "water" and "waters of the Commonwealth" to include only navigable waters as the term is defined by federal law, specifically 33 U.S.C. §1362. By relying solely on the federal definition of the term, this bill would make Kentucky the only state in the United States to surrender its authority to define its waters to the federal government and jeopardize state regulatory primacy. This is not where Kentucky needs to be the exception.

The bill would also require additional treatment for drinking and wastewater because fewer source waters would be protected, which would significantly impact water quality downstream. The increased costs of additional testing would be passed down to Kentuckians through utility rate increases – an extra cost Kentuckians do not need to bear in the face of rising costs at the grocery store and the gas pump.

Water is a valuable resource to Kentuckians. Degrading the Commonwealth's waters to the point that water quality is decreased, while costs increase, will negatively affect economic development opportunities for Kentucky.

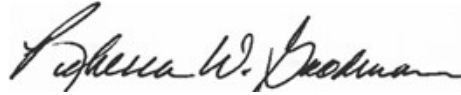
With respect to concerns that have been voiced regarding permitting delays, Senate Bill 89 as written is overly broad and applies a machete to an issue that needs a scalpel, at a cost to Kentuckians. The Cabinet's goal is to enforce the law in order to protect Kentuckians and their natural resources. This most important of outcomes is essential so that individuals and industry

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can be protected. Delays in issuing permits may occur as the applicants resolve administrative and technical deficiencies.

For these reasons, the Cabinet has grave concerns with SB 89. We appreciate your consideration of these concerns and the impact this legislation would have on the water quality of the Commonwealth and, in turn, its citizens.

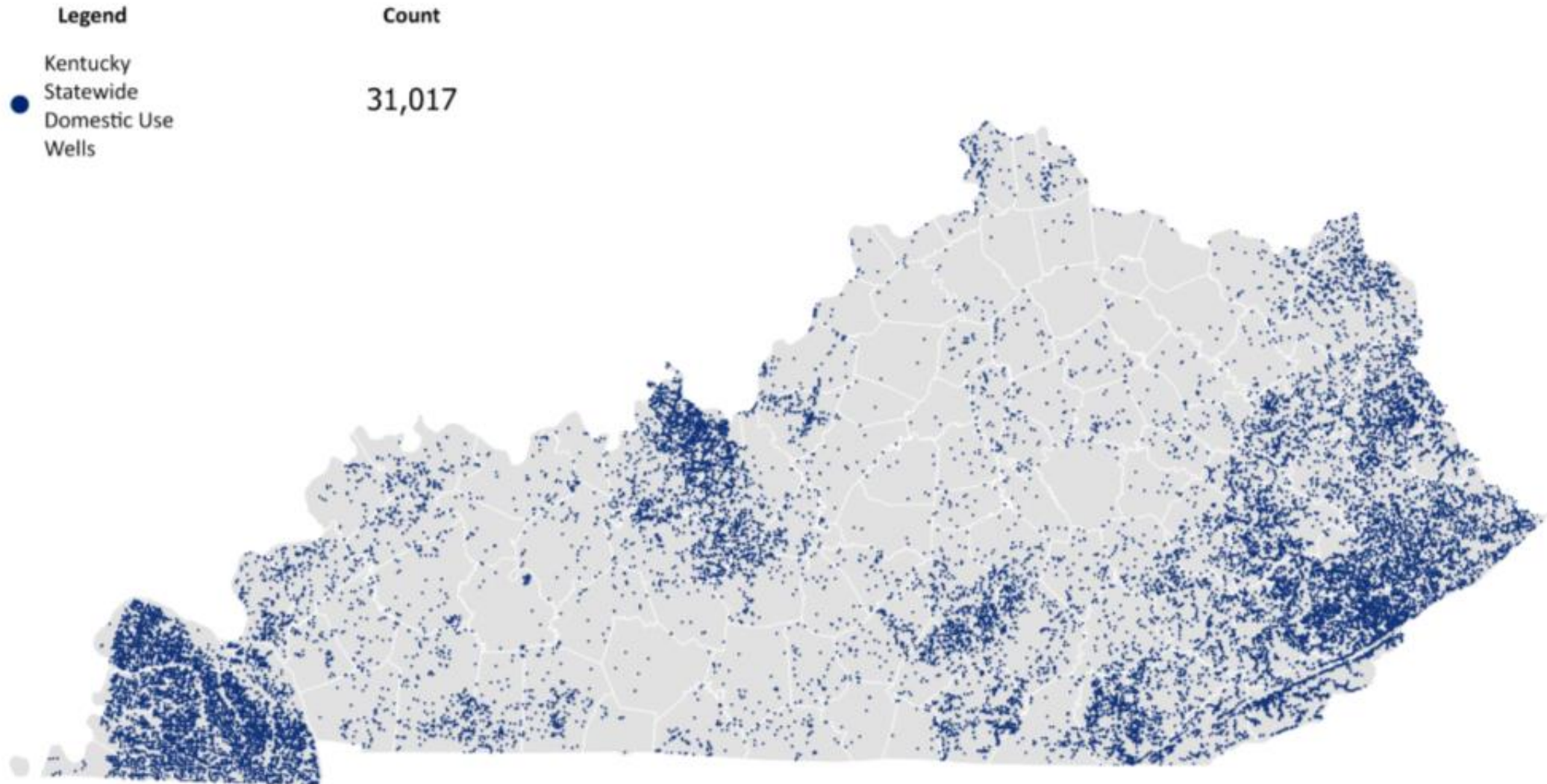
Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca W. Goodman". The signature is written in a cursive style with a large initial 'R'.

Rebecca Goodman, Secretary  
Energy and Environment Cabinet

Sent Electronically

# Domestic Use Wells Impacted by Ground Water



# Utilities Dependent Upon Ground Water

- SW - Spring/Well Sourced
- GW Purchaser
- GW Producer
- GUDI
- GUDI Purchaser

