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Executive Summary

It is my pleasure to submit the Division of Compliance Assistance’s (DCA) Fiscal Year 2013 Annual Report. This report will provide an insight into the efforts our staff has taken to encourage environmental stewardship and enhance the quality of the Commonwealth’s environment. Moving forward! Two small words that are usually easier said than done and a theme that correctly describes the efforts of the division and its staff over the past fiscal year. We have faced numerous challenges this year, but have managed to overcome them and move forward to make the Commonwealth a better place to live, work and play.

As in years past, budgets continue to tighten. Sometimes during periods of economic uncertainty, the environment can take a backseat, so proactive services like DCA’s become more valuable. Our staff has managed to provide quality service to our clientele despite the squeeze of resources and turnover in staff. Our challenges present exciting opportunities and allow staff to stretch their creative wings in order to come up with cost-effective ways of providing information and services. For instance, with training budgets being slashed, the division has begun to develop self-paced learning modules that allow people to access information from their desktop. There have also been enhancements to electronic applications for the certification program and efforts to cross train staff to better serve our clients.

While reading this report, you will not only see the accomplishments of the division, but also those of other individuals and organizations that are making a difference in the air, water and land resources of the Commonwealth. The division makes an effort to recognize positive environmental efforts, and as a result, we presented eleven awards during this fiscal year. These awards included the first annual Steve Crosman Award for Outstanding Environmental Professionalism for service above and beyond of what is required of an operator, the Eco-Art Awards for high school students who express environmental concepts through their artwork and the Department for Environmental Protection’s (DEP) Environmental Excellence Awards for voluntary environmental efforts.

As we move forward into Fiscal Year 2014, the division will look to fund its first brownfield cleanup projects through the Kentucky Brownfield Redevelopment Program’s Revolving Loan Fund, enhance tracking and reporting on the sustainable/environmental projects conducted through the KY EXCEL program, develop more self-paced learning modules through the Environmental Compliance Assistance Program and introduce a new e-learning format for compost operations through the Certification Program.

In closing, I would like to say thank you to the staff for their hard work and dedication. We look forward to whatever challenges and opportunities lie ahead and serving our clients as effectively and efficiently as possible.

Julia Kays, Assistant Director
Division of Compliance Assistance
Mission

The Division of Compliance Assistance exists to provide services that increase environmental knowledge and change behaviors. We do this to improve regulatory compliance, achieve exceptional performance and enhance the quality of Kentucky’s environment and communities.

Vision

The Division of Compliance Assistance will influence environmental stewardship throughout Kentucky. Kentucky’s citizens will routinely trust the division as an important source of accurate and timely environmental information. Our proactive and innovative efforts will inspire others to take positive actions that improve the health of our citizens and enhance the quality of our environment.

Objectives

Certify qualified environmental professionals.
We will certify select environmental professionals to maximize appropriate actions and effective operations at regulated locations.

Help entities comply with Kentucky’s environmental requirements.
We will assist and educate regulated entities so they understand and comply with their environmental obligations.

Facilitate environmental stewardship.
We will assist, educate and encourage Kentucky’s citizens so they make informed choices that value Kentucky’s environment and create healthier, stronger communities.
Certifying Professionals

Ensuring Qualified Operators
Most people wouldn’t consider visiting a doctor who hasn’t earned the proper credentials. However, most people don’t think about such qualifications when it comes to the professionals who treat, distribute and collect water and those in charge of solid waste operations. Certified operators are pivotal to public health and the environment. The Kentucky Certification and Licensing Branch certifies those in charge of drinking water, wastewater and solid waste facilities to ensure that those in responsible charge have the knowledge and experience to protect our natural resources and the citizens of the Commonwealth.

Administration
Each year, the staff of the Certification and Licensing Branch spends thousands of hours processing and reviewing applications submitted from drinking water, wastewater and solid waste operators. A thorough administrative review is conducted on each application to ensure that the individual meets the minimum educational and experience requirements for the level of certification requested. During FY 2013, the branch received 815 applications from operators seeking to take a certification exam.

Board Support
The Kentucky Board of Certification of Water Treatment and Distribution System Operators and the Kentucky Board of Certification of Wastewater System Operators serve in an advisory capacity to the agency on implementation of the operator certification program. The board duties include reviewing applications, reciprocity requests, proposed regulation revisions, third-party training submittals and operator disciplinary action requests. During FY 13, the boards reviewed 96 Class IV certification examination requests and one new referral for potential operator disciplinary action.

Involvement
Our Operator Certification Program continues to actively promote the importance of operator certification in Kentucky, as well as nationwide. Staff participate in various conferences throughout Kentucky as well as the annual Association of Boards of Certification Conference. Staff members participated in high school career fairs to discuss the importance of properly treated water and effective waste management. It is vital to introduce the younger generation into this profession. In addition, the Kentucky Operator Certification Program initiated conversations with the United South & Eastern Tribes, Inc. (USET) to provide training materials and testing opportunities for solid waste certification to their member tribes. We look forward to continuing this possibility in FY 2014.
Renewal

The wastewater renewal cycle took place during this fiscal year. Postcards were sent to 2,200 certified wastewater operators reminding them of the renewal cycle. The division also issued 1,850 wallet cards for drinking water and wastewater certification renewals submitted to the program. Electronic submittal continues to be popular and effective for operators and our staff. Over 41 days of administrative processing time was saved because of the streamlined process.

Certification

During FY 2013, the Operator Certification Program administered 900 exams that resulted in the issuance of 266 new wastewater licenses, 296 new drinking water licenses and 78 new solid waste licenses. The drinking water program had a pass rate of 76 percent, the wastewater program had a pass rate of 66 percent and the solid waste program had a pass rate of 98 percent.

Training

The Certification and Licensing Branch provides training to the Commonwealth’s drinking water, wastewater and solid waste operators. Both certification classes and continuing education classes are offered across the state. Topics range from new technologies, permits, regulatory requirements and issues related to water and wastewater treatment and distribution and solid waste management. In FY 13, the program conducted 36 training events worth more than 500 credit hours and had 1496 participants. The boards reviewed 268 submittals from third-party training providers and approved 1734 education hours.
The Kentucky Division of Compliance Assistance was pleased to announce the winner of the first annual Steve Crosman Award for Outstanding Environmental Professionalism. Susan Butts, supervisor at the Augusta Regional Water Treatment Plant and former lead operator for the City of Falmouth Water Treatment Plant, received the award from Julia Kays, assistant director of DCA.

Butts, who holds certifications in Class IV-A Drinking Water Treatment, Class III Distribution and Class I Wastewater Treatment, was nominated by each of the two plants where she has worked.

The Steve Crosman Award for Outstanding Environmental Professionalism is presented in honor of Steve Crosman, a trainer with the Certification and Licensing Branch of DCA, who passed away in December 2011. Steve devoted himself to ensuring safe water for Kentucky by making sure he did his best to assist and train operators. The purpose of the award is to recognize those individuals who value professionalism in their work and see the importance of providing quality service to the citizens of the Commonwealth.

Susan Butts has devoted most of her professional life to the Water Treatment profession, having spent 22 years at the Falmouth plant and 12 years at the Augusta facility. In 1997, when a major flood hit Falmouth, she lived at the flooded plant for more than a month in order to work closely with officials to clean up and reestablish safe drinking water for the city.

Butts has created an education program through the Augusta Independent Schools to conduct tours of the plant, while educating students about proper environmental techniques to treat and conserve potable water. Since Butts has been a supervisor, there have been no Notices of Violation at the Augusta Water Treatment Plant.
Simplifying Compliance

**Helping Entities Comply**
Environmental regulations can be confusing, and complying with those regulations takes time and resources. For those who feel a bit overwhelmed, confused or are tasked with compliance on top of their other everyday tasks, the Environmental Compliance Assistance Program (ECAP) offers support. Our staff works with individuals, businesses and organizations on a variety of issues from air permit compliance to waste disposal. The ECAP staff also works closely with Economic Development to help people interested in locating or expanding businesses here in Kentucky. This helps make the transition to the Commonwealth smoother so the entity can concentrate on growing its business and creating jobs for our citizens.

**Assistance**
On a given day, the staff of the Environmental Compliance Assistance Program can receive calls asking for an answer to a simple, quick question or the request for in-depth, one-on-one assistance. Each month we average 74 calls for assistance with 59 percent dealing with air and water issues. The brownfield program responded to 132 requests. Overall, the branch responded to assistance requests from callers from 95 counties.

**Incentives**
Many times, being proactive can help entities avoid environmental penalties, but some are afraid to approach the department for assistance. Others are skeptical of an assistance program housed within DEP. The ECAP program has the ability to use enforcement discretion and work proactively with clients who wish to correct issues. The program can help customers who want to utilize the self-audit privilege to self-disclose environmental violations.

**Regulations**
The U.S. Environmental Protection Agency (EPA) finalized amendments to the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Area Sources, commonly known as the Area Source Boiler Rule, on Feb. 1, 2013, and for stationary reciprocation internal combustion engines (RICE) on Jan. 14, 2013. ECAP staff spent a considerable amount of time helping clients comply with these finalized rules, including issues surrounding natural gas RICE engines and permitting of those engines. Staff also presented at several industry organization meetings regarding the rules and how to comply.
Anytime Learning

In rougher economic times, time and money for travel are difficult to come by, yet there is still a need to supply information to the regulated community. In an effort to help keep costs down, but provide the information entities need to keep permits in check, the Division of Compliance Assistance, with the aid of the other divisions of the department, started producing self-paced learning modules that can be accessed anytime you need a refresher. The first venture was a series of modules for the Annual Compliance Certification required for entities with air permits. The division will still continue to host on-site training, but will start supplying information in digital formats, as well.

Outreach to Organizations and Industry

Whenever regulations change or questions arise from a sector that is struggling with environmental issues, outreach is the key to help them stay in compliance. This year, the Environmental Compliance Assistance Program provided informational sessions to the Kentucky Forest Industries Association and the Ohio Valley Lumber Drying Association on the newly finalized RICE Rule revisions. Staff also worked with clients on the revised Boiler MACT regulation.

The division, along with the Division for Air Quality, also performed outreach regarding DEP’s Guidelines for Permanent Pharmaceutical Take-Back Programs. This document, meant to help hospitals, law enforcement and other organizations properly collect, handle and dispose of household hazardous waste, covers information ranging from disposal in landfills to incineration guidelines.

“Emily Ohde has been a life saver. She has helped me throughout the application/calculation process. I could not have completed my task without her.”
- Quote from anonymous ECAP client through post-service survey.

Emily Ohde assists ACC Open House participant, Dotty Graff, with understanding the reporting requirements.
Division Training and Education

Reaching out to regulated entities to offer opportunities to learn about the regulatory landscape is a proactive strategy that can prevent problems before they start. Training took a variety of forms this year. From open house events to classroom events, the division sought to arrange trainings that were relevant and accessible to the audience. Outside of the Operator Certification Program, the division held 16 training events, trained 392 people, provided 46 training hours and had a 94 percent satisfaction rate.

ACC/SAMR Open House
Each year, entities with air permits must do an annual and semiannual compliance monitoring report. In an effort to help those who were unfamiliar with the process, the Division for Air Quality and the Division of Compliance Assistance teamed up to host the first-ever air permit reporting open house. Nineteen entities made their way to Frankfort to get one-on-one assistance on the annual report document.

NetDMR
In an effort to make discharge monitoring reporting easier for those with KPDES permits, Kentucky adopted the EPA’s NetDMR system which allows permittees to report their data via the web database system. In order to prepare entities for the roll out, DCA’s Environmental Compliance Assistance Branch and Certification and Licensing Branch held training events across the state. Through the course of six training events, 257 people were trained on the new system. Certified drinking water and wastewater operators were able to receive continuing education credits for attending the events.

Lighting Workshop
KY EXCEL offered its members a workshop on new lighting requirements and technology improvements. Attendees of the lighting workshop were given a crash course about legislation impacting the lighting industry and on the current state of bulb technology. Speakers also educated participants on the future of LEDs and suggested ways to finance lighting improvements at their facilities.
Facilitating Environmental Stewardship

Even though our division has the term compliance in it, we really strive to help people go above and beyond compliance to become stewards of the environment. Each day, businesses, communities and individuals make choices that have long-lasting impacts on our social, economic and environmental well-being. Through education and outreach, we work to help people make informed and responsible decisions, whether it be choosing energy-efficient lighting systems, streamlining a wastewater system for efficiency or bringing a contaminated property back to life. Our staff is here to help make a difference.

Brownfields

For many years, brownfield redevelopment was almost always the exception to the rule in Kentucky. Uncertainty, liability concerns and financial constraints served as redevelopment road blocks.

Recognizing the fact that people were not aware of the benefits, processes and funding mechanisms involved in land revitalization, the Kentucky Brownfield Redevelopment Program has developed a robust lineup of quality educational services and one-on-one support for private and public entities wishing to clean up and reuse properties with an environmental past.

This year, the program continued to develop services that can help an entity with a project from start to finish, including expanded liability protections and funding mechanisms for cleanups.

KY EXCEL

KY EXCEL, the state’s voluntary environmental leadership program, offers in-depth, site-specific assistance. Our ultimate goal is to help increase compliance and understanding of environmental regulations and to notify and train people on these rules.

This year, the KY EXCEL staff has been busy promoting the positive environmental changes our members have made. We visited five distilleries, gathering information for the Sustainable Spirits Best Management Practices Manual. The staff also continues to highlight member leadership efforts through case studies. The program produced seven new case studies this year. Each one includes a project description, economic value, challenges and advice, benefits and stewardship meaning.

Staff offered educational opportunities and outreach services at a variety of events held by KY EXCEL members and other partner organizations. KY EXCEL staff attended meetings held by Wyatt, Tarrant and Combs, Bluegrass Greenworks, R.C. Bigelow and the Kentucky Association of Manufacturers.

KY EXCEL hosted its annual members’ meeting on Oct. 8, 2012. At the meeting, several members discussed their projects, program highlights were shared and possible program changes were discussed.
Building the Framework for Environmental Leaders

During the Governor’s Conference on Energy and the Environment in October, presentations were made to the six recipients of the 2012 DEP Environmental Excellence Awards. Through this awards program, the efforts and activities of individuals, businesses and organizations that are committed to protecting and improving Kentucky’s environment are recognized.

**KY EXCEL Champion Award: Leggett & Platt-Winchester Spring–Winchester**

**Community Environmental Luminary Award: The Arboretum, State Botanical Garden of Kentucky–Lexington**

**Resource Caretaker Award: Matthew Addison–Louisville**

**Environmental Pacesetter Award for an Individual/Organization: Meg Hancock–Paducah**

**Environmental Pacesetter Award for a Small Business: The Bread Box–Lexington**

**Environmental Pacesetter Award for a Medium to Large Business: G & J Pepsi-Cola South Division–Lexington**

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Liability Addressed Through MOA and Regulations

To continue to revitalize an estimated 8,000 brownfields in the Commonwealth, DEP and the Kentucky Brownfield Redevelopment Program worked with EPA Region 4 to establish a Memorandum of Agreement (MOA) designed to support and strengthen efforts to achieve cleanups that are protective of human health and the environment through the appropriate use of the Kentucky Voluntary Remediation Program. Through this agreement, each agency’s role is clarified and there is a degree of additional liability protection for developers whose cleanups are approved through the state voluntary cleanup program.

In 2012, the Kentucky Department for Environmental Protection worked with the legislature to introduce House Bill (HB) 465. The bill, now codified as KRS 224.1-415, encourages property redevelopment by providing a mechanism for the state to work with prospective property owners to remove liability obstacles and decrease uncertainty about future liability. In 2013, the Division of Waste Management has put the regulation into action and shepherded several properties through the process.

**Herb Petitjean and Jim Kirby speak with local officials from Shelbyville and Shelby County.**
In the not-so-distant past, the Kentucky Brownfield Redevelopment Program was a small production that had an uphill battle in getting Kentucky’s communities to redevelop properties with an environmental past. Through outreach, education and incentive and liability protection development, it has become a program of which others are taking notice.

**Regional and National Conferences**

The brownfield redevelopment program in Kentucky has always stressed public participation and outreach. During the 2012 New Brownfield Grantee Workshop in Atlanta, Amanda LeFevre was asked to speak to a roomful of fledgling grantees about how to design an outreach program for successful brownfield projects. Herb Petitjean, program coordinator, was also asked to speak at the conference regarding Revolving Loan Fund Programs.

At Brownfields 2013, the national brownfield conference, Amanda LeFevre was a featured speaker during a town hall panel that focused on state program innovations. She highlighted Kentucky’s grant writing assistance program and outreach strategy that have been implemented over the past seven years. Kentucky also sponsored a booth at the Economic Redevelopment Forum (ERF) held in conjunction with the conference. During the ERF, attendees could speak to state delegates about programs and incentives available in that state.

**ASTSWMO**

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) is a nonprofit organization that facilitates information exchange between state program peers. Amanda LeFevre was asked to join ASTSWMO’s National Brownfield Focus Group in April and will represent Region 4 on the panel for three years. Wes Turner, part of the Kentucky Superfund Branch, sits on the State Superfund Focus Group. In 2014, the two focus groups will work together to hold a redevelopment symposium that will draw attendees from across the country and focus on ways brownfield programs and superfund programs can work together to encourage successful property redevelopment.
Leading By Example

Recognizing and promoting environmental leaders in the Commonwealth is one way we inspire others to care for the environment. Through our case studies, we have provided examples for others to follow. Look at these organizations and the way they have taken steps to make the environment their priority.

Jim Beam—Clermont
When it was time to construct a new visitors’ center at the distillery, the decision was made to go for LEED certification, using available materials and being sustainable.

Sag Hollow Golf Club
When an Owsley County community wanted to create jobs and boost its economy, leaders chose to clean up an old strip-mined area to build a golf course and home lots.

Keeneland
Officials focused on ways to conserve energy and water usage and cut waste, which also saved money for the race track.

Happy Hollow Landfill
The owners of an old landfill voluntarily cleaned up the property and put it into productive use as a much-needed motel for the community.

Heaven Hill Distilleries
Large facilities can create large amounts of waste, so the distillery began a massive recycling program that inspired its employees to recycle at home, too.
**Sustainable Spirits**

KY EXCEL staff partnered with the Kentucky Distillers Association (KDA) for outreach to the spirits industry on environmental stewardship initiatives. On Nov. 14, 2012, we held the third Sustainable Spirits Summit at Heaven Hill’s Bourbon Heritage Center in Bardstown, Ky. At the summit, participants were shown a draft of the Sustainable Spirits Best Management Practices Manual. The manual lists the environmentally beneficial projects the participating distilleries and breweries are doing to enhance Kentucky’s environment. After seeing the manual, KY EXCEL staff were invited to other distilleries to include their projects in the manual. Participants also discussed other relevant matters., such as NetDMR. Participants were shown the new software for submitting their discharge monitoring reports electronically. The draft Industrial Stormwater Permit was also covered. The new draft permit was reviewed, and participants were shown where they could make comments on the draft.

**Spreading the Word**

Relaying our message regarding the latest state and federal regulations, tips on sustainable living and working and other environmental topics to all areas of the Commonwealth is accomplished through a variety of methods.

Through *Naturally Connected*, DEP’s new blog, DCA provides information and updates that enable readers to stay informed and in compliance. We communicate through our bi-weekly e-newsletters, SNIPS and Green Dot, reaching more than 1,900 subscribers. Informative posts on our Facebook page draw readers to our site on a regular basis.

Regular visits and communication with trade associations and other organizations allows DCA to offer compliance tools and resources and discover the clients’ issues and needs, as well as partner with these groups.

**KY EXCEL Member Accomplishments**

Over 2,200 projects have been completed by more than 62,597 people associated with the 187 KY EXCEL members. Thanks to them:

- 93 million mmBtu of natural gas and 30 million kWh of electricity was saved
- 164 million gallons of water was saved
- 1169,560 trees were planted
- 38 million pounds of paper and 2.2 million pounds of aluminum were recycled
In honor of Earth Week, the division sponsored the fourth annual Eco-Art Contest. Open to Kentucky high school students who created art using the contest themes of conservation, environmental protection and pollution prevention, the purpose of the contest was to encourage students to think about the environment and inspire them to reflect their thoughts on the environment in their artwork. Students were encouraged to submit artwork using mediums of drawing, painting, print work, sculpture, mixed media and photographs.

The winning 2012–13 Eco-Art Contest high school artists received their awards at their respective schools. Artwork from the contest winners is displayed in the DEP Training Center, where it will be viewed by hundred of visitors.

The winners of the 2012–13 Eco-Art Contest are Diana Pickett from Pleasure Ridge Park High School in Louisville; the students in Jennifer Spade’s art classes at Paul Blazer High School in Ashland; and Taylor DeWeese, Haley Hunt and Alexis Mijares from Metcalfe County High School in Edmonton.

Artwork listed from top to bottom, left to right: “Hypnotic Nature” by Haley Hunt, “Purple” by Alexis Mijares, “O Say Can You Save Our Seas” by the art students from Paul Blazer High School, “Too Scarce to Waste” by Diana Pickett and “Together as One” by Taylor Deweese.
2013 Dashboard
Operator Certification Program

Administration

Certification Board

Operator Availability

Applications Received

Training Requests Reviewed by the Boards

Drinking Water Operators

Application Processing Time

Training Hours Approved by the Boards

Wastewater Operators

Disciplinary Actions

Board Review-Class 4 Applications

Solid Waste Operators
2013 Dashboard
Operator Certification Program

Licenses
Active Licenses
New and Upgraded Licenses

Training
Number of Attendees
Number of Training Hours Provided
Training Attendee Satisfaction

Testing
Exam Pass-Fail Rates
FY13 FY12 FY11 FY10 FY09 FY08 FY07
DW Pass Rate WW Pass Rate SW Pass Rate

DCA did not begin to certify Solid Waste Operators until January.

Training Availability
Training Locations

DCA.ky.gov 800-926-8111
2013 Dashboard Compliance Assistance

Assistance Requests

![Assistance Requests by Media](chart)

Types of Assistance Requests FY 13
- Small Business Requests
- Technical: 116
- Regulatory: 293
- Permits and Approvals: 92
- Other: 471
- Ombudsman: 0
- Notification: 0
- Economic Development: 11
- Information Transfer: 7
- Other: 246
- CIP: 1
- Lender Assistance: 5
- Ombudsman Assistance: 23
- Permit Application Assistance: 22
- Permit Assistance: 25
- Recordkeeping Assistance: 9
- Regulatory Assistance: 12
- Technical Assistance: 51

Detailed Assistance

Total Detailed Assistance

Detailed Assistance Types FY 13

Program Results

Client Outcome Measures

Client Behavior Changes

Training

- 9 events held
- 305 people trained
- 30 class hours

Training Attendee Satisfaction
2013 Dashboard
Kentucky Brownfield Redevelopment Program

Federal Community Grants

- **Brownfield Grants**
  - Bar chart showing applications and awards from FY05 to FY13.

- **Success Rate (Awards/Applications)**
  - Bar chart showing success rate from FY05 to FY13.

Total Funding

- **Cumulative Funding Awarded (millions)**
  - Line graph showing cumulative funding from FY05 to FY13.

Technical Assistance Requests

- **Brownfield Help Desk Requests**
  - Line graph showing requests from FY06 to FY13.

- **Assessments Completed**
  - Bar chart showing assessments completed from 2008 to 2012.

Training

- **6 events held**
- **46 people trained**
- **10 class hours**

Training Attendee Satisfaction

- Gauge showing training attendee satisfaction with ratings from 0 to 100.
KY EXCEL Membership

KY EXCEL Projects

Program Achievements

Member Investments

| Hours Spent | 1,162,501 |
| Dollars Spent | $115,531,400 |
| People Involved | 62,597 |

Select Member Results

- 38 million pounds of paper, 2.2 million pounds of aluminum and 3.1 million pounds of plastic recycled
- 35 million kWh electricity, 93 million mmBtu natural gas and 164 million gallons of water conserved
- 138,000 dollars donated
- 71,204 people trained

Member Projects

- 6 events held
- 95 people trained
- 11 class hours

Training Attendee Satisfaction
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