

ANNUAL REPORT

Kentucky Division of Enforcement

Exists to change behaviors and improve compliance with the Department's regulatory programs. The Division will accomplish its mission by increasing environmental knowledge, providing high-level customer service, and responding timely and appropriately in its actions. The goal of this mission is to protect and enhance the quality of Kentucky's environment and communities.

SFY 2023

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THE DIRECTOR'S NOTE



What an exciting year it has been! Staff continue to work a hybrid schedule of three days in the office and two days teleworking. While the Division did have a few new faces this fiscal year, we are happy to report that we saw very little staff turnover. Each year comes with its own challenges and our staff have stepped up to each and every one of those. Staff have continued to work hard and make great strides in every aspect of our programs.

In SFY (State Fiscal Year) 2023, the Director's Office has continued to oversee the implementation of the US EPA National Pollution Discharge Elimination System (NPDES) Significant Non-Compliance (SNC) Initiative. In FFY (Federal Fiscal Year) 2014, Kentucky's SNC rate was 44.4%, but as of the second quarter of FFY 2024, KY has lowered that same rate to only 11.5%! This is a major milestone for Kentucky!

The Certification and Licensing Branch had a successful year, offering quality training and testing events. The program conducted a significant number of exams and issued various new or upgraded licenses in wastewater, drinking water, and solid waste. One particular certification school was an event all on its own. In April, during a scheduled Surface Water Certification School with 57 attendees, the water main at the beginning of Sower Boulevard broke, not once, but twice that same week. This closed all the Sower Boulevard Campus buildings for Tuesday and Thursday that week. Our dedicated staff worked overtime daily to secure new locations for our training class. They worked long hours making many phone calls and some employees started work very early just to help attendees make it to the new training locations on time. All in all, that certification school ended having a higher rate of passing exams than normal!

The Civil Enforcement Branch continues to work cases and help facilities gain compliance through a variety of avenues. The Division saw 259 new cases in SFY 2023. As in previous years, the Wastewater program accounted for the largest number of new referrals to the Division, with 58%.

THE DIRECTOR'S NOTE

The Division saw increases in the cases coming from the Underground Storage Tank (UST) and Hazardous Waste programs, and continued decreases in Solid Waste program referrals. The Division continued to monitor an average of 252 executed settlements, ensuring that regulated entities return to compliance with Kentucky's environmental regulations and statutes.

In February 2023, the Compliance and Operations Branch officially included the coal general permits (KYGE4 and KYGW4) into the Discharge Monitoring Reports (DMR) Compliance Automation. This completes our 5th and final implementation group for this program. Staff have worked diligently since 2015 to create and bring this program to fruition. The Compliance and Operations Branch issued 2,388 Notices of Violation through DMR Compliance Automation during this fiscal year.

The Brownfields program consists of 3 staff within the Environmental Assistance Branch. This fiscal year, they completed a major outreach operation that included a monthly newsletter, webpages, social networking platforms, and various publications. The program pursued new initiatives as well. Most notably, the new partnership with the University of Kentucky's Community and Economic Development Initiative of Kentucky. This partnership will allow for a greater expansion of the implementation of activities such as developing inventories, writing grants, and the identification of environmental justice communities that have not yet received brownfield assistance. We are looking forward to what this partnership will bring the Commonwealth of Kentucky in the future.

New challenges can create great opportunities for the Division. The true success of the Division comes from our dedicated and hardworking staff that make up our team. I am truly honored to work with each and every one of our staff on a daily basis.

Natalie P. Bruner

Director, Division of Enforcement

INTRODUCTION

The Division of Enforcement exists to change behaviors and improve compliance with the Department's regulatory programs. The Division accomplishes this mission by increasing environmental knowledge, providing high-level customer service, and responding timely and appropriately in its actions. The goal is to protect and enhance the quality of Kentucky's environment and communities.

The Division of Enforcement consists of five units: the Director's Office, the Certification and Licensing Branch, the Civil Enforcement Branch, the Compliance and Operations Branch, and the Environmental Assistance Branch. Each of these units performs a distinctly different function within the Division.

The Director's Office is responsible for the overall management of the Division. This includes setting Division priorities for accomplishing Department goals, coordinating with all of the Department for Environmental Protection divisions, and coordinating with management for the Department and the Cabinet.

The Certification and Licensing Branch provides certification training, continuing education, and licensing for the operators of drinking water, wastewater, and solid waste facilities in Kentucky. The services of the Certification and Licensing Branch ensure operators have the skills and knowledge needed to perform the duties of their positions and protect Kentucky's environment and public health.

The Civil Enforcement Branch negotiates civil settlements and ensures any necessary remedial measures for violations cited by the Department for Environmental Protection are addressed. These cases include all the Department's media: air, waste, and water. The Civil Enforcement Branch continues to emphasize multi-media negotiations in order to efficiently and effectively address environmental violations.

INTRODUCTION

The Compliance and Operations Branch has two functions: regulatory compliance and administrative support. Regulatory compliance involves citing environmental violations identified by either the Compliance and Operations Branch or the Department's Central Office Programs; administrative support includes functions necessary for the day-to-day operation of the Division: accounts payable, supplies, inventory, training, and travel.

The Environmental Assistance Branch houses three programs that provide services to the public that increase environmental knowledge and encourage behavioral changes. The Environmental Compliance Assistance Program helps entities understand and comply with environmental regulations. The Kentucky Brownfield Program helps communities revive properties that are abandoned, unused, or underused due to known or suspected contamination cleaned up and back into productive use. The KY EXCEL program educates and assists Kentucky's businesses and citizens become better stewards of the environment.



DIRECTOR'S OFFICE

The Director's Office consists of the Division Director, the Assistant Director, and two Environmental Scientist Consultant IIs. To complete the Division's mission, the Director's Office provides direction and support to the staff, while creating a work atmosphere that promotes productivity.

In addition to the overall management of the Division, the Director is responsible for the development and implementation of division-level policy involving operations and administration; is the Department's lead settlement negotiator for the resolution of environmental violations; and is the face of the Division when dealing with Cabinet and Department level management, as well as the regulated community in high-profile cases.

DIRECTOR'S OFFICE

Other duties tasked to the Director's Office include the development and implementation of new Department procedures; coordinating efforts to satisfy the reporting requirements for programs with federal oversight, such as the Clean Air Act, Clean Water Act, Safe Drinking Water Act and Resource Conservation and Recovery Act; quantifying and compiling Division metrics for internal and external reports; organizing enforcement efforts on special projects or program specific cases; and consistently looking for more efficient ways to achieve Division goals and objectives.



The Director's Office has overseen the implementation of U.S. EPA's NPDES Significant Non-Compliance National Compliance Initiative. Kentucky has been able to reduce its SNC rate from 44.4% in the second quarter for FFY2014 to 11.5% in the second quarter of FFY2023.

DIRECTOR'S OFFICE STAFF

Director

Natalie Bruner

Assistant Director

Philip Kejzlar

Environmental Scientist Consultant II

Mark Cleland

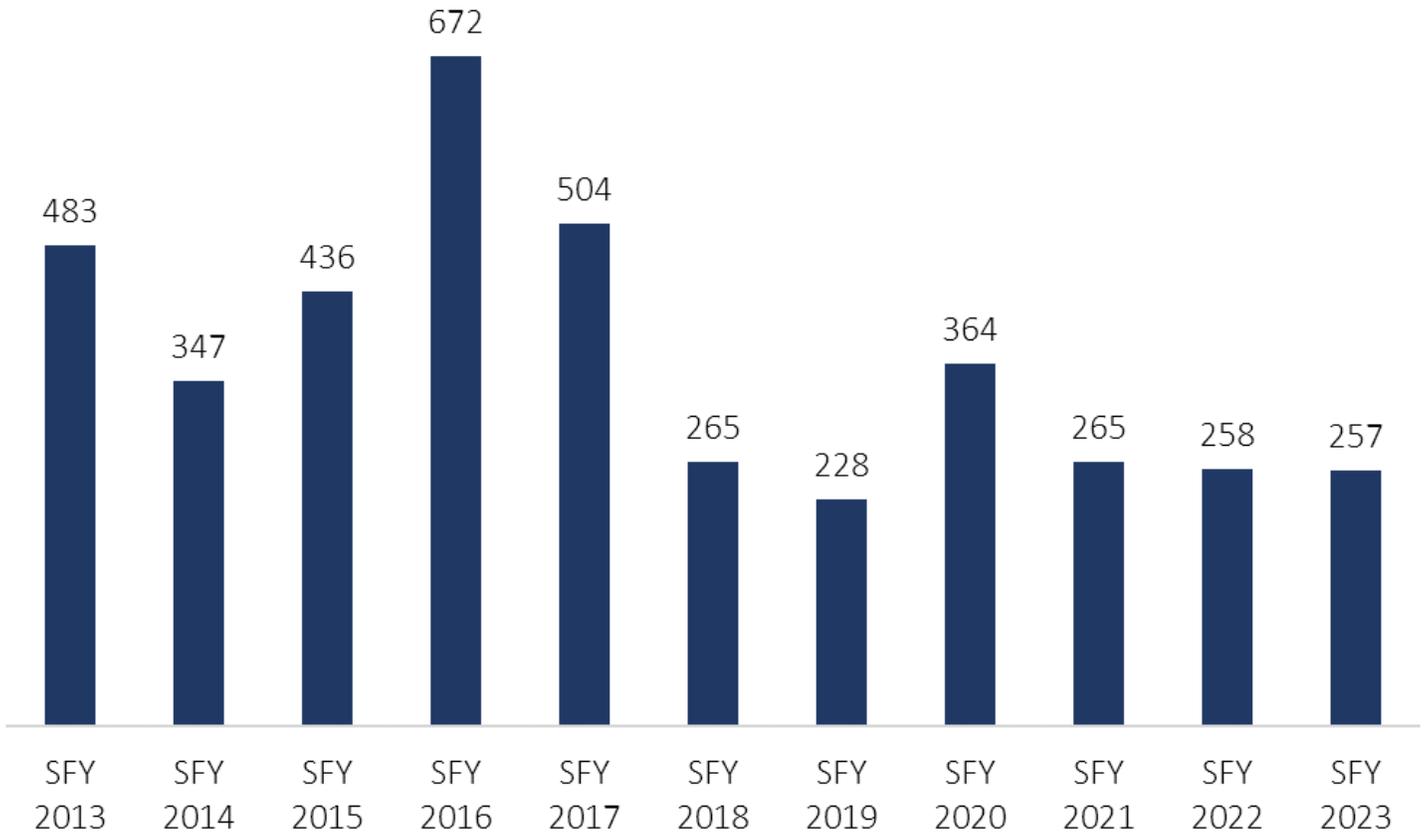
Derek Bozzell

CASE REFERRAL DATA

NEW CASE REFERRAL DATA

The Division of Enforcement receives new cases in the form of referrals. In SFY 2023, the Division received case referrals from all 12 Regional Offices, the Department’s Central Office Programs, and internally from the Compliance and Operations Branch. Before a referral can become a case, it must be approved by the Division Director.

NEW CASES SFY 2013 - SFY 2023

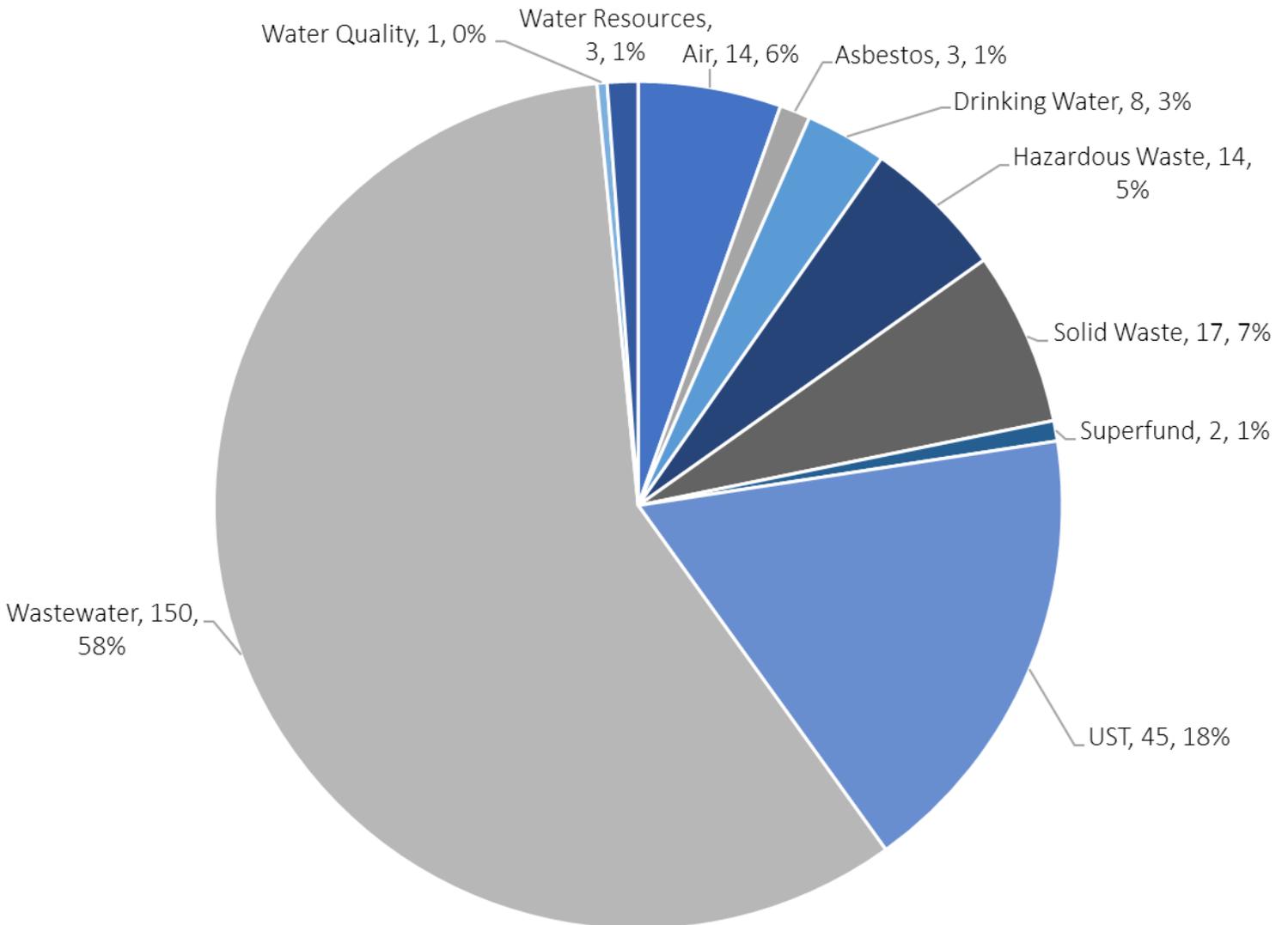


The Division of Enforcement received a total of 257 new case referrals in SFY 2023. This was a decrease of 1%, as compared to the number of new case referrals in SFY 2022 (258). Over the past ten years, the Division has received, on average, 371 new cases annually.

NEW CASE REFERRALS BY PROGRAM

The Division of Enforcement received case referrals from nine different program areas in SFY 2023. Of those referrals, the highest number involved the wastewater program with 150 referrals (58%), followed by the UST program with 45 (18%).

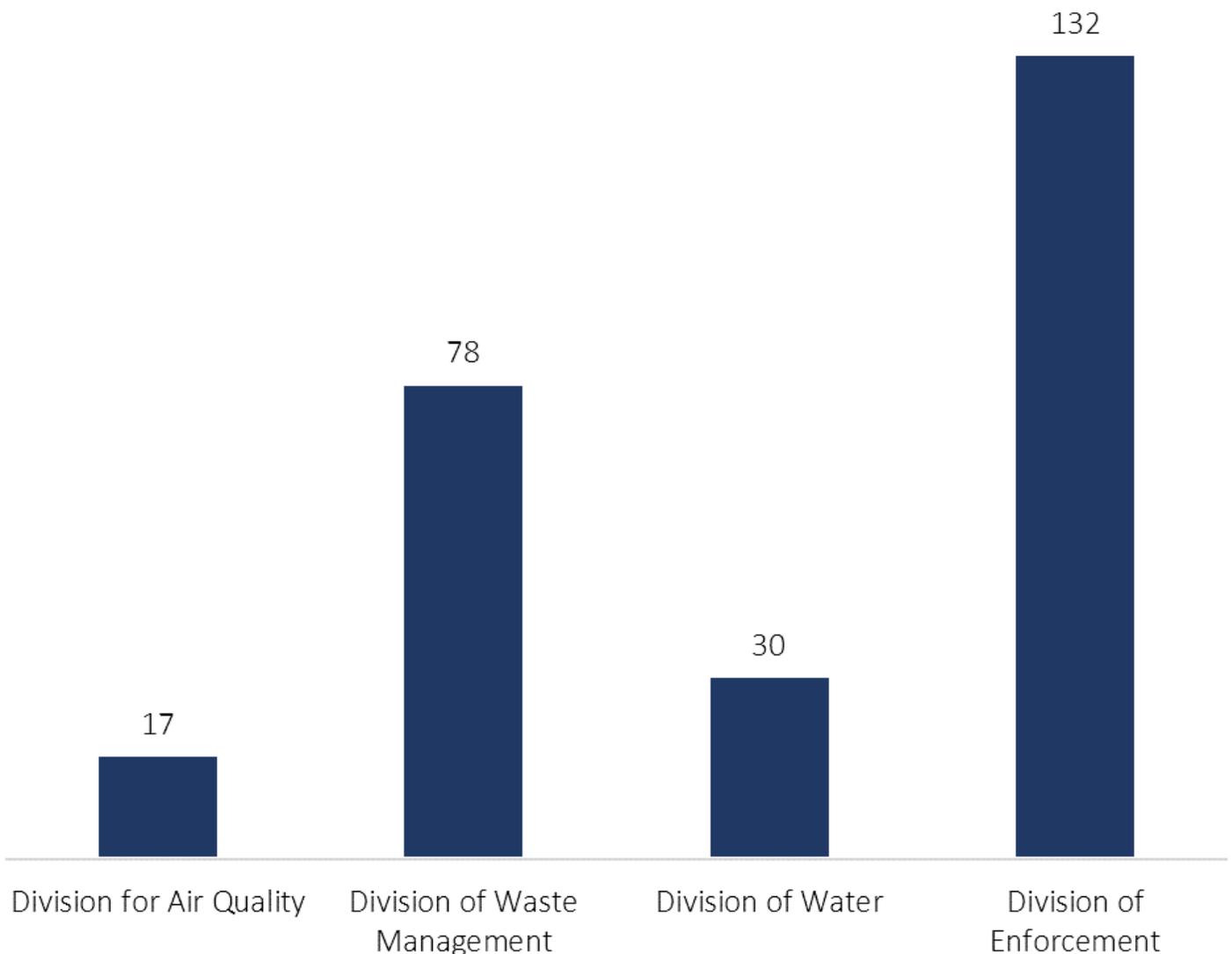
NEW CASE REFERRALS BY PROGRAM



NEW CASE REFERRALS BY DIVISION

The Division of Enforcement received case referrals from all three media divisions, Division for Air Quality (DAQ), Division of Waste Management (DWM), and Division of Water (DOW), as well as the Division's Compliance and Operations Branch (COB) in SFY 2023. The Division of Enforcement had the most referrals with 132 (51%). Referrals from the Division of Waste Management accounted for the second most, with 78 (30%).

NEW CASE REFERRALS BY DIVISION

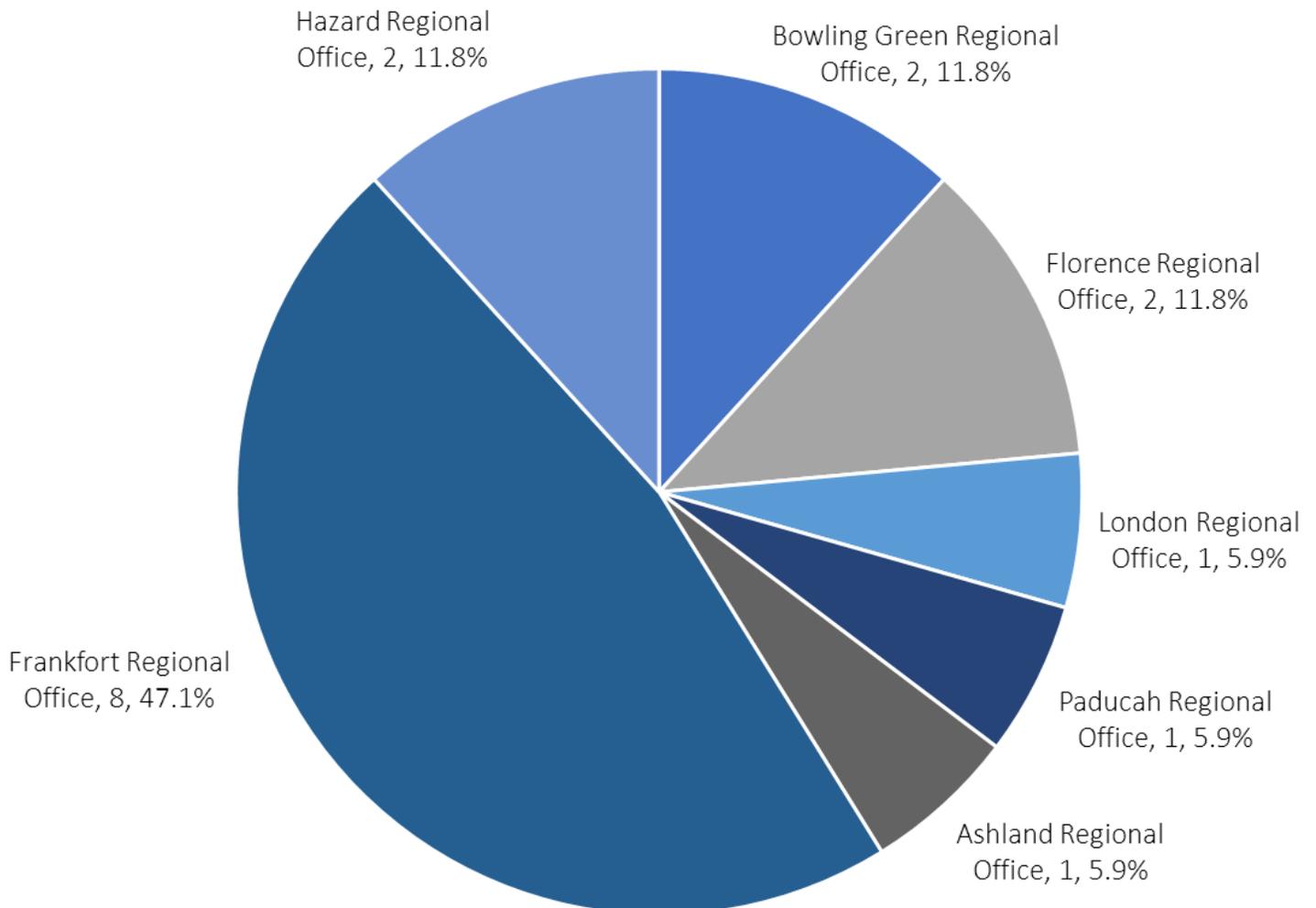


CASE REFERRAL DATA

NEW CASE REFERRALS FROM THE DIVISION FOR AIR QUALITY

The Division of Enforcement received 17 new case referrals from the Division for Air Quality in SFY 2023. Of the 17 referrals, the highest numbers came from the Frankfort Regional Offices with eight referrals (47.1%), followed by Hazard, Bowling Green, and Florence with two referrals (11.8%) per office. London, Ashland and Paducah Regional Offices who all had one referral (5.9%) per office.

DAQ NEW CASES BY REGIONAL OFFICE

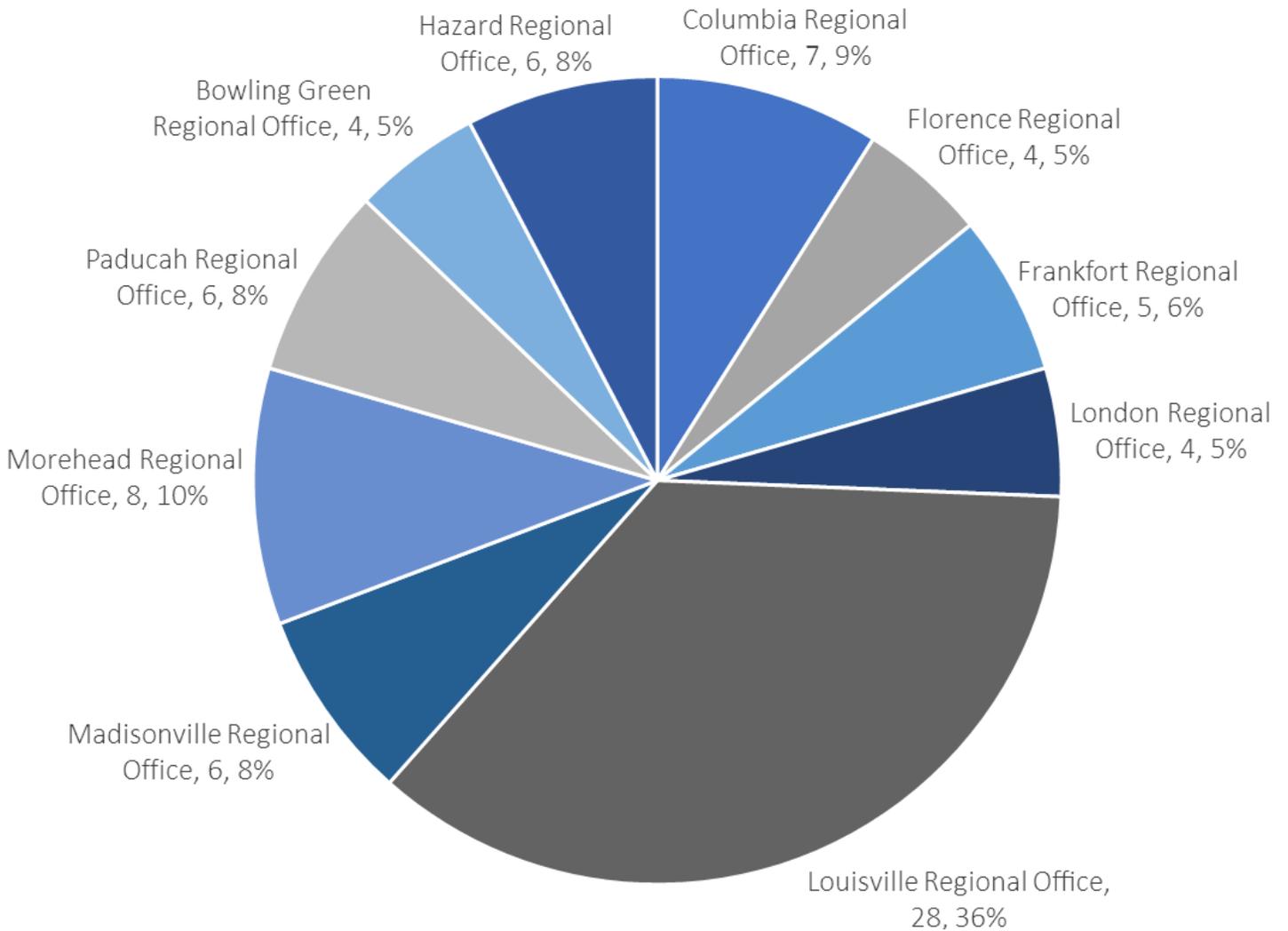


CASE REFERRAL DATA

NEW CASE REFERRALS FROM THE DIVISION OF WASTE MANAGEMENT

The Division of Enforcement received 78 new case referrals from the Division of Waste Management in SFY 2023. Of the 78 referrals, the highest number came from the Louisville Regional Office with 28 referrals (36%), followed by the Morehead Regional Offices with eight referrals (10%).

DWM NEW CASES BY REGIONAL OFFICE

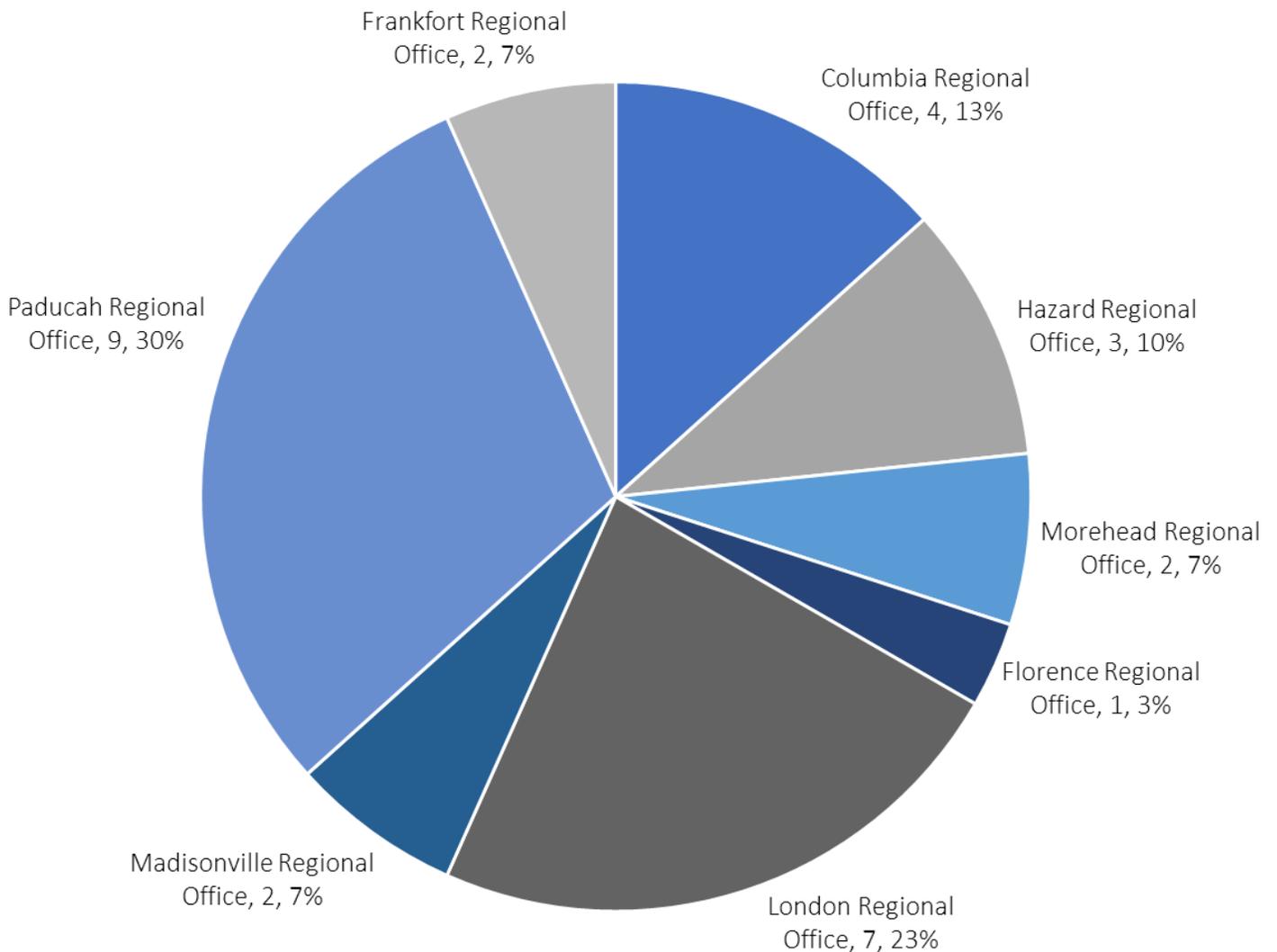


CASE REFERRAL DATA

NEW CASE REFERRALS FROM THE DIVISION OF WATER

The Division of Enforcement received 30 new case referrals from the Division of Water in SFY 2023. Of the 30 referrals, the highest numbers came from the Paducah Regional Office with nine referrals (30%), followed by the London Regional Office with seven referrals (23%) and Columbia Regional Office with four referrals (13%).

DOW NEW CASES BY REGIONAL OFFICE



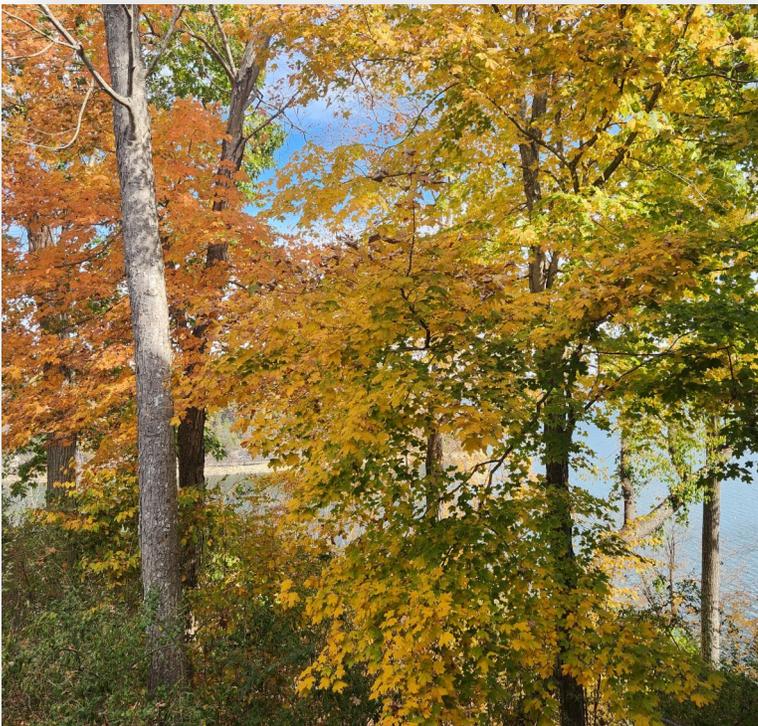


CIVIL ENFORCEMENT BRANCH

The Civil Enforcement Branch (CEB) receives case referrals from all 3 media divisions within the Department for Environmental Protection: the Division for Air Quality, the Division of Waste Management, and the Division of Water. CEB also receives referrals from the Emergency Response Team (ERT), central office programs and the Division's Compliance and Operation Branch for Discharge Monitoring Report (DMR) violations.

CIVIL ENFORCEMENT BRANCH

When an Environmental Scientist in CEB is assigned a case by the Branch Manager, they first begin researching the case. This involves conducting a file review, discussing the case with the inspector and scientist, and contacting the regulated entity. The Environmental Scientist will begin drafting a resolution strategy, called a Case Resolution Proposal (CRP), which includes corrective actions that are required to return the responsible party to compliance and proposed civil penalties for the violations. Upon approval of the CRP, the Environmental Scientist schedules an administrative conference with the responsible party to discuss the steps necessary to resolve the violations and return the entity to compliance.



Picture courtesy of Environmental Scientist, Nick Fields, while attending the Division of Waste Management's Annual Training Meeting in Lake Cumberland.

CIVIL ENFORCEMENT BRANCH STAFF

Environmental Control Manager

Justin Schul

Environmental Scientists

Alexis Sulfridge

Tim Harrod

Major Ballard

Tevis Woolery

Beth Clemons

Don Hansel

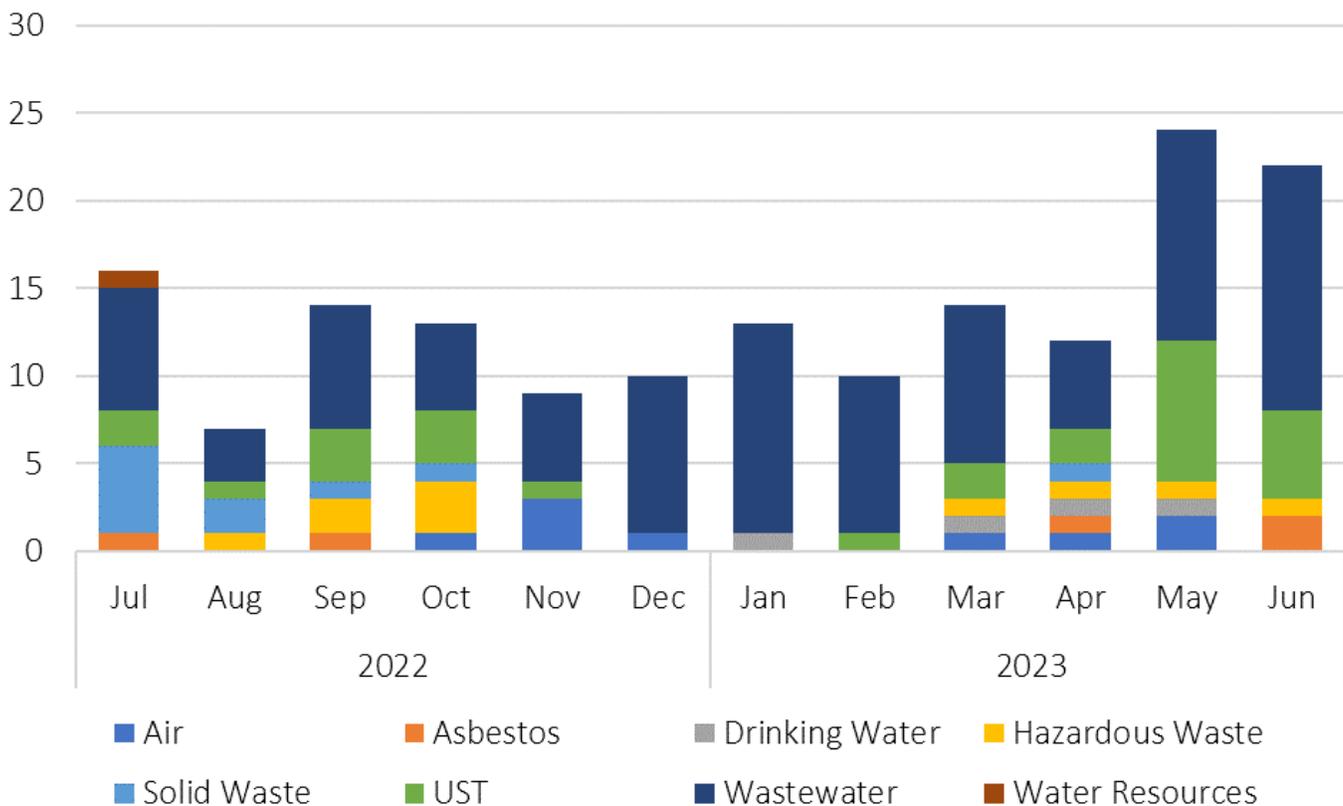
Chris Davis

Nick Fields

THE ADMINISTRATIVE CONFERENCE

These conferences allow the Department representatives and the regulated entity to discuss the facts of the case. The Environmental Scientist determines whether any information presented during the administrative conference changes the basis of the CRP and if so, discusses those changes with Division management. The Environmental Scientist may make an initial settlement proposal to the responsible party during the Administrative Conference. Negotiations continue until an Agreement-in-Principle is reached between the Department and the responsible party, or until the determination is made that the parties cannot reach a negotiated settlement. The negotiation process can be lengthy, in some cases requiring multiple meetings over a period of months.

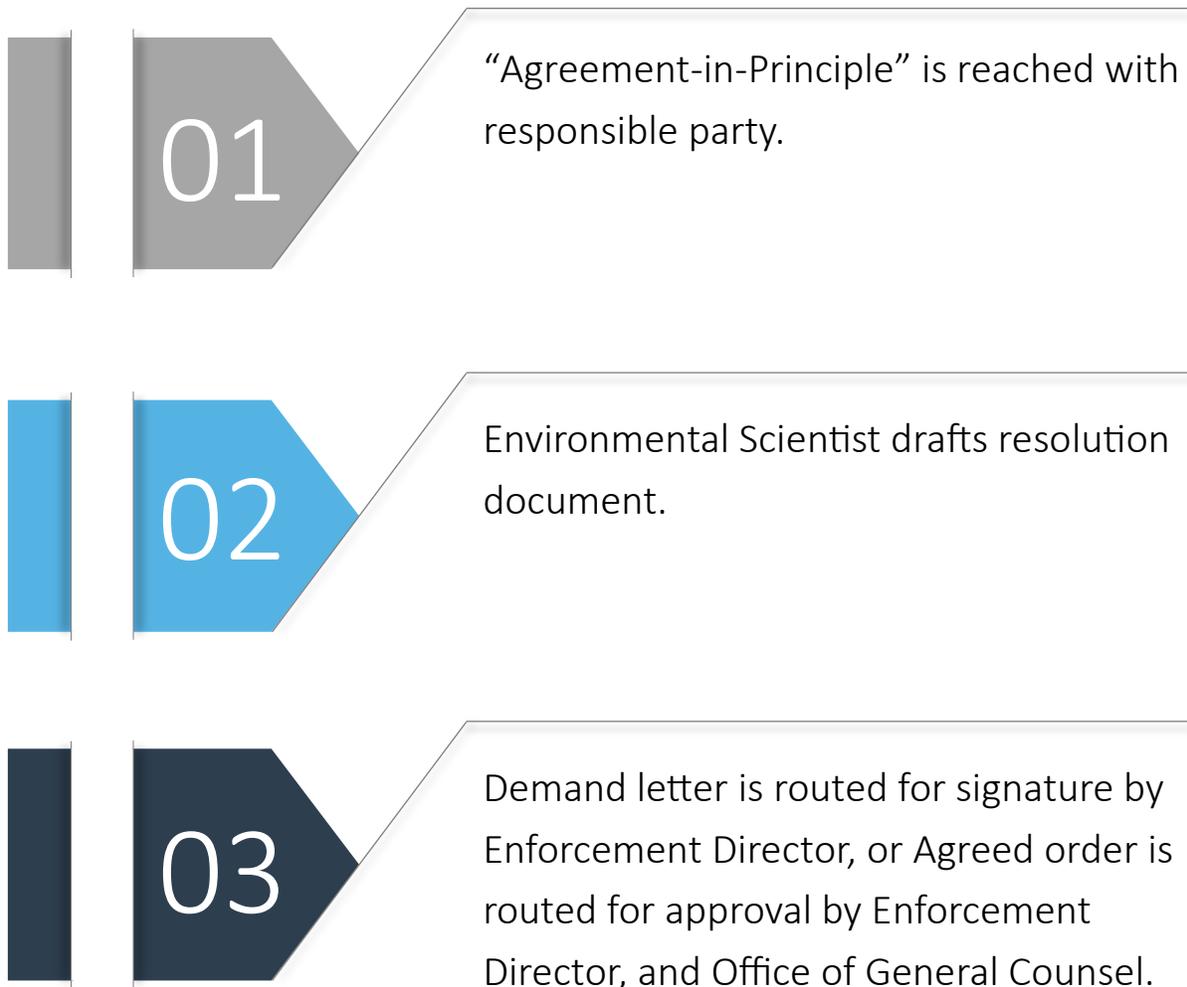
ADMINISTRATIVE CONFERENCES BY MEDIA



AGREEMENT-IN-PRINCIPLE

If negotiations are successful and the Division reaches an agreement on the terms of settlement with a responsible party, the Environmental Scientist will draft a written document to formalize the agreement. The Environmental Scientist routes the settlement document, which contains remedial measures and the assessed civil penalties, for approval by Cabinet attorneys and management.

In SFY 2023, DENF reached 203 Agreements-in-Principle, an average of 17 per month.



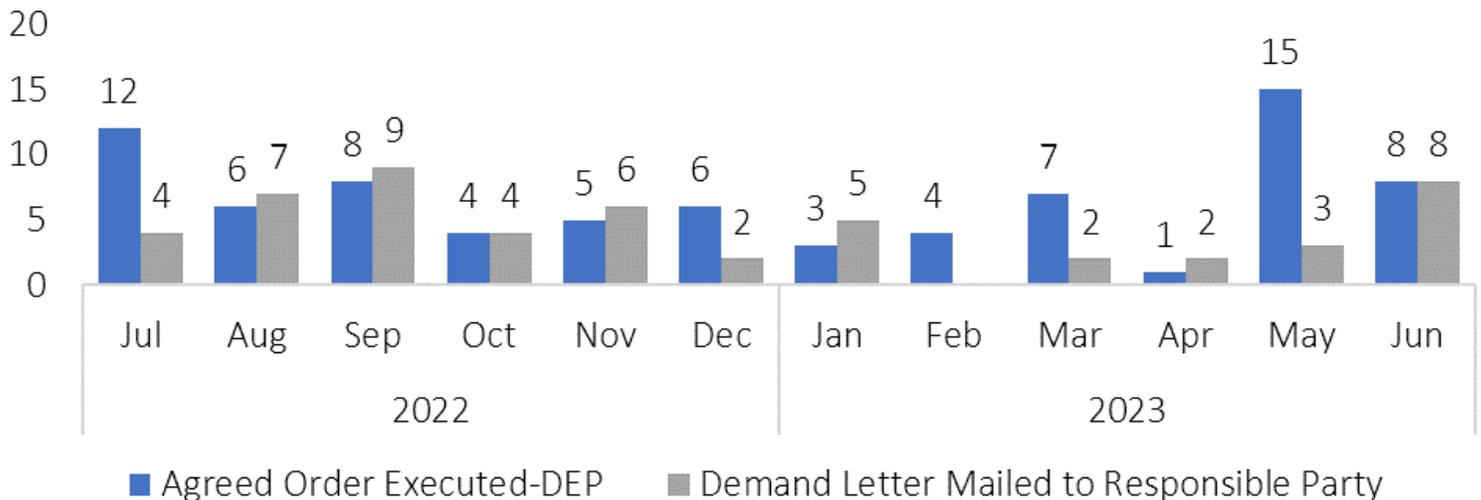
DEMAND LETTERS

Demand letters are unilateral agreements and often used when the regulated entity has already returned to compliance. Demand Letters are formalized by the signature of the Director of the Division. Demand Letters are not final orders of the Cabinet and are not enforceable in Franklin Circuit Court. A Demand Letter may also be utilized when calling in stipulated penalties pursuant to violations of executed Agreed Orders.

AGREED ORDERS

Agreed Orders are bilateral agreements and are used for more complex settlements. Agreed Orders are formalized by the signature of the Cabinet Secretary and filed with the Cabinet’s Office of Administrative Hearings. Agreed Orders are final orders of the Cabinet and are enforceable in Franklin Circuit Court.

SETTLEMENT DOCUMENTS EXECUTED



52 Demand Letters sent in SFY 2023

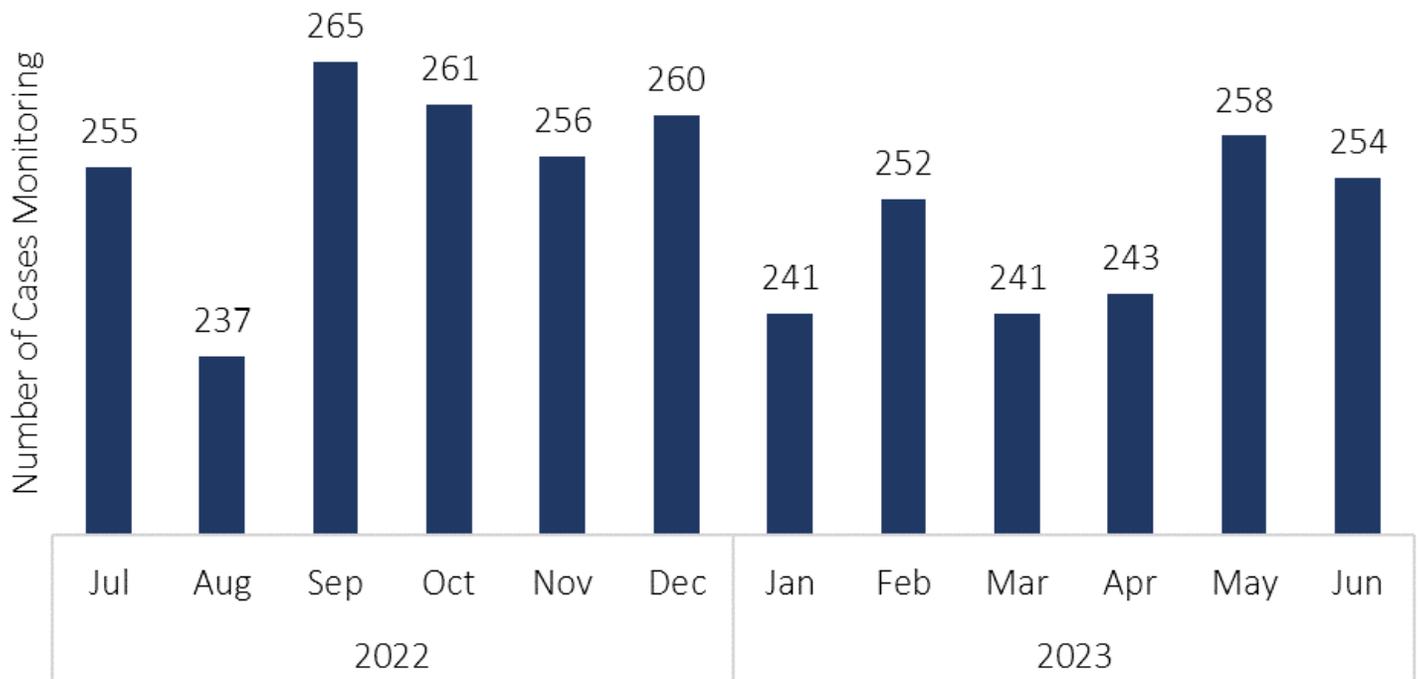


Agreed Orders were issued to resolve 79 cases in the Division

MONITORING

The Environmental Scientist assigned to a case is responsible for monitoring compliance with executed Demand Letters, Agreed Orders, or Secretary’s Orders. The Environmental Scientist will close a case upon compliance with the executed agreement and approval of Division management. Failing to comply with the executed agreement can result in the resumption of settlement negotiations, initiation of a separate enforcement action, or with the Cabinet filing a complaint in Franklin Circuit Court seeking injunctive relief.

NUMBER OF CASES IN MONITORING BY MONTH



In SFY 2023, DENF monitored an average of 252 executed settlement documents each month.

OFFICE OF LEGAL SERVICES (OLS)

Should the regulated entity and the Division not reach an Agreement-in-Principle, the case is referred to the Cabinet’s OLS where a Cabinet attorney is assigned to the case. These cases may be resolved through further negotiation, or may proceed to a formal hearing at the Office of Administrative Hearings.

OFFICE OF ADMINISTRATIVE HEARINGS (OAH)

When the Division is unable to resolve a case due to a multitude of factors, the OLS attorney will file the case with the Office of Administrative Hearings. A hearing officer considers the facts of the case and makes a recommendation for the resolution of the case to the Cabinet Secretary. The Cabinet Secretary can either accept or modify the hearing officer’s recommendation. The final resolution is documented in a Secretary’s Order, which is filed with OAH. The Secretary’s Order is a final order of the Cabinet and is enforceable in Franklin Circuit Court (FCC).



In SFY 2023, DENF referred 41 enforcement cases to the Cabinet’s Office of Legal Services for further enforcement action, an average of 3 per month.



In SFY 2023, DENF resolved a total of 13 cases through the Office of Legal Services (5 Agreed Orders, 5 Secretary’s Orders, and 3 Franklin Circuit Court Decisions).

EXECUTED SETTLEMENTS

The Division of Enforcement uses Agreed Orders (AO), Demand Letters (DL), Office of Legal Services (OLS) Agreed Orders, and Secretary Orders (SO) to settle enforcement cases. The chart below shows the average number of days to reach an executed task.

Based on historical averages, once a case is referred to the Division, it takes 203 days to issue a Demand Letter, 378 days to execute an Agreed Order, 994 days to execute an OLS Agreed Order, and 1155 days to execute a Secretary's Order, and 1357 days for a Court Decision to be reached.

AVERAGE # OF DAYS FROM CASE ASSIGNED TO SETTLEMENT EXECUTED



ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA)

U.S. EPA can become involved in cases involving delegated authority for the state enforcement of federal programs. Examples of delegated programs include the Clean Air Act, the Clean Water Act, elements of the Safe Drinking Water Act, and the Resource Conservation and Recovery Act. The Cabinet will, under certain circumstances, refer a case to EPA for a federal enforcement action. In some cases, the Cabinet may negotiate an enforcement settlement jointly with U.S. EPA; U.S. EPA has the ability to over file on an enforcement settlement previously reached between the Cabinet and the responsible party and proceed with a federal enforcement action.



At the end of SFY 2023, six enforcement cases are being worked with EPA as the lead agency. There are currently several Consent Decrees being monitored for compliance, where Kentucky's Department for Environmental Protection and the United States Environmental Protection Agency have taken a joint action.

CIVIL ENFORCEMENT BRANCH

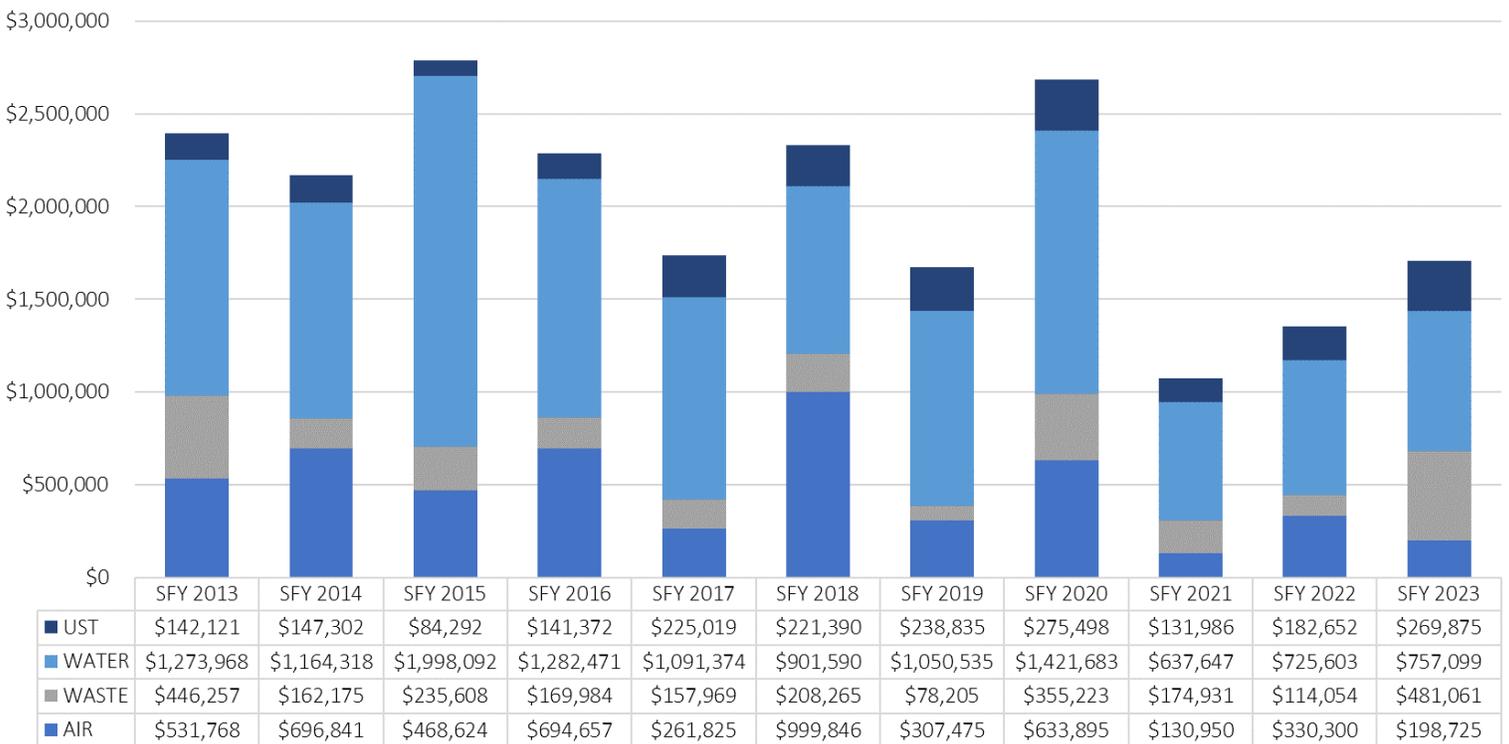
PENALTIES COLLECTED

The Division of Enforcement assesses civil penalties for documented violations of Kentucky’s environmental laws. The Division may also use stipulated and performance penalties to encourage future compliance and to ensure that remedial measures or other requirements of an Agreed Order are completed. Penalty collections are tracked by the Office of Administrative Hearings and categorized by media type (UST, Water, Waste, and Air).



In SFY 2023, the Division of Enforcement collected \$1,706,760.86 in civil and stipulated penalties. \$757,099.36 of penalties collected involved cases from the Water media.

CIVIL PENALTY COLLECTIONS DATA

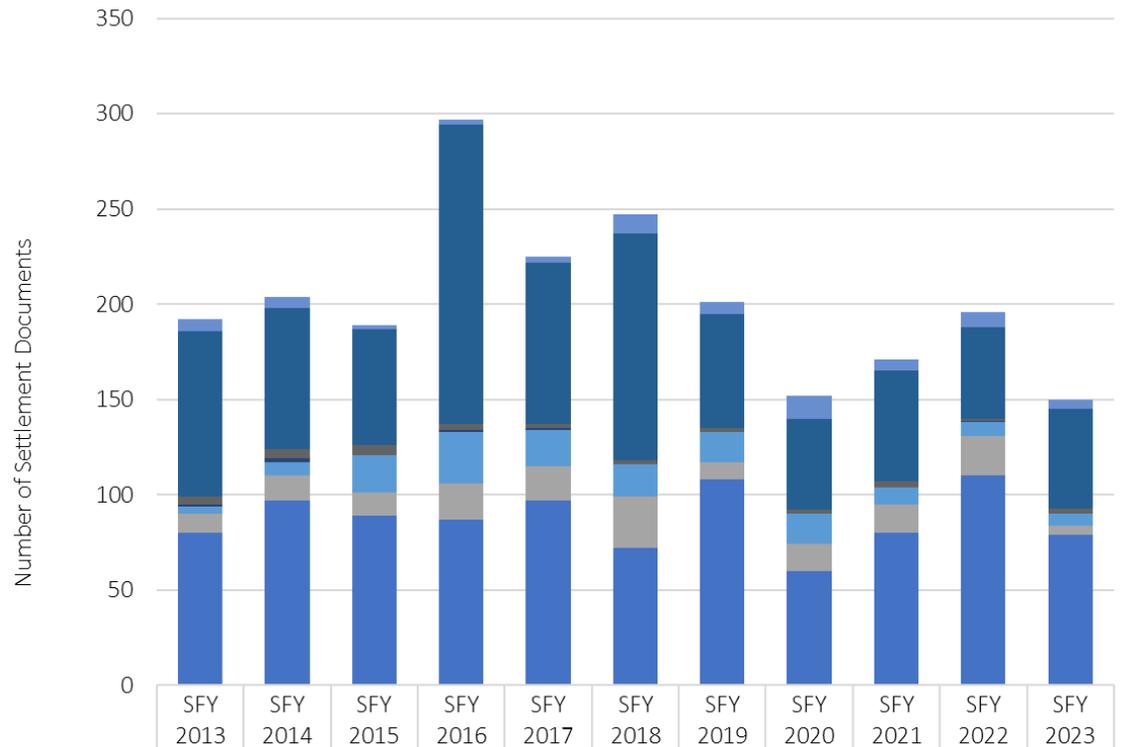


CIVIL ENFORCEMENT BRANCH

TOTAL SETTLEMENT DOCUMENTS

In SFY 2023, 150 settlement documents were executed. Of the settlements, 137 were negotiated in the Division of Enforcement, and 13 of the settlements came from cases that were referred to the Office of Legal Services.

SETTLEMENT DOCUMENTS EXECUTED ANNUALLY BY TYPE



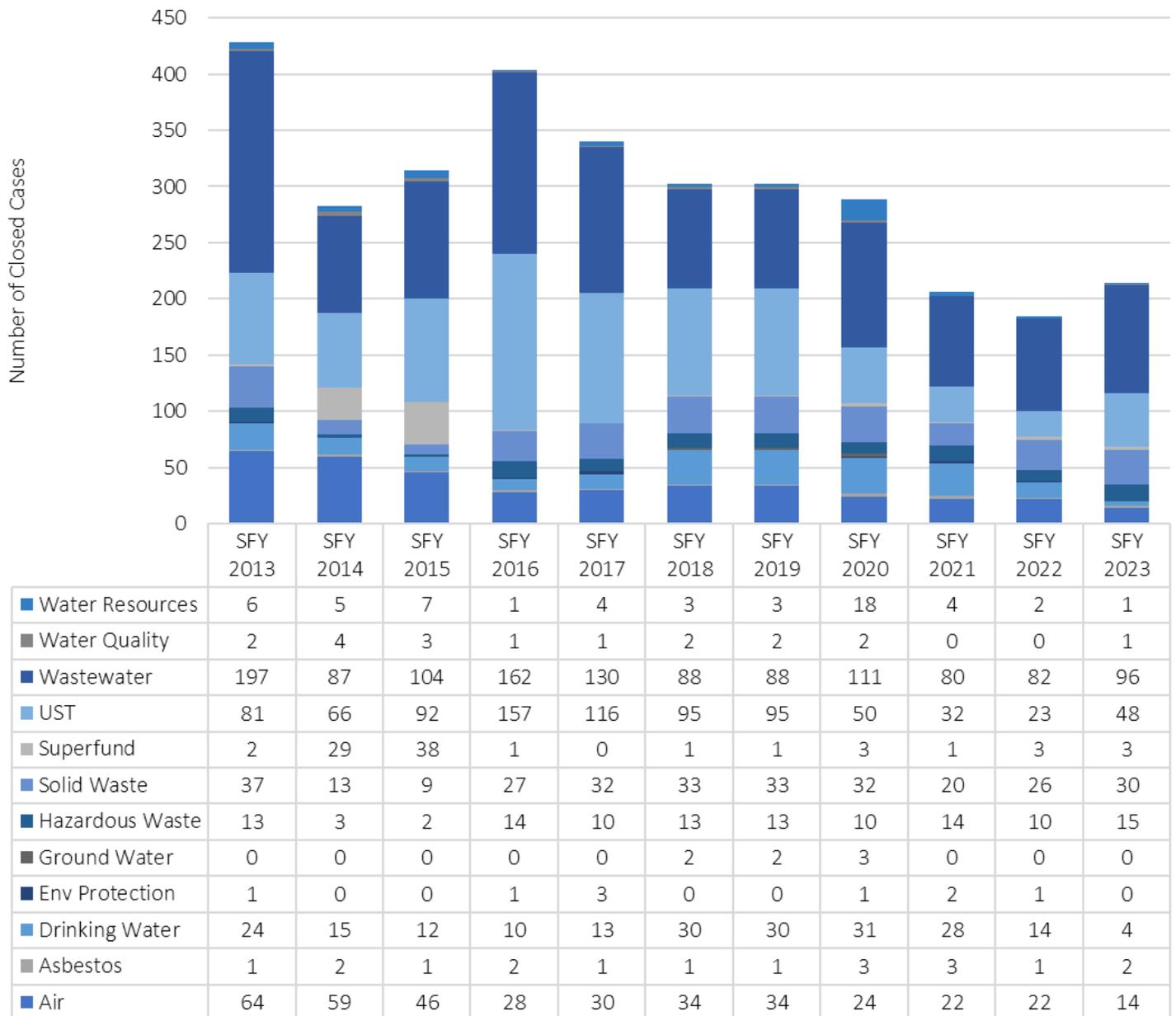
	SFY 2013	SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019	SFY 2020	SFY 2021	SFY 2022	SFY 2023
Secretarys Order Executed-OAH EPLD	6	6	2	3	3	10	6	12	6	8	5
Demand Letter Mailed to Responsible Party	87	74	61	157	85	119	60	48	58	48	52
Court Decision Reached	4	5	5	3	2	2	2	2	3	1	3
Consent Decree Executed	1	2	0	1	1	0	0	0	0	1	0
AO Demand Letter Mailed to Responsible Party	4	7	20	27	19	17	16	16	9	7	6
Agreed Order Executed-OAH EPLD	10	13	12	19	18	27	9	14	15	21	5
Agreed Order Executed-DEP	80	97	89	87	97	72	108	60	80	110	79

CIVIL ENFORCEMENT BRANCH

CLOSED CASES

From SFY 2013 to SFY 2023, an average of 297 cases have been closed annually. The Division of Enforcement closed a total of 214 enforcement cases in SFY 2023.

CASES CLOSED ANNUALLY BY PROGRAM





COMPLIANCE AND OPERATIONS BRANCH

The Compliance and Operations Branch (COB) is tasked with compliance monitoring and compliance determination of Kentucky Pollutant Discharge Elimination System (KPDES) permits. COB has fully transitioned from manual DMR compliance reviews to automated DMR compliance reviews. Using DMR Compliance Automation, COB performs compliance reviews for all major municipal, sanitary, coal facilities and industrial facilities on a quarterly basis.

COMPLIANCE AND OPERATIONS BRANCH

COB also issues Notices of Violations for violations for central office programs and assists those programs with enforcement case referrals when appropriate. In addition, COB assists the other divisions within the Department of Environmental Protection to attain compliance with their statutes and regulations through the Permit Program referrals.

The primary duty of an Environmental Scientist in the Compliance and Operations Branch is to determine compliance with Kentucky's environmental regulations and cite violations through the issuance of Notices of Violation (NOVs).



DENF/COB implemented DMR Compliance Automation for the Coal General Permit (KYGE/KYGW) in February 2023.

COMPLIANCE AND OPERATIONS BRANCH STAFF

Environmental Control Manager

Marlon Bascombe

Administration

Dana Back

Environmental Scientist

Amanda Curry

Michelle Rice

Lori Conway

Donald Polly

Linda Metts

John Walker

COMPLIANCE AND OPERATIONS BRANCH (COB)

In SFY 2023, 98% of the NOV's generated by the Compliance and Operations Branch were for violations of the Kentucky Pollutant Discharge Elimination System (KPDES) permits issued by the Division of Water. KPDES permits include effluent limitations and require the regular submittal of Discharge Monitoring Reports to demonstrate compliance. Discharge Monitoring Reports are analyzed on a quarterly basis to ensure compliance with the KPDES Permit.

Two percent (2%) of the NOV's issued by the COB in SFY 2023 were for violations referred by Central Office Programs from the Division of Waste Management and the Division of Water. Violations were referred from: Pretreatment, Whole Effluent Toxicity (WET), Water Withdrawal, Municipal Separate Storm Sewer System (MS4), Water Resources and Hazardous Waste Programs.

If a regulated entity fails to comply with the remedial measures contained in an NOV issued by the COB or the violations documented require further enforcement action, the violations may be referred to the Division's Civil Enforcement Branch (CEB) for a formal enforcement action.



COB has issued 2,388 Notices of Violation and sent 137 Enforcement Referrals to CEB in SFY 2023.

COAL COMPLIANCE REVIEWS

Surface Mining Control and Reclamation Act (SMCRA) permits issued to coal facilities by the Cabinet's Department for Natural Resources (DNR) require that permittees also obtain a KPDES permit from the Division of Water. An Environmental Scientist in the Compliance and Operations Branch conducts reviews of these coal facilities that typically cover the previous calendar year but can cover as many as five years based on the statute of limitations. During reviews, a scientist researches KPDES Permits, DMRs, SMCRA Permits, facility maps, and bench and lab analysis sheets to determine violations. The scientist also coordinates with DOW and DNR staff, as well as the regulated entities. In SFY 2023, the Branch reviewed coal companies for the monitoring period of calendar year 2021 through June 2022.

During SFY 2023, the coal KPDES permit's Discharge Monitor Report (DMR) compliance monitoring and determination were rolled into the DMR Automation. Many of those violations have resulted in referrals to the Civil Enforcement Branch for formal enforcement action.



In SFY 2023, Coal Compliance Reviews have resulted in 577 Notices of Violation being issued and 14 referrals to the Civil Enforcement Branch.

MAJOR AND NON-MAJOR WASTEWATER COMPLIANCE REVIEWS

For municipalities, wastewater facilities with a design capacity over one million gallons per day (1.000 MGD) are considered “majors”, and those under this threshold are considered “non-majors”. Other criteria are used to place an industrial facility on the “major” or “non-majors” list. Major facilities are reviewed every quarter for compliance. These reviews look at the data submitted for the previous three months. Since the start of DMR Automation, the non-major individual permit reviews are conducted quarterly. In the review of both major and non-majors facilities, the Environmental Scientist research KPDES permits, DMRs, Inspection Reports from the Program Regional Offices, and past enforcement actions to determine compliance. The scientist also develops and monitors facility-specific remedial measures when issuing NOVs.

Violations that are noted in reviews are then incorporated into regular reporting which is submitted to the Environmental Protection Agency. Facilities that fail to comply with the remedial measure requirements of an NOV or have Significant Non-Compliance (SNC) violations or other violation patterns may be referred to the Civil Enforcement Branch for formal enforcement action.



In SFY 2023, Major/Non-Major Compliance Reviews have resulted in 1,394 Notices of Violation issued and 58 referrals to the Civil Enforcement Branch.

PERMIT PROGRAM COMPLIANCE REVIEWS

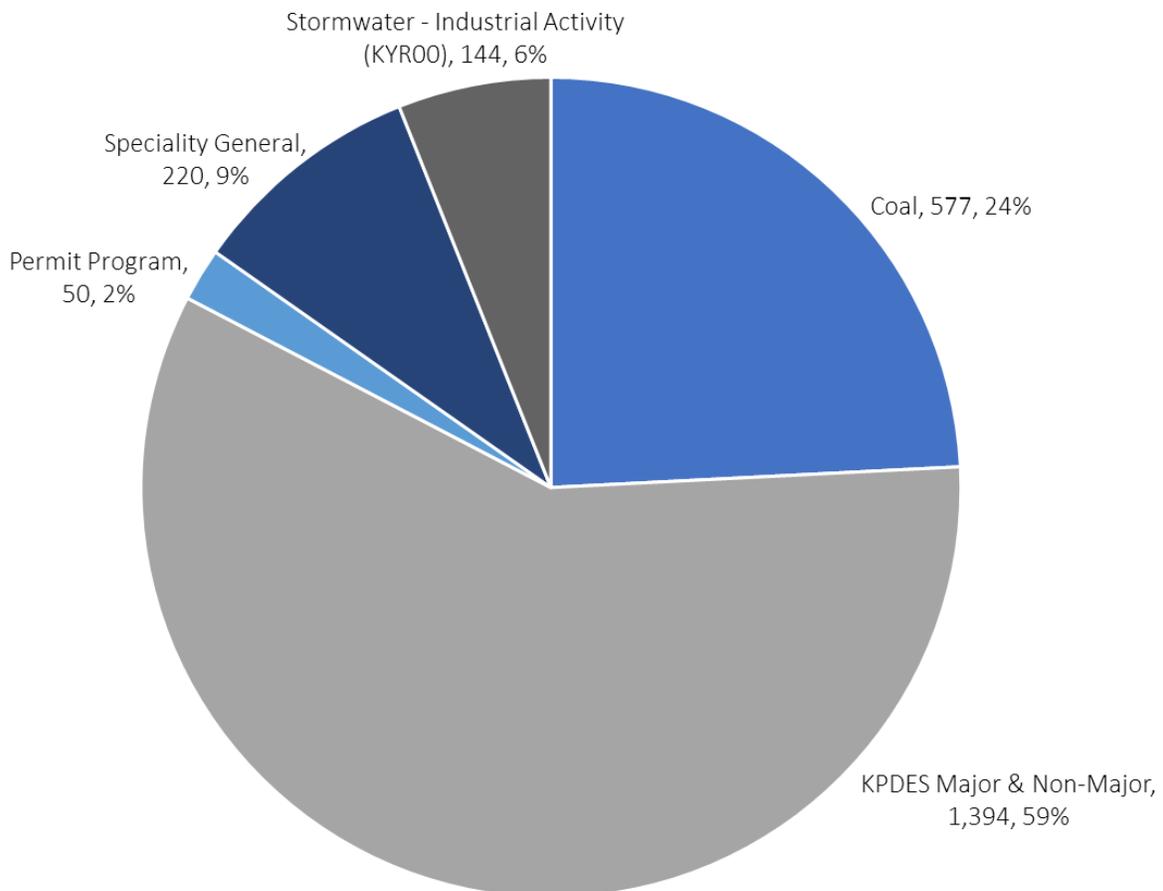
The Environmental Scientist tasked with these duties researches and evaluates violations referred from specific programs within DAQ, DWM, and DOW. The Scientist researches referred violations and reviews previous enforcement history before determining remedial measures and issuing NOVs. The Scientist works in conjunction with staff from the media divisions to ensure accuracy with the NOVs that are issued.



In SFY 2023, Permit Program Compliance Reviews have resulted in 50 Notices of Violation issued and 6 referrals to the Civil Enforcement Branch.

NOTIFICATIONS (NOVS/LETTERS OF WARNING) ISSUED

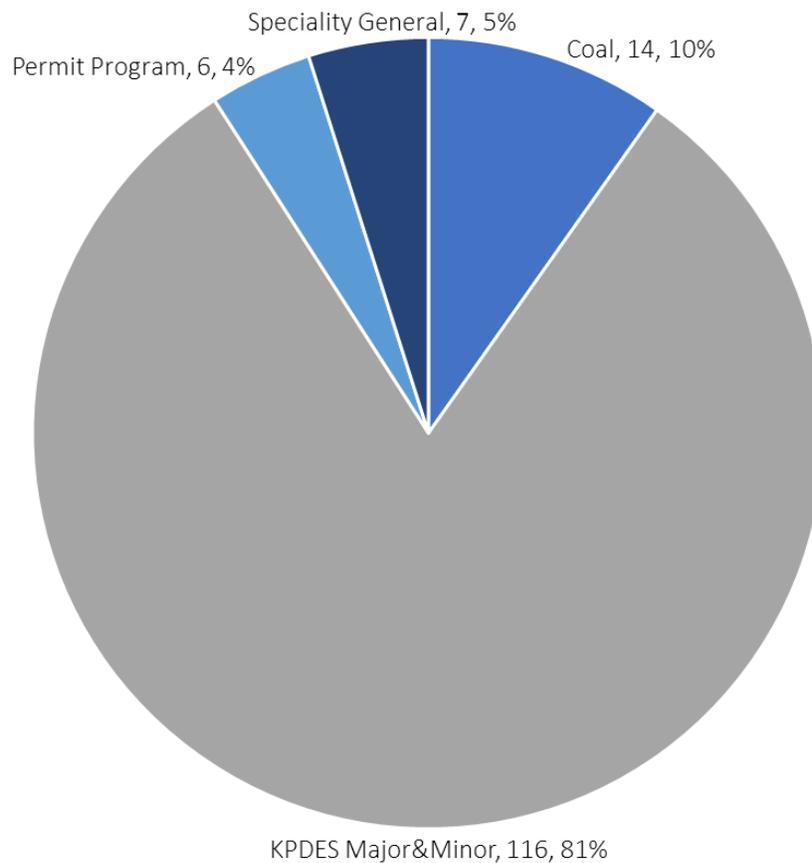
BY REVIEW TYPE



REFERRALS TO THE CIVIL ENFORCEMENT BRANCH

In SFY 2023, the Compliance and Operation Branch sent 143 referrals to the Civil Enforcement Branch. Each referral then becomes a case, or is consolidated into a larger case, and is assigned to an Environmental Scientist in the Civil Enforcement Branch. During the formal enforcement process, Compliance and Operations Branch staff complete up-to-date compliance reviews and serve as technical experts for the Division during case settlement negotiations. The Environmental Scientist will coordinate with Compliance and Operations Branch staff, the Director’s and Commissioner’s Office staff, the Office of Legal Services attorneys, and company representatives until final resolution is reached.

CASE REFERRALS BY REVIEW TYPE



ADMINISTRATIVE DUTIES

The COB has one staff member that is responsible for the administrative day-to-day operation of the Division. These duties include but are not limited to: the entry and auditing of data in Integrated Compliance Information System (ICIS); the processing of civil penalties, stipulated penalties, and cost recovery payments; maintaining Division record keeping and databases; coordinating workflow through the Director's Office; and providing administrative support for all staff.



Logged and processed 313 incoming correspondences

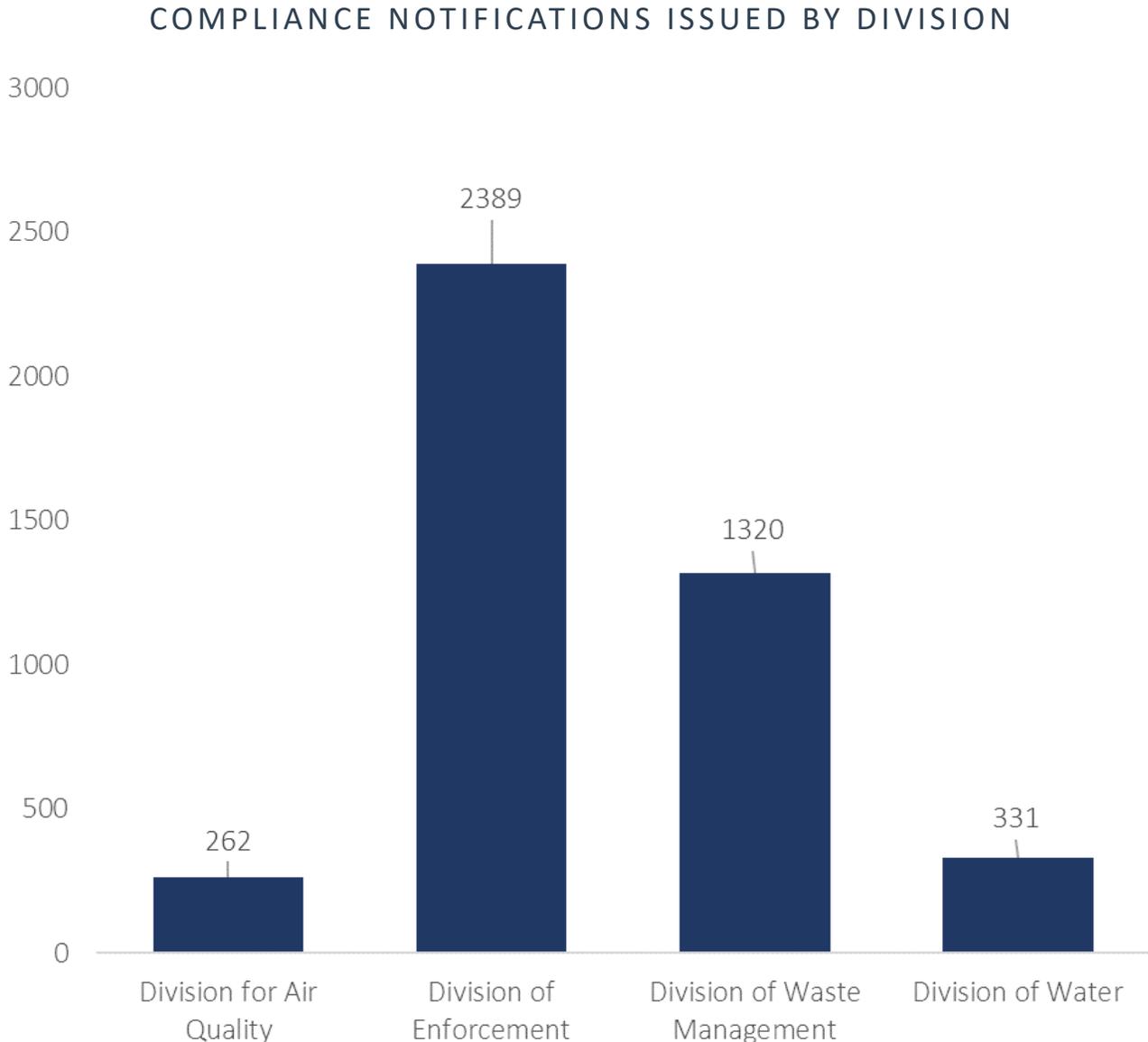


Logged and processed 243 penalty payments that totaled \$1,671,441.86.



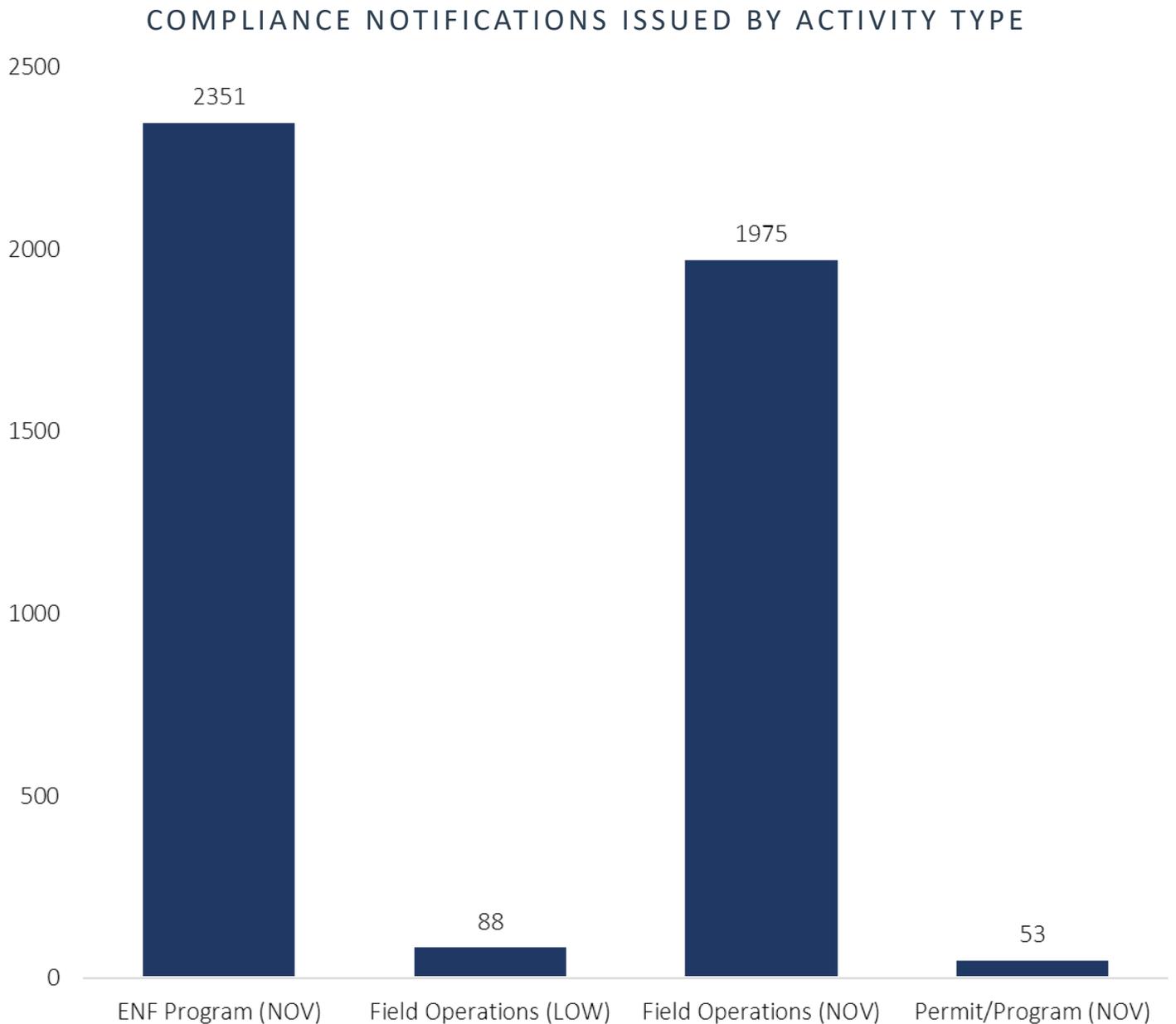
NOTICES OF VIOLATION ISSUED BY DIVISION

The Department as a whole issued 4,302 compliance notifications, in the form of Notices of Violation and Letters of Warning, in SFY 2023. Notices of Violation from the Division of Enforcement made up 55% of all notices issued.



COMPLIANCE NOTIFICATIONS ISSUED BY ACTIVITY TYPE

In SFY 2023, 2,351 (53%) of the Notices of Violation and Letters of Warning issued came from the Division of Enforcement. The second highest contribution was from Field Operations with 1,975 (44%).

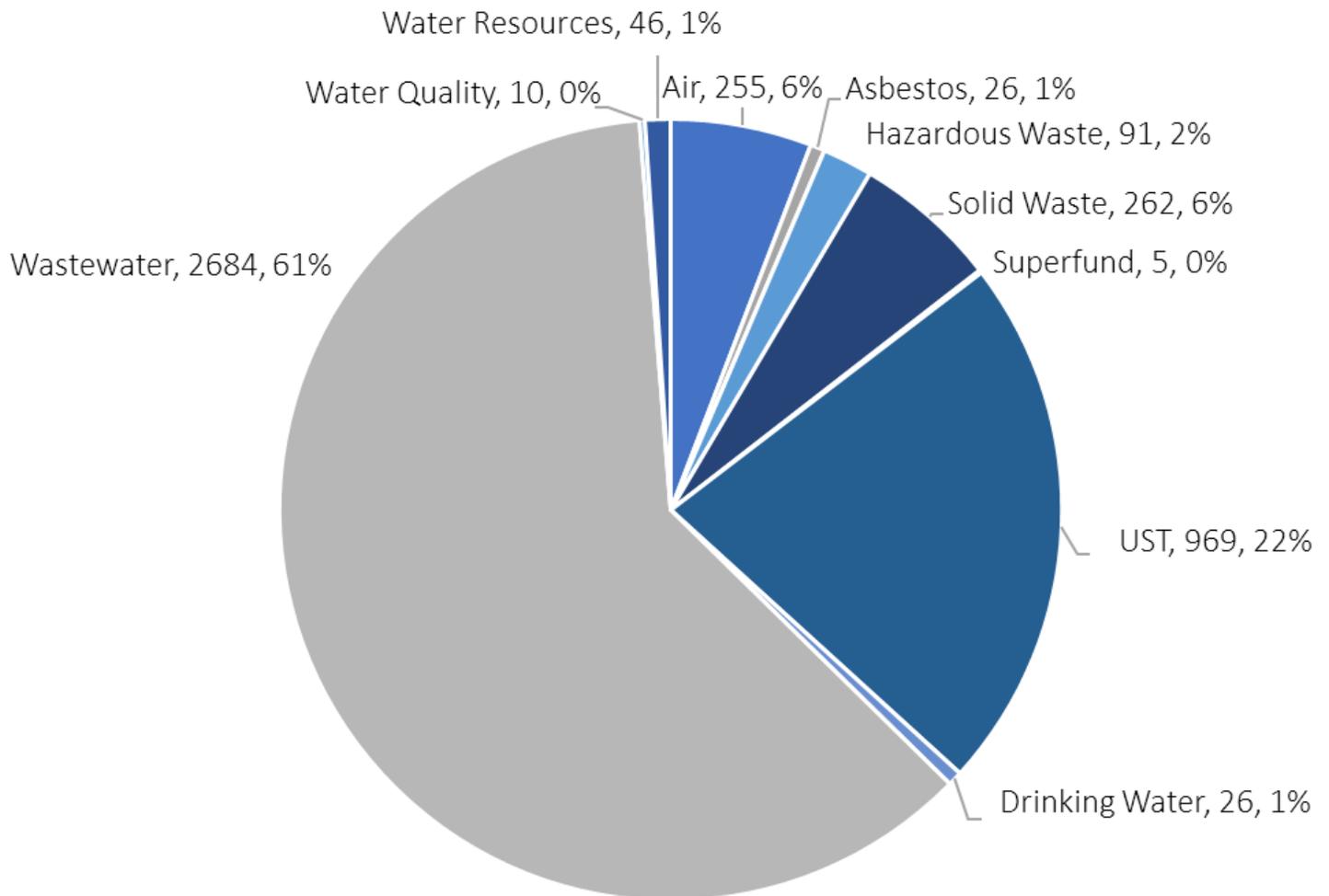


COMPLIANCE NOTIFICATION DATA

COMPLIANCE NOTIFICATIONS ISSUED BY PROGRAM

In SFY 2023, the largest number of Notices of Violation and Letters of Warning issued by the Department was in the Wastewater program with 2,640 (61%), followed by the UST program with 969 (23%), and the Solid Waste program with 260 (6%).

COMPLIANCE NOTIFICATIONS ISSUED BY PROGRAM





CERTIFICATION AND LICENSING BRANCH

Having access to safe drinking water is something that most of us take for granted. In other parts of the world, safe drinking water is rare. Wastewater treatment is not a daily concern in our busy lives. As late as the mid 20th century, disease was rampant because little was known about the correct way to handle wastewater.

The Operator Certification Program provides certification training, continuing education and, licensing for the operators of drinking water, wastewater, and solid waste facilities in Kentucky. The services of the Certification and Licensing Branch ensure operators have the skills and knowledge needed to perform the duties of their positions and protect Kentucky's environment and the public.



OPERATOR CERTIFICATION PROGRAM

The Certification and Licensing Branch invests countless hours in processing and reviewing applications from drinking water, wastewater, and solid waste operators. Their aim is to ensure that these operators meet the required education and experience standards for their certification level. Following the pandemic, the program experienced staff changes, which led to a temporary halt in conducting Continuing Education Units (CEUs) and travel. However, the program remained committed to providing in-person certification classes in Frankfort and at annual conferences. Additionally, the program continued its efforts by delivering online training presentations to operators at no cost.



The Operator Certification Branch staff conducted the Distribution Certification Class and Exam at the KWWOA Annual Conference in Owensboro.

OPERATOR CERTIFICATION STAFF Environmental Control Manager

Jessica Wilhoite

Environmental Scientists

BJ Bland

Rich Seiler

Environmental Education Specialist

Veronica Roland

Lyndsi Hersch

Katie Mauer

Environmental Education Assistant

Chelsey Jenkins

CERTIFICATION

During SFY 2023, the Operator Certification Program efficiently handled a total of 1,180 applications from operators aiming to undertake certification exams. Within this period, the program successfully conducted 1,211 exams, leading to the issuance of 248 new or upgraded wastewater licenses, 388 new or upgraded drinking water licenses, and 51 new solid waste licenses. The drinking water program had a pass rate of 55%, the wastewater program had a pass rate of 61%, and the solid waste program had a pass rate of 88%.

RENEWAL

Every two years, operators are obligated to renew their licenses. In SFY 2023, the wastewater renewal cycle occurred. The Operator Certification Program send postcards to over 3,282 certified operators, providing them with timely reminders about the renewal cycle, as well as informing them of training opportunities and testing events. Additionally, the program distributed a total of 1,649 wallet cards for both wastewater and drinking water certification. There was a 77% wastewater license renewal rate by the June 30th deadline.



The Operator Certification Branch staff at the KWWOA Annual Conference in Owensboro.

TRAINING

The Operator Certification and Licensing Branch is responsible for delivering training programs to drinking water, wastewater, and solid waste operators in the Commonwealth. These programs encompass both certification classes and continuing education classes, available throughout the state. The training covers a wide range of topics, including new technologies, permits, regulatory requirements, and various issues related to water and wastewater treatment, as well as distribution and solid waste management.

In April 2023, the Surface Water Treatment Certification class and exam event showcased resilience and adaptability. Despite unforeseen challenges of two main line breaks at the 300 Sower building, the program swiftly organized alternative venues to accommodate nearly 60 operators. Last-minute relocations to two different locations exemplified the program's dedication. The operators' determination prevailed as they returned to the 300 Sower building for the exam day, resulting in an impressive 68% pass rate. This event stands as a testament to the program's ability to overcome obstacles and the operators' commitment to success.





BOARD SUPPORT

The Kentucky Board of Certification of Water Treatment and Distribution System Operators and the Kentucky Board of Certification of Wastewater System Operators play a vital advisory role in the implementation of the Operator Certification Program. These boards provide valuable assistance by reviewing applications, reciprocity requests, proposed regulation revisions, and requests for operator disciplinary actions.

In collaboration with the Kentucky Water Resource Research Institute at the University of Kentucky, the Operator Certification Program embarked on a project to revise the operator certification manuals. The Certification Board, along with the division and the University of Kentucky, are actively involved in determining the appropriate content for these manuals. Currently, the Wastewater Treatment and Collection manuals are undergoing their final review, along with the corresponding certification examinations. Simultaneously, efforts are well underway to draft the Distribution manual, which is currently in progress.

WASTEWATER BOARD MEMBERS

Larry Grubbs | Chairman

Robin Strader | Vice Chairman

David Pedigo | Industrial Operator Rep

Jason Marion | University Rep

Alan Todd | Management Rep

Greg Goode | Cabinet Rep

DRINKING WATER BOARD MEMBERS

Lonnie Banks | Chairman

Alan Todd | Vice Chairman

Jason Marion | University Rep

Greg Goode | Cabinet Rep

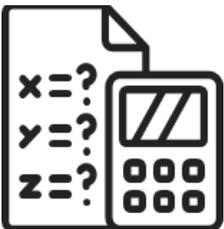


RENEWALS RECEIVED



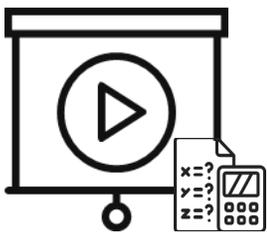
1,649

EXAM ONLY EVENTS



19

CERTIFICATION SCHOOLS



12

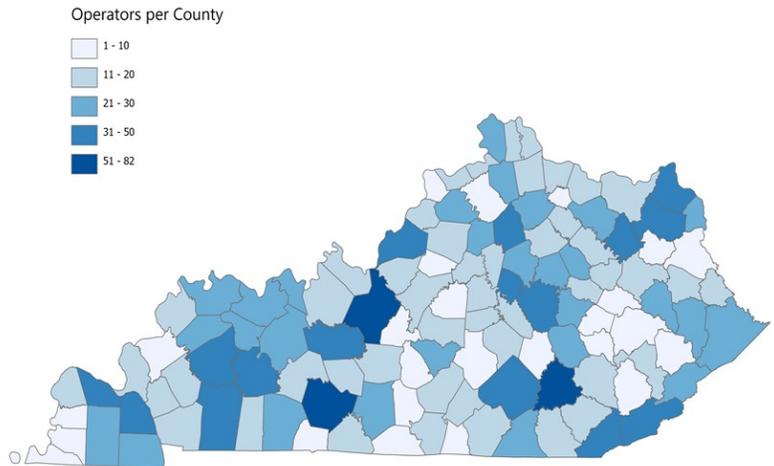
EXAM ATTENDEES



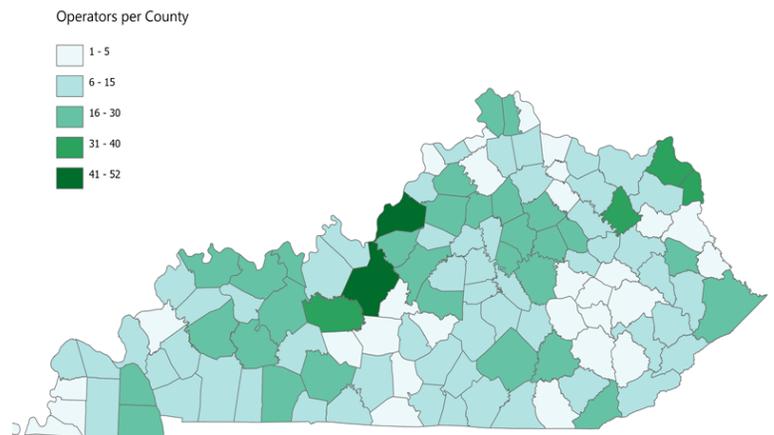
1,211

KENTUCKY OPERATOR AVAILABILITY

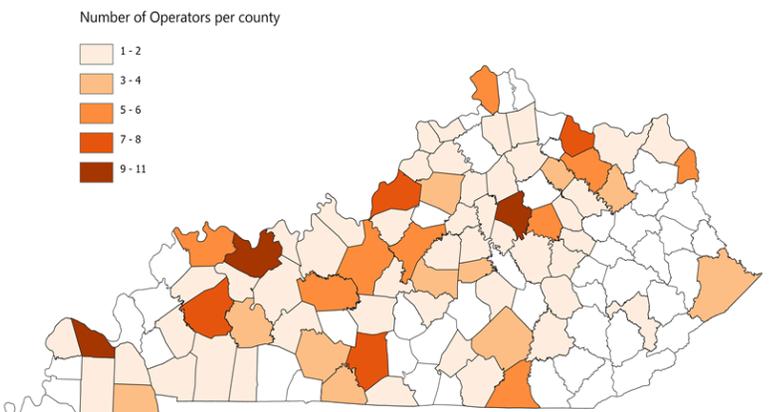
DRINKING WATER



WASTEWATER

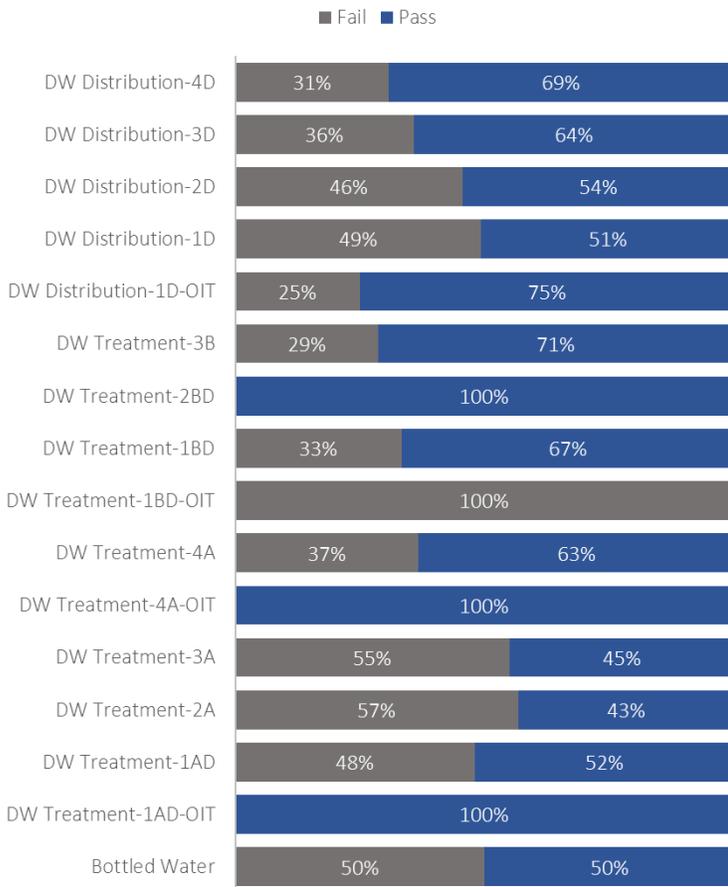


SOLID WASTE

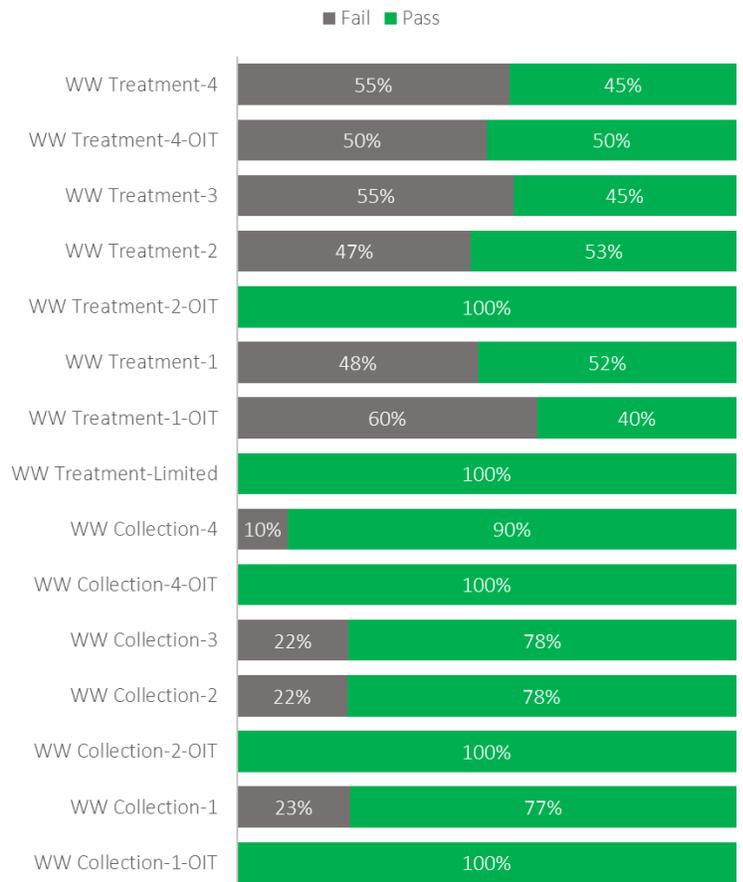




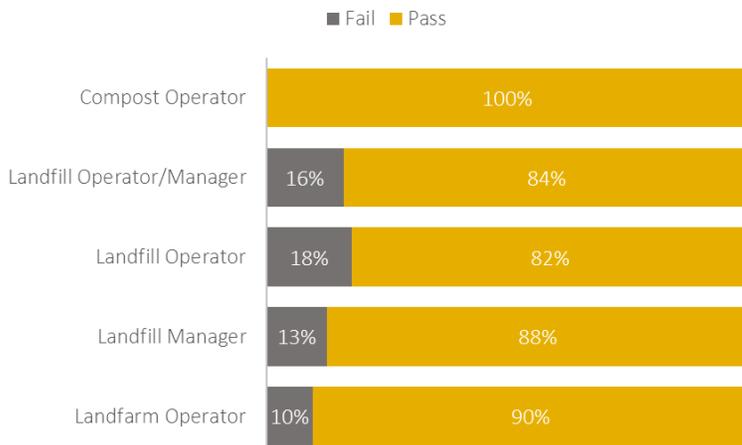
DRINKING WATER PASS - FAIL RATES



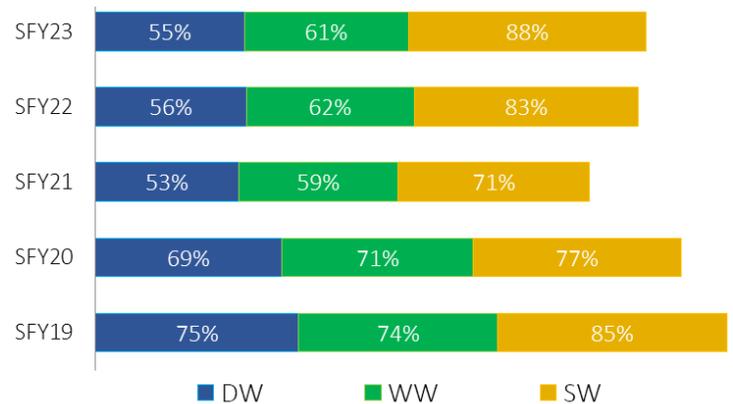
WASTEWATER PASS - FAIL RATES



SOLID WASTE PASS - FAIL RATES

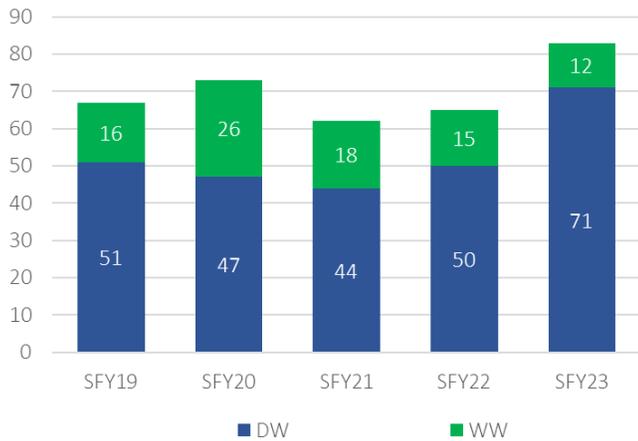


EXAM PASS RATES

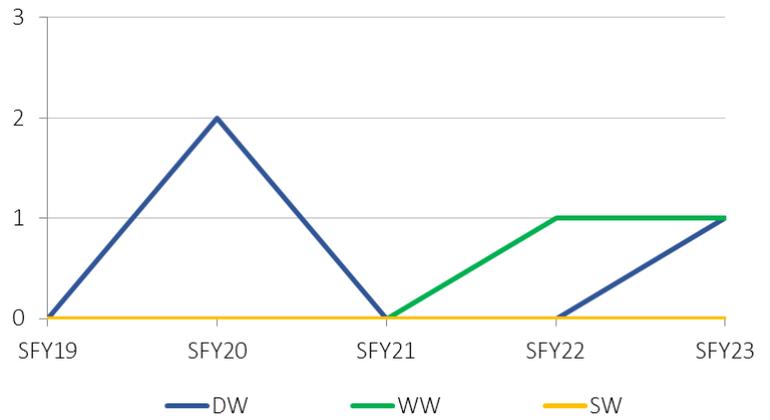




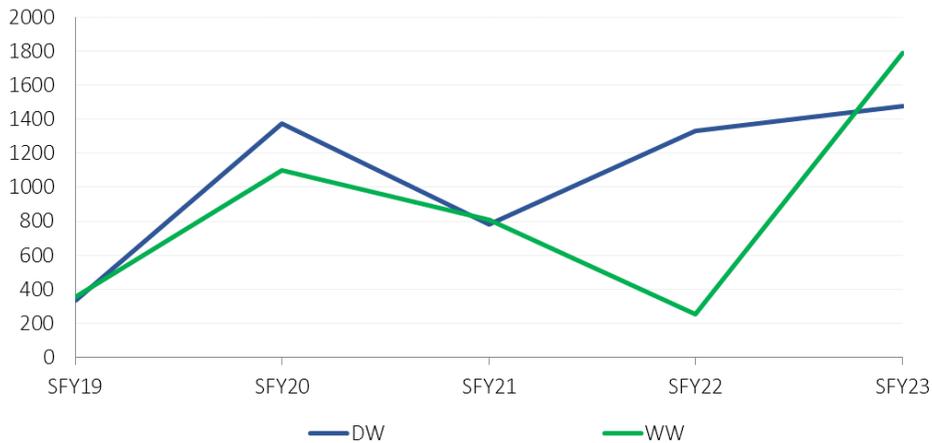
BOARD REVIEW CLASS 4 APPLICATIONS



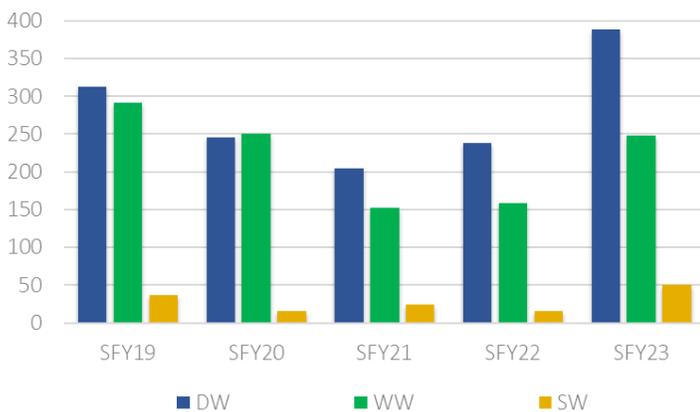
OPERATOR DISCIPLINARY ACTION REVIEWS



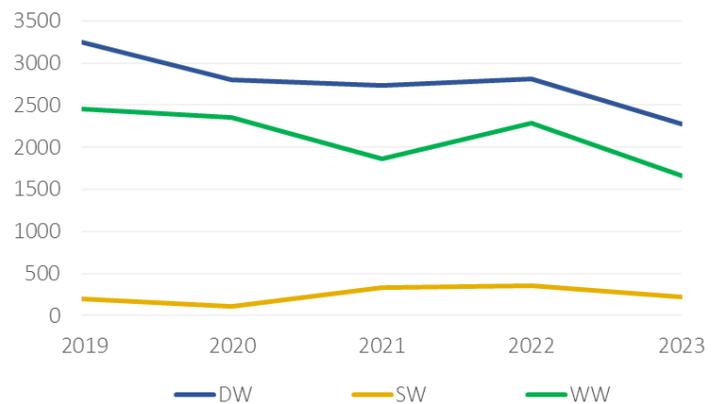
APPROVED CERTIFICATION HOURS



NEW AND UPGRADED LICENSE



ACTIVE LICENSE





ECAP ENVIRONMENTAL ASSISTANCE BRANCH

Understanding and complying with complicated environmental regulations can be difficult, especially for someone who is unfamiliar with federal or state requirements. Often, small businesses do not have the financial means to have an environmental specialist available to interpret these laws. The Environmental Compliance Assistance Program (ECAP) realizes that small businesses sometimes need assistance, and it has the tools and services necessary to provide that assistance to businesses and specific industries across Kentucky. There is no charge for ECAP's services. The driver for the program is the desire to help small businesses in the Commonwealth comply with their environmental obligations and be successful.



ENVIRONMENTAL COMPLIANCE ASSISTANCE PROGRAM

Compliance with environmental regulations can often be overwhelming and complicated, especially for smaller businesses without dedicated environmental staff. The Environmental Compliance Assistance Program (ECAP) is available to assist with questions and issues regarding compliance with Kentucky air, water, and waste requirements. ECAP staff is available to assist any facility or individual, but specialize in providing assistance to small businesses. During SFY 2023, ECAP staff answered 1512 assistance requests, including detailed one-on-one assistance through on-site assessments and air permit application assistance to 87 small businesses. ECAP staff also provides trainings and tools to help improve compliance with KY's environmental requirements.



ENVIRONMENTAL COMPLIANCE ASSISTANCE PROGRAM STAFF

Environmental Assistance Manager

Diana Robertson

Environmental Scientist

Erich Cleaver Emily Jayne

Allison Hall

Environmental Education Assistant

Shana Weber

Environmental Scientist, Allison Hall, and Environmental Consultant, Derek Bozzell attended a site visit to WestPack in November of 2022.

ASSISTANCE

ECAP helps regulated entities from assisting with simple phone calls concerning environmental regulations to in-depth assistance requests. The program is comprised of technical assistance specialists who, on a daily basis, provide technical information on a broad range of environmental topics to the public, regulated entities, and state agencies.



Fielded 1512
assistance
requests



Responded
to 138 small
business
assistance
request



Offered 87
detailed
assurances

TOOL DEVELOPMENT

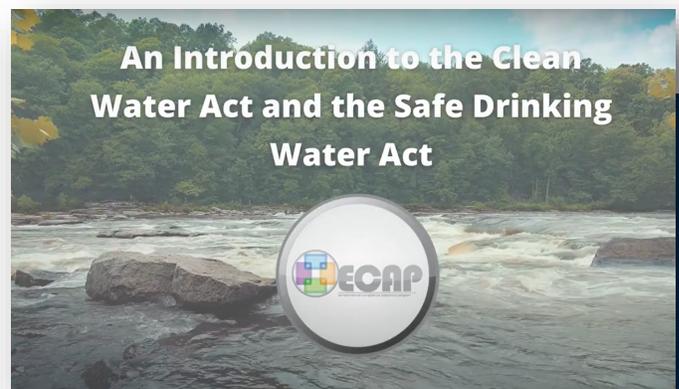
The goal of ECAP is to ensure awareness and understanding of environmental requirements, including permitting requirements. Environmental permits may be required by federal, state and sometimes local governments to minimize the impacts that businesses and construction have on human health and the environment. The specific regulations and permits that could apply to a facility may vary depending on location, types of activities, and the facility's potential to emit air pollutants. To help facilities better understand their compliance requirements, ECAP regularly develops and publishes fact sheets and guidance documents.

During the year, ECAP staff has reviewed and updated over a dozen factsheets and documents to ensure they are up-to-date with regulations, including resources on flood recovery and debris disposal, commonly required permits, and disposing of a variety of wastes.

TRAINING EVENTS

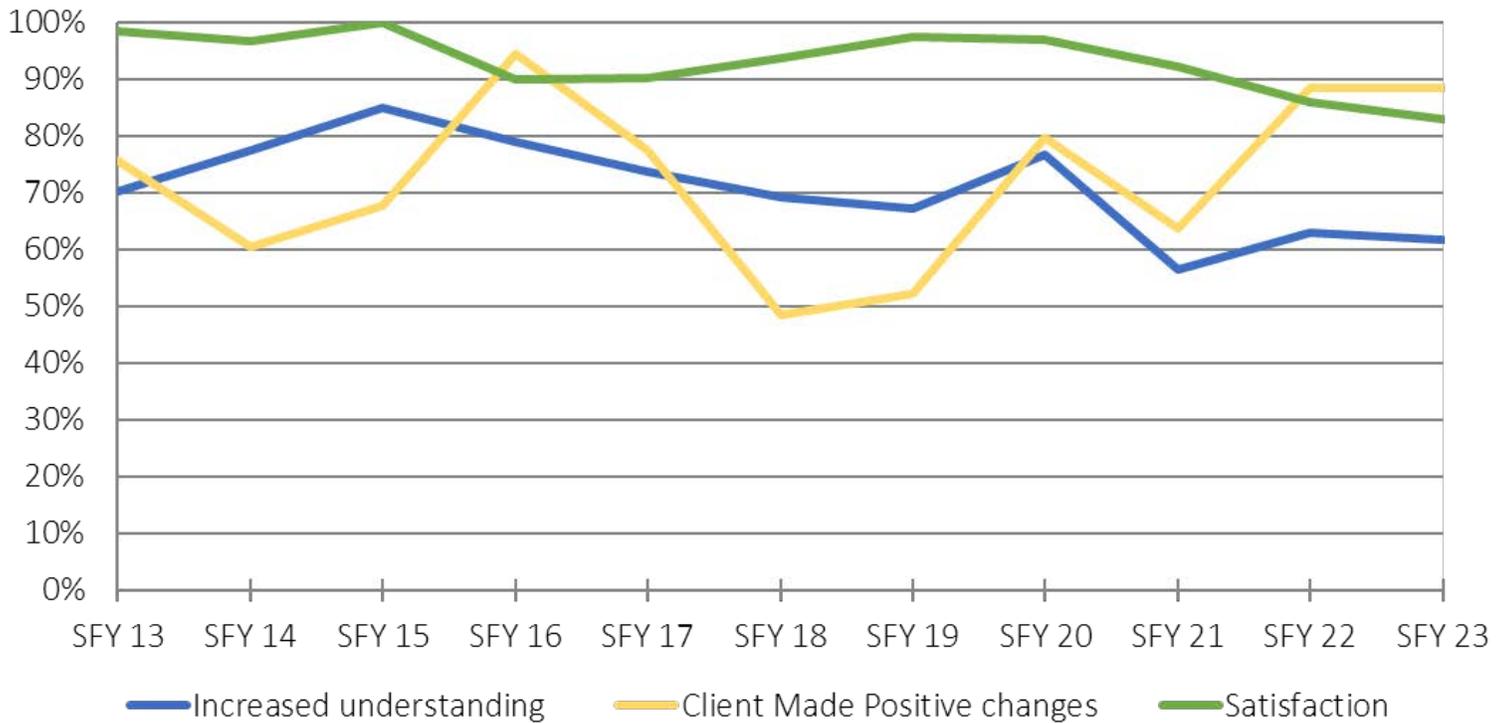
During SFY 2023, ECAP has started preparing to resume in-person trainings following COVID-19 restrictions. While the program successfully pivoted to online events during the pandemic, staff are currently reviewing and updating training materials to restart in-person events in the next fiscal year.

The program also completed converting beginner-level presentations covering air quality, water quality, and waste management permits and topics into online videos. The change to free online videos that are available at any time should make the information ECAP normally provides available to a broader audience. Currently, ECAP has a library of 14 training videos available online.

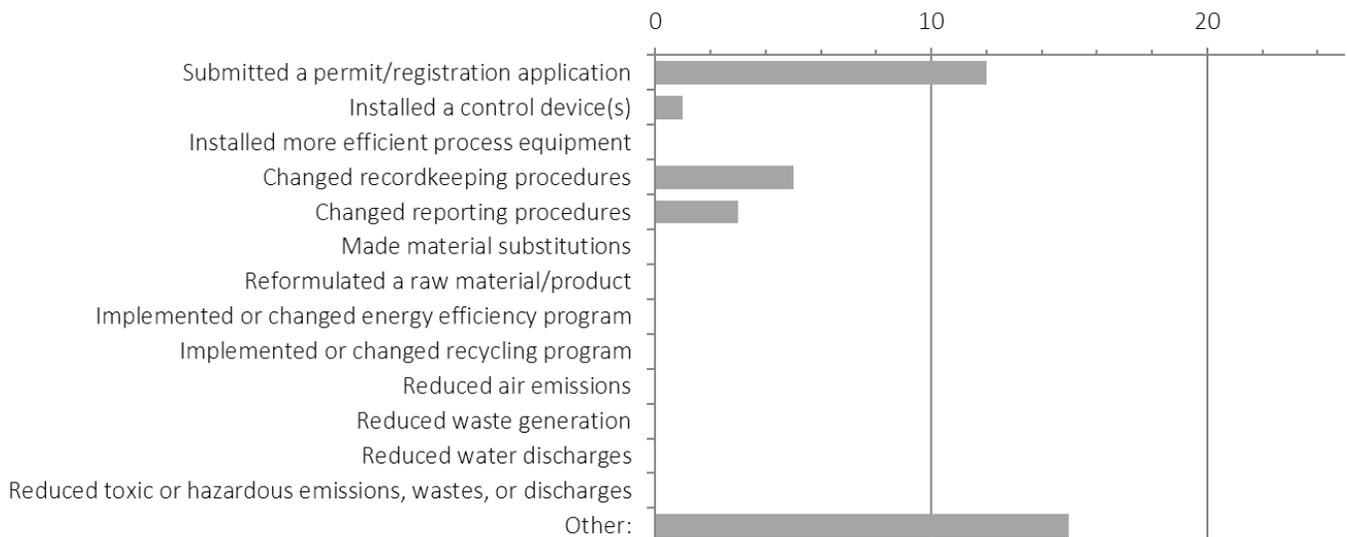




REPORTED CLIENT OUTCOMES FOLLOWING ECAP ASSISTANCE

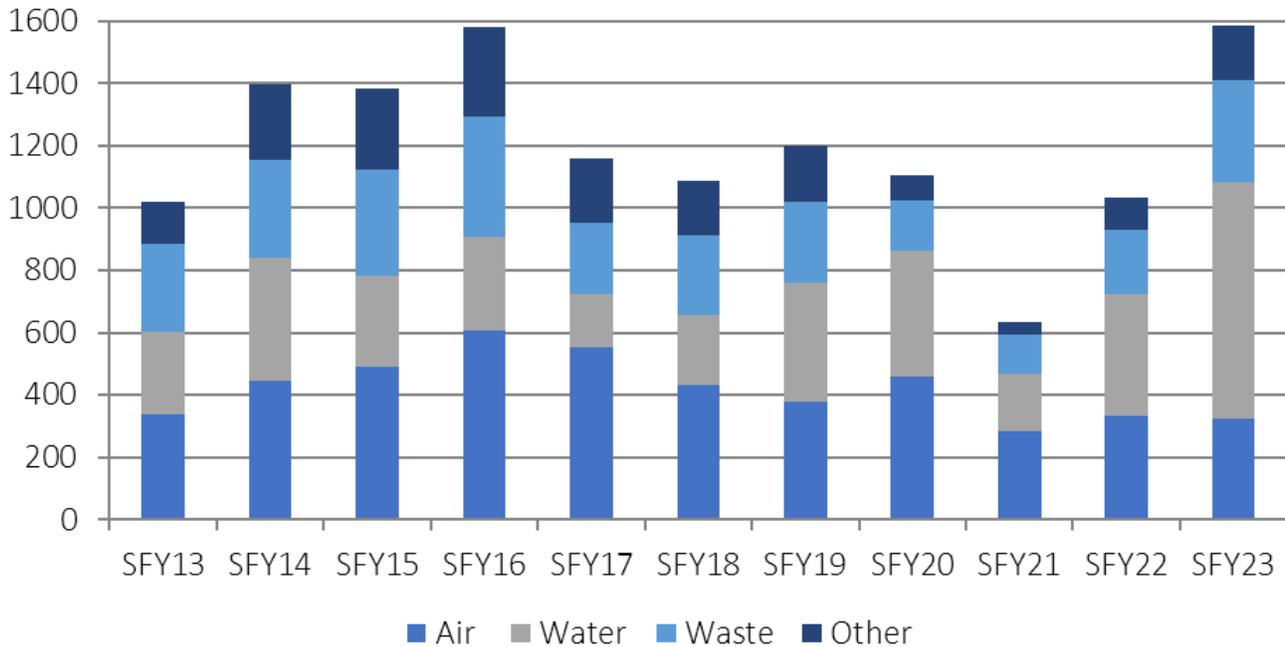


REPORTED CLIENT BEHAVIOR CHANGES AFTER ECAP ASSISTANCE

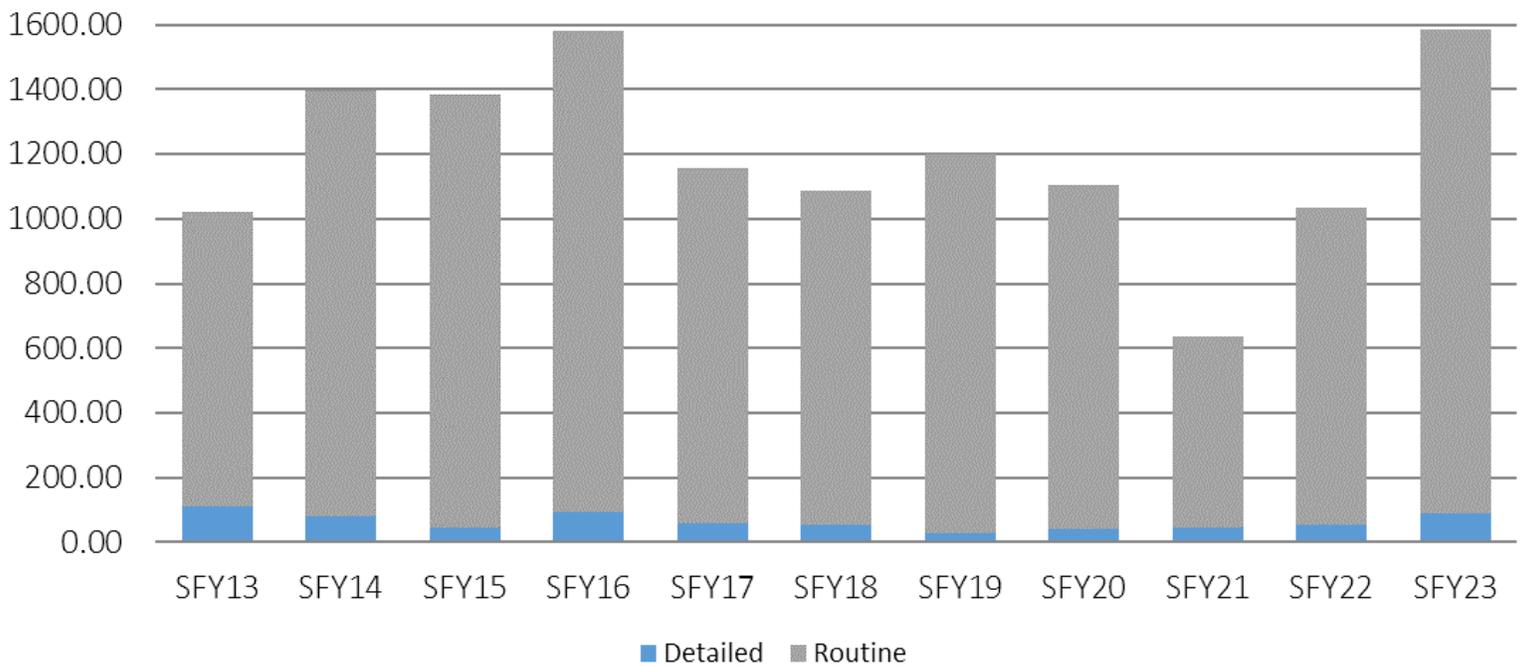




ASSISTANCE REQUEST BY MEDIA



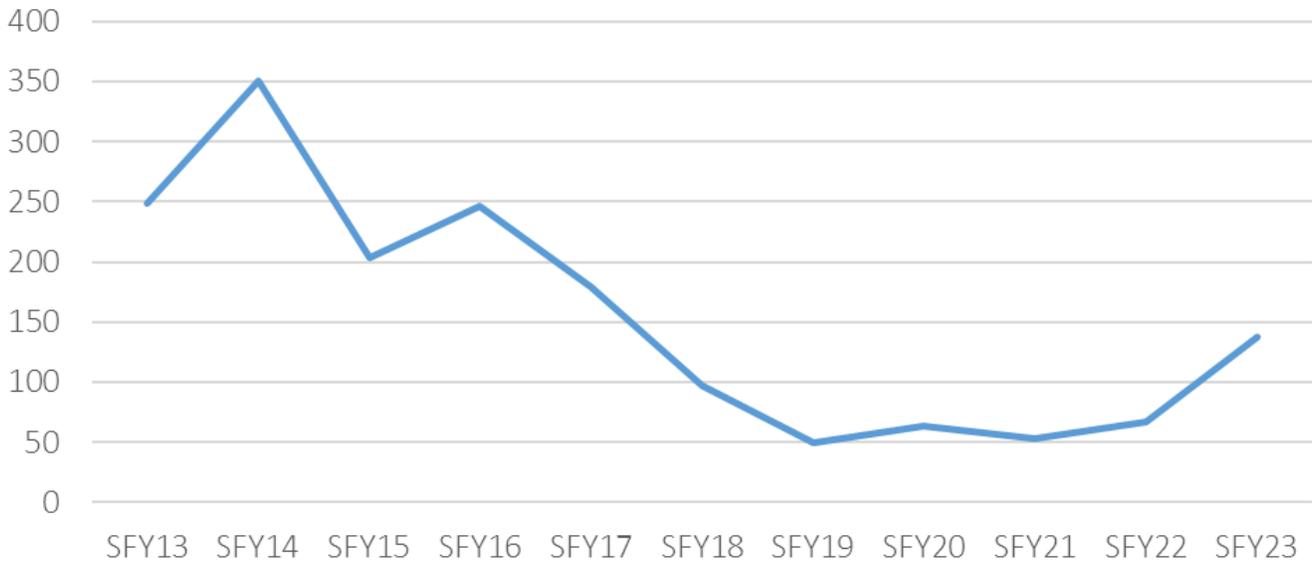
DETAILED VS. ROUTINE REQUEST



Detailed requests include small business assistances and any assistance request that takes more than one hour to complete.



SMALL BUSINESS REQUESTS





KY EXCEL ENVIRONMENTAL ASSISTANCE BRANCH

DENF has created programs that go beyond operator certification and environmental compliance assistance. KY EXCEL is Kentucky’s voluntary environmental leadership program, which recognizes those who do more than is required to protect and conserve the Commonwealth’s land, air and water resources.

By actively engaging and recognizing citizens, businesses, and organizations at all levels, KY EXCEL creates a community of like-minded individuals who can work together, exchange resources, and provide encouragement.



KENTUCKY EXCELLENCE IN ENVIRONMENTAL LEADERSHIP (KY EXCEL)

KY EXCEL is the Kentucky Department for Environmental Protection's free environmental leadership program. In 2005, groundwork for KY EXCEL was laid by cabinet staff meeting with citizens and companies and reviewing other environmental leadership programs. With the foundation set, KY EXCEL launched on Jan. 17, 2006.

As a program, KY EXCEL uses a circular economy approach to facilitate environmental leadership and recognize environmental stewards. KY EXCEL offers a home for all of Kentucky's environmental stewards and an avenue to develop environmental leaders. For those who are already on the path to stewardship, KY EXCEL provides a place to explore environmental issues, engage in environmentally beneficial projects and network with other like-minded individuals. For those new to environmental stewardship, KY EXCEL provides information, resources and ideas to encourage environmental leadership development.

Welcome

A Sustainability Exchange Webinar:
Community Supported Agriculture

February 09, 2023

Department for Environmental Protection
Kentucky Energy and Environment Cabinet

KY EXCEL STAFF Environmental Assistance Manager

Diana Robertson

Environmental Scientist Advisor

Robyn
Whitted

KY EXCEL Environmental Scientist Advisor, Robyn Whitted, holding a virtual Sustainability Exchange Webinar.



FACILITATING ENVIRONMENTAL LEADERSHIP

An environmental leader is one that inspires and motivates action to benefit the environment. Often this starts with striving to be in compliance with environmental regulations. It also initiates environmental management planning and stewardship. This is why one will often hear environmental leadership referred to as “going above and beyond compliance”. To facilitate environmental leadership throughout the Commonwealth, KY EXCEL provides the following services:

- Free assistance with environmental leadership self-assessments, environmental management planning, development of voluntary environmental goals, and the implementation/evaluation of projects.
- Coordination with other Department services, such as compliance assistance.
- Virtual or on-site staff consultation and research assistance to help with environmental leadership efforts and brain storm solutions to implement better environmental stewardship practices.
- Educational and networking events.



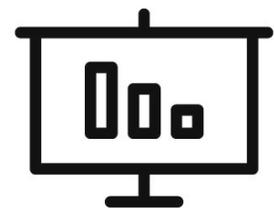
70

Brief Assistance
Requests



14

Detailed Assistance
Request



23

Educational Presentation
and Networking Events



GRANTS

KY EXCEL also manages and oversees grants awarded to the department from the U.S. EPA's Pollution Prevention Program. During the Fall of 2022, the department was awarded two such grants. This grant funding supports the activities of the Kentucky Pollution Prevention Partnership (KP3), a joint endeavor between KY EXCEL, the Kentucky Pollution Prevention Center (KPPC), and the James B. Beam Institute for Kentucky Spirits (Institute). During the two-year grant period, the KP3 will serve as an environmental sustainability resource by working with Kentucky distilleries and breweries and by providing technical assistance to motor vehicle manufacturers, motor vehicle parts manufacturers, and companies within the automotive supply chain. KP3 will provide direct technical assistance, training, and resources to help facilities become more energy efficient, resulting in reduced pollution. Additionally, facilities will learn how to measure energy and water use reductions. Opportunities for reduction of toxic chemicals and green supply chain opportunities will also be explored.

RECOGNIZING ENVIRONMENTAL LEADERS

KY EXCEL also encourages environmental leadership by providing avenues for recognition through KY EXCEL membership. From beginners to environmental stewardship experts, KY EXCEL's membership program not only provides recognition but is a community filled with information, resources and ideas to encourage development of environmental leaders throughout the Commonwealth. Whether the steward is an individual, household, farm, organization, community, local government or business - all can apply to be a KY EXCEL member!



MEMBERSHIP



- 1 or more annual goal(s)
- Annually complete an Environmental Leadership Self-Assessment



- 3 or more annual goals
- Annual complete an Environmental Leadership Self-Assessment: score of 50 or higher
- Have an Environmental Management Plan (EMP)



- 5 or more annual goals; one of which must be environmental education/outreach
- Annually complete an Environmental Leadership Self-Assessment; score of 75 or higher
- Have an Environmental Management Plan (EMP)
- Pass a 3 year compliance history check
- Pledge to mentor others

Membership is free and applying is simple. At any time, applicants can submit a completed membership application with the appropriate attachments. Our staff is available to discuss the level of membership that is right for applicant and to assist them through the application process. Membership is annual and must be renewed every year by December 31st.



BEACON AWARDS

Through the KY EXCEL Beacon Awards, the program recognizes exemplary efforts and activities which were provided in the KY EXCEL Member Reports submitted in December of 2022.

<i>Category</i>	<i>Description</i>
CONSERVATION	Protect natural habitat, specific wildlife species or restore/improve a natural resource. This includes, but is not limited to, exotic species management, land preservation and wildlife management.
ENVIRONMENTAL EDUCATION	Promote a better understanding of Kentucky's environment. This includes, but is not limited to, community education, education support, outreach and service learning.
PERFORMANCE IMPROVEMENT	Promote improvements in the ability of a regulated entity to comply with Kentucky's environmental requirements. This includes, but is not limited to, technical assistance, research and development and mentoring.
POLLUTION PREVENTION	Reduce, eliminate, or prevent pollution at its source prior to recycling, treatment or disposal. This includes but is not limited to in-process beneficial reuse, green engineering, green supply chain, resource efficiency, and source reduction.
RESTORATION	Improve degraded resources. This includes, but is not limited to contamination, natural resources, offsets and restoration support.
WASTE REDUCTION	Reduce the amount of waste that would otherwise be disposed in a landfill. This includes, but is not limited to, beneficial reuse and recycling.



BEACON AWARDS

Normally one award is awarded for each award category during the annual KY EXCELebration. Unfortunately, the 2023 KY EXCELebration was canceled due to unforeseen circumstances. Instead short videos were developed to highlight each award winner.

<i>Category</i>	<i>Goal</i>	<i>Member Name</i>	<i>Membership Type</i>
CONSERVATION	American Kestrel Nesting Boxes	East Kentucky Power Cooperative	Gold
PERFORMANCE IMPROVEMENT	Particulate Matter (PM) Reduction	ECKArt America, Louisville	Silver
POLLUTION PREVENTION	Reverse Osmosis (RO) Water Reduction	Toyota Motor Manufacturing Kentucky	Silver
WASTE REDUCTION	Perforated Cardboard	Maker's Mark Distillery	Gold

Congratulations to all Award Winners!



TRAINING AND EDUCATION

KY EXCEL established a new monthly webinar series called the Sustainability Exchange. Held the second Thursday of every month, the goal of this webinar series is to have a guest speaker share their expertise. Additionally, KY EXCEL created a online resources such as a guide for reporting and reducing greenhouse gas, a guide for preventing pollution in automotive painting operations and a video for assessing one's environmental leadership efforts. Other videos created by KY EXCEL included a series of informative shorts highlighting a multiple pollution prevention (P2) practices for homes and businesses to honor P2 Week. KY EXCEL also participated in the 2023 Kentucky Envirothon as a subject matter expert.

UPCOMING PRIORITIES

The KY EXCEL program is a community filled with information, resources, and ideas to encourage environmental leadership development while also providing a place for KY EXCEL members to explore environmental issues, engage in environmentally beneficial projects, and network with like-minded individuals. In order to ensure all these objectives are met, the KY EXCEL staff is prioritizing:

- The coordination of virtual workshop and networking events for SFY 2024
- Creating learning modules and educational online resources
- Exploring new avenues to increase KY EXCEL member recognition and recruitment
- Developing partnerships to increase the facilitation of environmental leadership
- Pursue training for KY EXCEL Staff and gain additional KY EXCEL Member feedback to increase the quality of services currently being provided



KENTUCKY BROWNFIELD PROGRAM ENVIRONMENTAL ASSISTANCE BRANCH

Brownfields are vacant, abandoned, or underutilized properties that have known or suspected contamination. Redeveloping these properties can offer great benefits, however, the process is often hindered by perceived liability, limited financial resources and lack of information. To help overcome these challenges, the Kentucky Brownfield Program seeks to enhance redevelopment efforts through information sharing, technical assistance, financial assistance, and partnership building.



KENTUCKY BROWNFIELD PROGRAM

Since 2012, the program has offered environmental site assessments, liability protections, and funding to eligible entities across the state. These services help local governments, nonprofit organizations, and other leaders address brownfield properties in their communities. In SFY 2023, the interest in these services continued to increase as additional funding became available through the Bipartisan Infrastructure Law (BIL). While BIL funding enabled the program to focus on outreach and succession planning, annual appropriations from EPA allowed the program to implement its mission to address assessment, cleanup, and redevelopment of brownfield sites. Through annual appropriations and BIL funding, staff will continue to carry out and add to the overall mission, as well as build a comprehensive program to coordinate both internally among agencies and externally among stakeholders.



Brownfield staff (Diana Robertson, Lynn True, Eric Eisiminger, and Benjamin Applegate) and Director's Office staff (Natalie Bruner and Derek Bozzell) conduct a site visit at a transfer station at the City of Paris in January 2023.

BROWNFIELD STAFF

Environmental Assistance Manager

Diana Robertson

Environmental Scientist

IV

Lynn True

Eric Eisiminger

Environmental Education Specialist

Kiersten O'Leary

Geoprocessing Specialist

Benjamin Applegate



EDUCATION AND OUTREACH

Kentucky's education and outreach assistance offers a wide range of publications, program sessions, grant workshops, and site visits. Given that direct contact is the best form of community outreach, a concerted effort was made to provide program sessions to as many stakeholders as possible through multiple venues. Outreach sessions focusing on how communities can address brownfields were provided to the following organizations:

- Kentucky Association of Counties – Annual Conference
- Kentucky League of Cities – Spring Webinar and Summer Summit
- Kentucky Department for Local Government – Local Issues Conference
- Governor's Conference on the Environment – Annual Conference

While ongoing outreach efforts include a monthly newsletter, webpages, social networking platforms, and various publications, the program pursued new initiatives as well. Most notably, the program sought partnership with the University of Kentucky's Community and Economic Development Initiative of Kentucky (CEDIK) to help implement activities such as developing inventories and writing grants. The state Brownfield Program's partnership with CEDIK also serves to help identify environmental justice communities that have not received brownfield assistance in the past. Many of these communities are located in areas that are predominantly made up of minority, low-income populations, or both. In SFY 2023, CEDIK, along with the state Brownfield Program, initiated a process for identifying these underserved communities in order to promote resources available through state and federal brownfield programs.



GRANT WRITING WORKSHOPS

Each year, program staff offer grant writing workshops to local officials, community leaders, nonprofit members, and anyone else with an interest in pursuing an EPA Brownfield Grant. Workshops focus on how to prepare and submit federal grant proposals. During SFY 2023, grant workshops were provided at various Area Development Districts, as well as DEP's Main Office in Frankfort and at the Governor's Conference on the Environment in Lexington.

TARGETED BROWNFIELD ASSESSMENTS

Environmental Site Assessments (ESA) are fundamental to the state's response program for addressing brownfield sites. Through Kentucky's Targeted Brownfield Assessment (TBA) Program, assessment services were provided at seven brownfield sites in SFY 2023. The following assessments were conducted at no cost to various local government and nonprofit groups:

- Phase I Environmental Site Assessment – Hayswood Hospital in Maysville, KY.
- Phase II Environmental Site Assessment – Hayswood Hospital in Maysville, KY.
- Analysis of Brownfield Cleanup Alternatives – Hayswood Hospital in Maysville, KY.
- Phase I Environmental Site Assessment – Old Paris Landfill, Paris, KY.
- Phase I Environmental Site Assessment – Paris Waste Transfer Station, Paris, KY.
- Asbestos and Lead Based Paint Survey – Former Grassy School, Inez, KY.
- Analysis of Brownfield Cleanup Alternatives – Beth-Elkhorn Coal, Jenkins, KY.

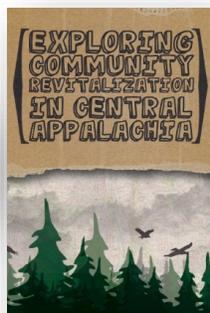


TARGETED BROWNFIELD ASSESSMENTS (CONT.)

In addition to conducting assessments in house, program staff initiated a process for contracting with consultants to conduct asbestos and lead-based paint surveys, vapor intrusion tests, and other assessment activities. Although requesting contract services had previously been a function of the DWM’s Superfund Branch, DENF’s Brownfield staff took on these functions in order to accommodate an increase in TBA requests. As the upsurge in TBA’s correlated to the expanded outreach efforts, staff began exploring other options to accommodate and fund assessment activities. One possible solution to be explored in SFY 2024 is to modify a portion of BIL funding to be used for contractual fees. While contractual fees are typically allocated in the Program’s annual appropriations, there is opportunity to amend the BIL workplan to accommodate additional contract services.

REGIONAL AND NATIONAL ORGANIZATIONS

Kentucky's brownfield staff continued to be involved with regional and national agencies and organizations, including the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), the Central Appalachian Brownfield Innovation Network (CABIN), the International City and County Managers Association (ICMA), EPA’s Region 4, and Office of Brownfields and Land Revitalization. These professional relationships are a significant resource in terms of maintaining program goals and fulfilling new requirements.





CLEANER COMMONWEALTH FUND

Kentucky's Cleaner Commonwealth Fund (CCF), established through EPA's Brownfield Revolving Loan Fund, continues to be successful. In May, EPA announced that Kentucky was one of two award recipients in Region 4 to receive supplemental funding in the amount of \$1 million. The additional funding ensures that resources are available for the communities served by the state's Brownfield Program. EPA awarded the supplemental funding based on the status and anticipated interest in CCF as outlined below:

- In SFY 2023, CCF had an estimated \$60,000 remaining pending two obligated projects.
- A loan for \$220,000 was obligated to the Ohio County Hospital for asbestos abatement.
- A loan for \$600,000 was set aside for Murray Main Street for asbestos abatement.
- New communities in underserved areas expressed interest in financing cleanups.
- More communities became aware of financing for lead and asbestos remediation.
- New communities expressed interest in seed grants to establish capability.
- Several communities have cleanup projects ready to fund.

In addition to the CCF funding, an off-budget account was set up for CCF loan repayments. In SFY 2023, a total of \$40,666.76 in loan payments were received. The off-budget account can be used to assist communities with assessments and cleanups. While the long-term goal is to generate income from loan repayments in order to provide an ongoing source of funding for communities as they progress through cleanup and redevelopment, the program will continue to administer remaining funds and seek supplemental funding when warranted.



KENTUCKY'S AWARD RECIPIENTS FOR SFY 2023 EPA BROWNFIELD GRANT

As a result of the Bipartisan Infrastructure Law, Kentucky communities were awarded historic levels of funding in 2023. Kentucky received over \$7.9 million in competitive EPA Brownfields funding to assess and clean up brownfield properties.

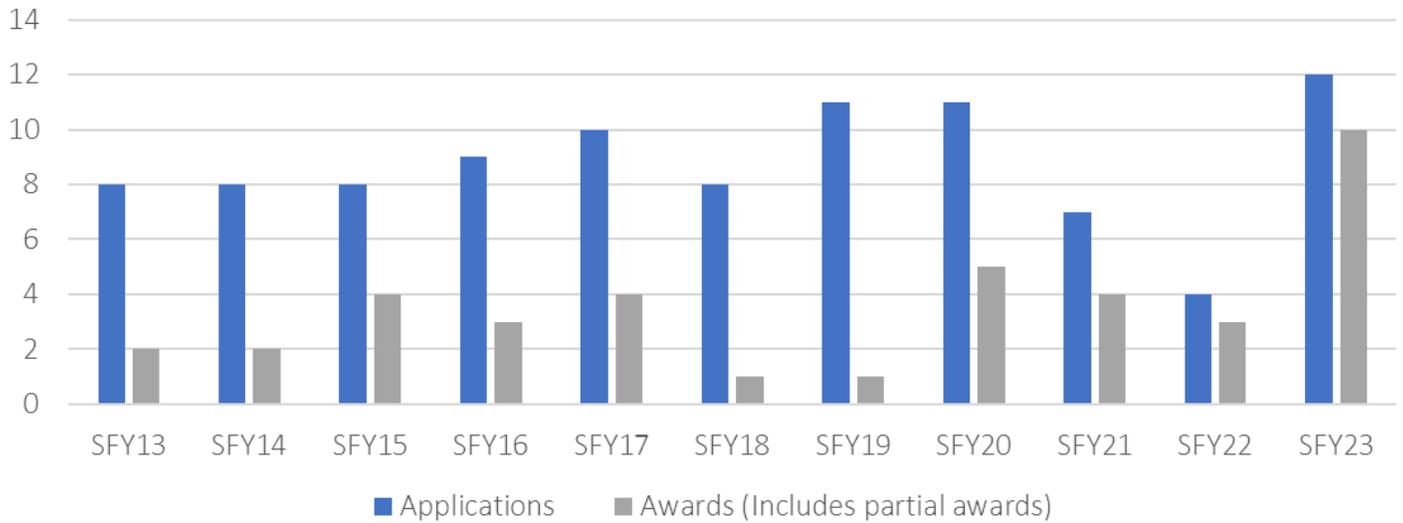
The following organizations in Kentucky were selected to receive EPA Brownfields funding:

- City of Ashland - \$500,000 EPA Community-wide Assessment Grant.
- Big Sandy Area Development District - \$500,000 EPA Community-wide Assessment Grant.
- Carroll County - \$500,000 EPA Community-wide Assessment Grant.
- Green River Area Development District - \$500,000 EPA Community-wide Assessment Grant.
- Frontier Housing, Inc. - \$1,999,900 Brownfields Cleanup Grant.
- OakPointe Centre, Inc. - \$999,821 Brownfields Cleanup Grant.
- Caldwell County Board of Education - \$499,900 Brownfields Cleanup Grant.
- City of Beattyville - \$499,939 Brownfields Cleanup Grant.

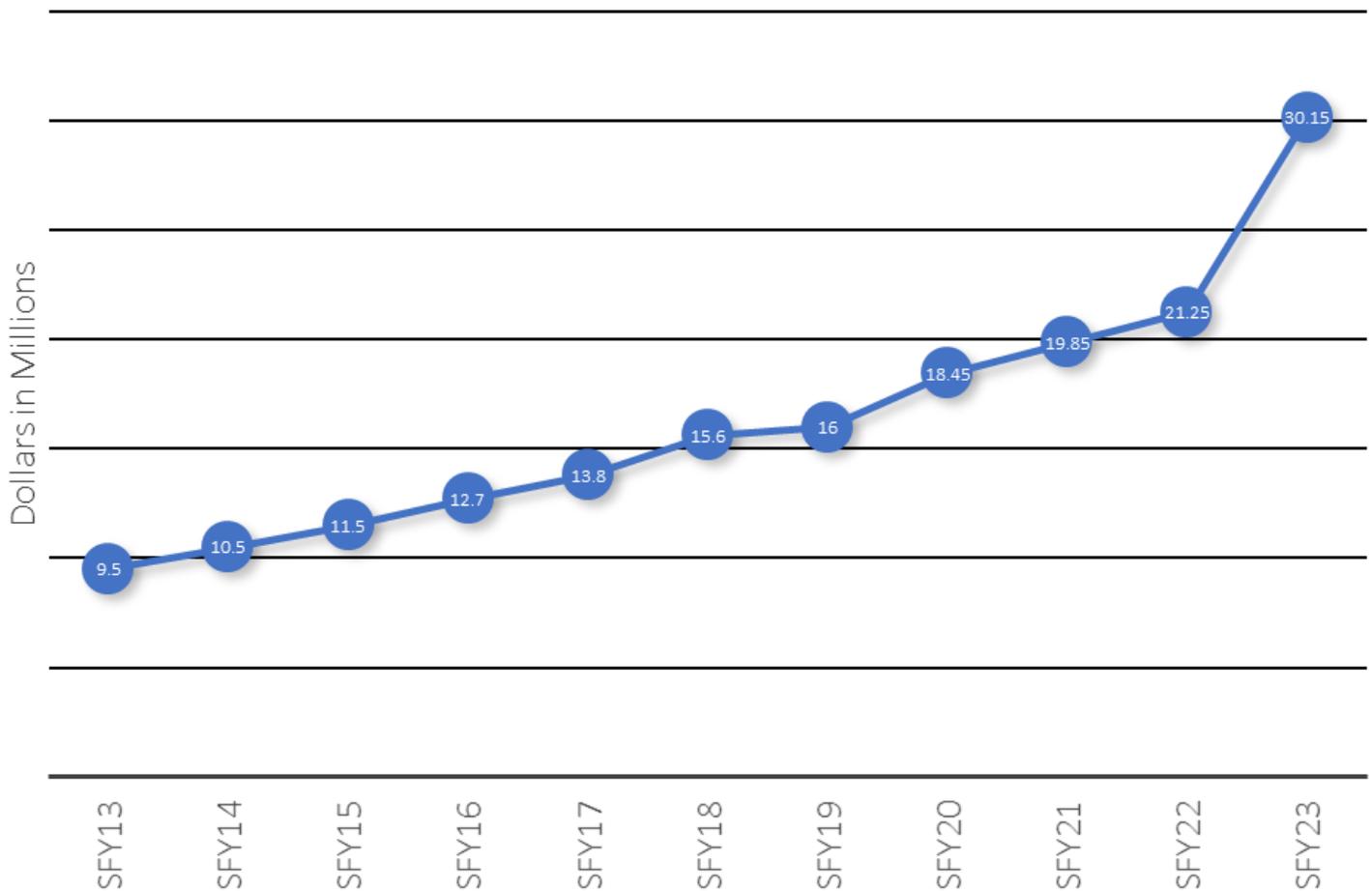
Additionally, the Department for Environmental Protection Brownfield Revolving Loan Fund (RLF) and Louisville-Jefferson County Metro Government Brownfield RLF were each awarded \$1,000,000 in non-competitive supplemental funding. The additional funding for Kentucky's RLF, and the Cleaner Commonwealth Fund (CCF), will extend the capacity of the program so that it is able to provide cleanup funding to underserved areas in the Commonwealth.



EPA BROWNFIELD GRANTS

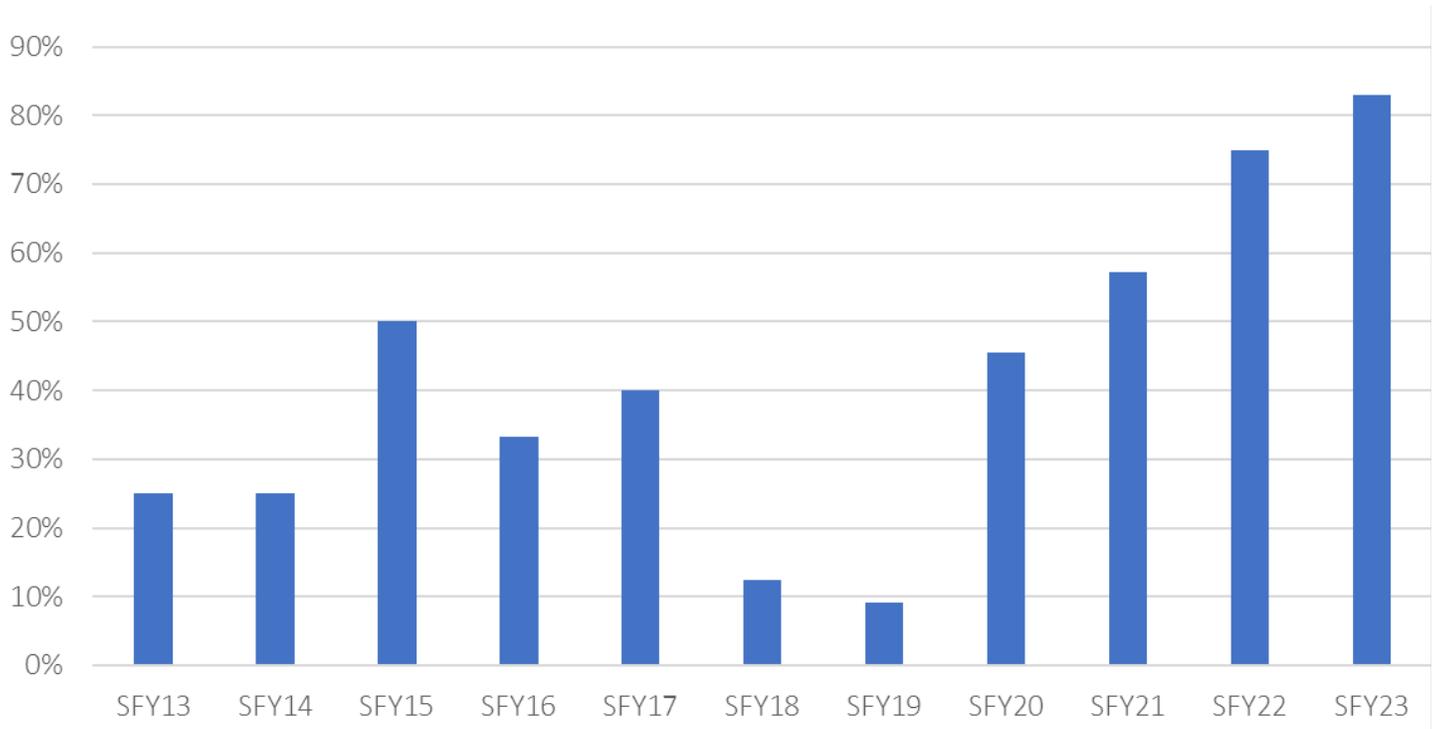


CUMULATIVE GRANT FUNDING

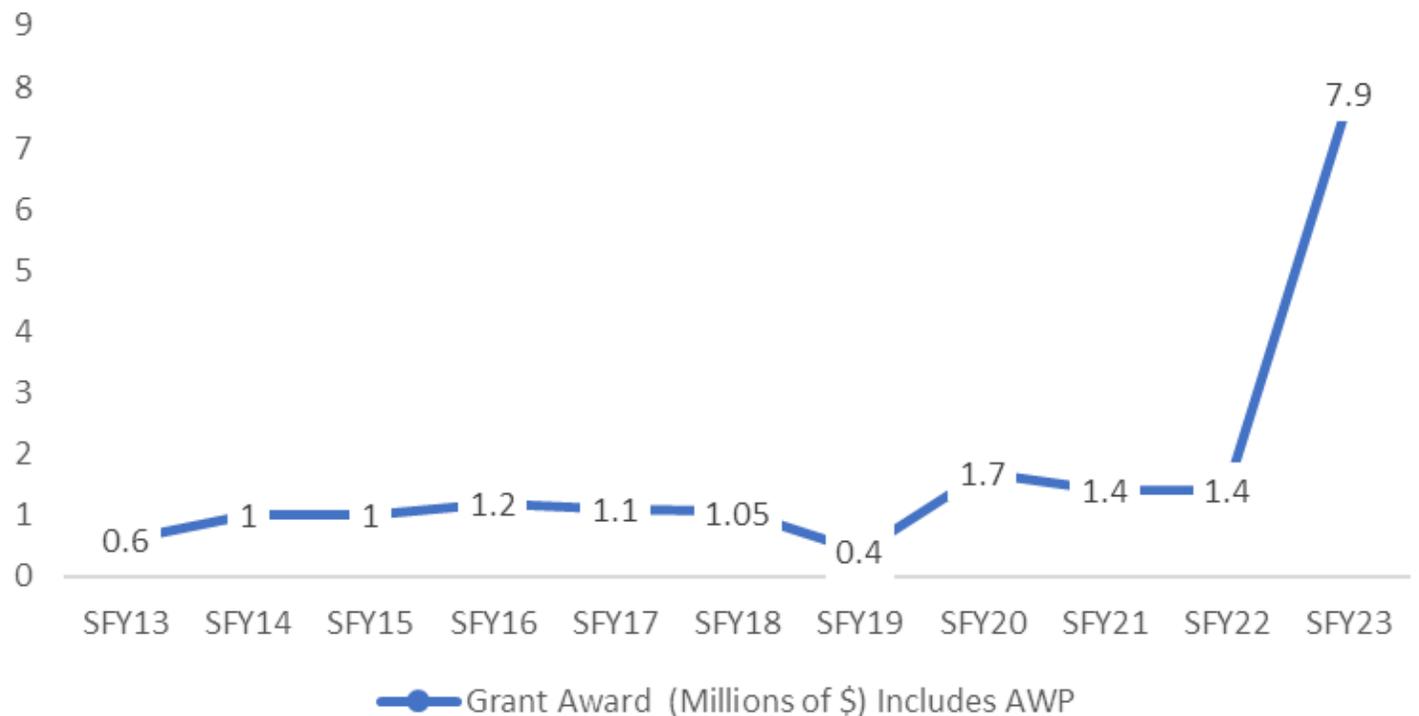




EPA BROWNFIELDS GRANTS SUCCESS RATE



EPA GRANT FUNDING BY YEAR





GREAT WORK BETTER RESULTS

The Division of Enforcement works hard every day to ensure that the Commonwealth is not only economically viable, but naturally beautiful. A team of experienced, dedicated staff uses a wide variety of skills to ensure there is compliance with the Department’s regulatory programs by increasing environmental knowledge, providing high-level customer service, and responding timely and appropriately in its actions. Over the SFY 2023 they have seen numerous accomplishments, all of which are deserving of praise and attention. However, the select few included highlight the best of the best-achievements that will continue to contribute to Kentucky for many years to come.

DISCHARGE MONITORING REPORT COMPLIANCE AUTOMATION

The Division of Enforcement continues to automate compliance reviews of Discharge Monitoring Reports (DMRs). The Division, through DMR Compliance Automation, is working to address non-compliance with National Pollutant Discharge Elimination System (NPDES) effluent violations and monitoring and reporting violations comprehensively throughout the Commonwealth. The Division has divided the KPDES universe into five groups. It has been using automation to determine DMR non-compliance for major KPDES permits for several years. In October 2018, the Division added the compliance review for DMR monitoring and reporting violations for non-major individual KPDES permits. In August 2019, the Division automated the review of effluent violations for non-major individual KPDES permits. Beginning March 2020, the Division began running DMR Compliance Automation for the “Other Permits” category, which encompasses general permits except for coal (KYGE4 and KYGW4) and “storm water associated with industrial activities” (KYR00). The Division began running DMR Compliance Automation for “Storm Water Discharges Associated with Industrial Activities” (KYR00) in November 2020. In February 2023, the Division of Enforcement has officially included coal general permits (KYGE4 and KYGW4) into the DMR Compliance Automation. Due to various reporting requirements for the coal general permit, a manual review of select parameters are still needed by the enforcement specialist of the compliance and operations branch.

In Federal Fiscal Year (FFY) 2022, Kentucky had 141 KPDES major individual permits, 1,193 non-major individual KPDES permits, 9,190 general permit coverages, and 96 associated permit records (sub-programs associated with a KPDES permit).

DISCHARGE MONITORING REPORT COMPLIANCE AUTOMATION (CONT.)

Kentucky had eight major permits (7.8%) in Category I non-compliance, 313 non-major individual permits (26.2%), and 764 general permits (8.3%) in Category I non-compliance. The aggregate is 362 of 1,345 individual permits (26.9%) in Category I non-compliance. Kentucky has reduced the number of KPDES permits in Category I non-compliance from 3,085 in FFY2014 to 1,095 in FFY2022.

Since FFY 2012, Kentucky has made major strides in addressing KPDES non-compliance. Kentucky has been one of the leading states nationally in NetDMR implementation. Kentucky has made major efforts to improve KPDES compliance in the surface coal mining industry, including annual DMR compliance reviews of all coal permits and the initiation and resolution of formal enforcement actions for KPDES non-compliance. The Division will continue to implement DMR Compliance Automation to further improve compliance rates at KPDES permitted facilities and to improve surface water quality in the Commonwealth.



eCLEARINGHOUSE REVIEWS

The eClearinghouse is the portal by which applicants can apply for State Assistance Requests (SARs) and Federal Assistance Requests (FARs) for various environmental and economic projects.

The in-depth National Environmental Policy Act (NEPAs) reviews constitute a substantial use of the branch staff time as they require a comprehensive look into the applicant. These reviews look at a variety of different items including: any previous or current enforcement action, any compliance issues, any impacted areas in the proposed project area and if it would further the goals of the Cabinet. The goal is to review these projects for current and potential future environmental impacts. COB staff have completed 559 eclearinghouse reviews and 6 NEPA Reviews. The Commissioner's Office Staff complimented the division staff on their quality, detailed and timely reviews.



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ANNUAL REPORT

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