

224.71-110 Agriculture Water Quality Authority -- Membership -- Responsibilities.

- (1) The Agriculture Water Quality Authority is created and administratively attached to the cabinet. The authority shall be a multidiscipline peer group that shall evaluate, develop, and improve best-management practices in conservation plans, compliance plans, and forest stewardship management plans; establish statewide and regional agriculture water quality plans; and otherwise promote soil and water conservation activities that protect waters of the Commonwealth from the adverse impacts of agriculture operations within the Commonwealth. The cabinet shall provide staff to the authority.
- (2) Within six (6) months of July 15, 1994, the Soil and Water Conservation Commission shall submit to the Governor for appointment to the Agriculture Water Quality Authority a list of three (3) persons recommended by each of the following state agencies and organizations:
 - (a) Kentucky Association of Conservation Districts;
 - (b) Kentucky Department of Agriculture;
 - (c) University of Kentucky College of Agriculture Cooperative Extension Service;
 - (d) Kentucky Farm Bureau Federation, Inc.;
 - (e) Division of Conservation, Energy and Environment Cabinet;
 - (f) Division of Forestry, Energy and Environment Cabinet;
 - (g) Kentucky Geological Survey; and
 - (h) Environmental organizations.

The membership of the Agriculture Water Quality Authority appointed by the Governor shall consist of one (1) representative from each of the groups identified in paragraphs (a) to (h) of this subsection and three (3) members at large from agriculture operations. The Soil and Water Conservation Commission shall solicit nominations from Kentucky agriculture operations organizations and submit those names to the Governor for selection of the three (3) members at large from agriculture operations. The Governor shall select four (4) members to serve two (2) year initial terms, four (4) members to serve three (3) year initial terms, and three (3) members to serve four (4) year initial terms. All succeeding terms shall be four (4) year terms. A representative from the United States Soil Conservation Service and a representative from the United States Agriculture Stabilization and Conservation Service may also be appointed by the Governor to serve on the authority. One (1) representative each from the Division of Water, Energy and Environment Cabinet and the Division of Public Health Protection and Safety, Cabinet for Health and Family Services shall serve as ex officio members.

- (3) It shall be the responsibility of the Agriculture Water Quality Authority to establish, at a minimum, the following four (4) committees for agriculture operations, with membership outside the Agriculture Water Quality Authority:
 - (a) Livestock and poultry;
 - (b) Crops, including but not limited to tobacco, corn, soybeans, small grains, fruits and vegetables, pasture and timber;

- (c) Pesticides, fertilizers, and other agricultural chemicals; and
 - (d) Farmstead issues.
- (4) The Agriculture Water Quality Authority shall have the following responsibilities:
- (a) Review water quality data as available;
 - (b) Review university research on water quality and alternative best-management practices research;
 - (c) Evaluate the adoption and effectiveness of best-management practices, and modify best-management practice design standards to improve water quality protection practices;
 - (d) Develop by July 1, 1996, statewide agriculture water quality plans to address identifiable water pollution problems from agriculture operations, and continue to evaluate and modify the agriculture water quality plans, as necessary to prevent water pollution from agriculture operations;
 - (e) Assist with the review of state-funded and other water quality monitoring data and with the establishment of agriculture water priority protection regions;
 - (f) Provide technical assistance to persons engaged in agriculture operations and to the Soil and Water Conservation Commission in its efforts to coordinate water quality protection as related to agriculture operations;
 - (g) Work with the United States Soil Conservation Service, United States Agriculture Stabilization and Conservation Service, and conservation districts to disseminate to agriculture operations the best-management practices, conservation plans, compliance plans, forest stewardship management plans, and agriculture water quality plans which address the protection of groundwater and surface water;
 - (h) Provide the Governor and the Legislative Research Commission with biennial reports of the progress of the Agriculture Water Quality Authority program; and
 - (i) Establish procedures for modifications to be incorporated into statewide or regional agriculture water quality plans.
- (5) The cabinet's Division of Water shall approve or disapprove any statewide and regional water quality plan within thirty (30) days of receiving the plan from the Agriculture Water Quality Authority. All provisions of a statewide or regional water quality plan not found deficient shall be approved. If the Division of Water finds any provision of the statewide or regional agriculture water quality plan deficient, the Division of Water shall give written notice to the authority of those provisions found to be deficient. Within the thirty (30) days following the notice of deficiency, the authority shall deliver to the Division of Water a written response setting forth proposed solutions to the deficiencies. Any deficiencies which remain unresolved shall be resolved in a manner agreed to jointly by the Division of Water and the authority within sixty (60) days unless the Division of Water and authority jointly agree to an extension or alternate dispute resolution. The Division of Water shall approve or disapprove all modifications to the statewide and regional plans as set forth at KRS 224.71-120(8).

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 129, sec. 15, effective June 29, 2017. -- Amended 2010 Ky. Acts ch. 24, sec. 380, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 99, sec. 564, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 510, effective July 15, 1998. -- Created 1994 Ky. Acts ch. 182, sec. 2, effective July 15, 1994.