

FILED
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Office of Administrative Hearings

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
CASE NO. 19-2-0069

IN RE: Shamrock Technologies, Inc.
Community Drive (AI #46709)
Industrial Park Drive (AI# 38464)
McKinley Street (AI# 46707)
Henderson, KY

AGREED ORDER

WHEREAS, the parties to this Agreed Order, the Energy and Environment Cabinet (hereinafter "Cabinet") and Shamrock Technologies, Inc. (hereinafter "Shamrock") state:

STATEMENTS OF FACT

1. The Cabinet is charged with the statutory duty of enforcing KRS Chapter 224 and the regulations promulgated pursuant thereto.

2. Shamrock, a New York corporation, is a producer of specialty micronized powders, dispersions, emulsions, and other compounds including polytetrafluoroethylene (PTFE), polyethylene, polypropylene, fluoropolymers, custom wax alloys, natural waxes, and specialty additives. Shamrock owns and operates three manufacturing facilities in Henderson, Kentucky (collectively the "Shamrock Facilities"): (1) 301 Community Drive, (2) 5233 Industrial Park Drive, and (3) 109 N. McKinley Street. The facilities process PTFE from industrial, pre-consumer sources and off-specification products.

3. Shamrock acquired the Community Drive facility in 1998. Process operations at the facility include irradiation, baking, milling and packaging. The facility is a registered hazardous waste generator and is classified as a Conditional Major source under the Kentucky air

quality regulations, holding Permit No. F-16-021 R1. Process and emission controls are in place to reduce particulate matter and hydrogen fluoride emissions.

4. Shamrock acquired the Industrial Park Drive facility in 2007. Process operations at the facility consist of chopping, milling, drying and packaging. The facility is classified as a state origin (minor) source under the Kentucky air quality regulations, holding Permit No. S-15-041 R1. Process controls reduce emissions of particulate matter and volatile organic compounds.

5. Shamrock acquired the McKinley Street facility in 1996. An adjacent tract was acquired in 2012. Process operations at the facility consist of milling and packaging. The McKinley Street facility is a registered source under the Kentucky air quality regulations. Process controls reduce emissions of particulate matter.

6. In connection with a possible transaction, Shamrock conducted an environmental assessment of each Henderson site, consisting of limited soil and groundwater sampling for potential contaminants including Per- and Poly- Fluoro-Alkylated Substances (“PFAS”). Following receipt of the results of the assessment, Shamrock met with the Kentucky Department for Environmental Protection (“KDEP”) on December 7, 2018 and reported the discovery of certain PFAS in the samples.

7. At the December 7, 2018 meeting, Shamrock also voluntarily disclosed to KDEP that three 1,500 gallon in-ground tanks had been installed at the Community Drive facility in 2014 to manage water from a containment area associated with the wet scrubbers and stormwater runoff from the building roof. The tank system was designed to allow settling of solids and confirmation of pH prior to discharge. Neither a construction permit nor a Kentucky Pollutant Discharge Elimination System (“KPDES”) permit was obtained for the tank system. The discharge occurred intermittently, flowing to the ditch along the roadway in front of the Community Drive facility.

8. Representatives of KDEP and Shamrock met on December 20, 2018 and January 10, 2019 to discuss the path forward and a preliminary schedule for early actions, short-term and long-term actions for identification of the source(s) of the contaminants of concern, identification of exposure pathways and environmental impacts and determination of appropriate corrective actions pursuant to KRS 224.

9. The following early actions have been completed to date:

- a. KDEP identified the need for an early action to determine if the finished drinking water being generated at the Henderson North and Henderson South Water Treatment Plants contained PFAS compounds. KDEP, on February 1, 2019, collected samples at both of the aforementioned water treatment facilities. The analytical results from the samples indicated that there were no detections exceeding the detection limit for PFAS compounds from samples collected at the Henderson South Treatment Plant, which obtains its source water from the Green River. PFAS compounds particularly PFOA and PFOS were detected in the samples collected at the Henderson North Plant at concentrations of 5.1 nanograms per liter or parts per trillion (ppt). The total PFAS detected in the samples from the Henderson North Plant, which obtains its source water from the Ohio River, were an order of magnitude lower than the United States Environmental Protection Agency's ("USEPA's") health advisory for drinking water of 70 parts per trillion (ppt).
- b. KDEP conducted a site visit on February 4, 2019 to observe process operations and conditions at the facilities.

- c. In response to KDEP's request, Shamrock conducted a review of the Division of Water database of wells within a one-mile radius of each facility to identify potential private drinking water wells.
- d. Subsequently, KDEP reviewed this information and performed a well reconnaissance in the field. On March 12, 2019, KDEP collected water samples from six active privately-owned wells that are located within a 1-mile radius of the Shamrock Facilities. Analytical results from five of the wells indicated that PFAS compounds were not present at concentrations exceeding the detection limit. Analytical results from one of the wells indicated a detection of PFAS compounds that slightly exceeded the method detection limit. Therefore, none of the water samples collected from the privately-owned wells contained PFAS compounds at concentrations that exceed the USEPA's health advisory level in drinking water of 70 ppt.
- e. KDEP and Shamrock identified potential PFAS emissions sources to be tested. A test protocol for all sources except one was submitted on March 13, 2019 and approved by letter dated March 25, 2019. A separate test protocol for the remaining source was submitted on May 3, 2019 and approved on May 15, 2019. Source testing was conducted the weeks of March 25 and April 1, with testing of two remaining sources occurring from May 29 through May 31, 2019. The test report for the first testing deployment was submitted to KDEP on June 28, 2019, with an addendum submitted August 16, 2019. The test report for the second deployment was

submitted to KDEP on August 16, 2019. The reports have been reviewed and approved by KDEP.

- f. At KDEP's direction, Shamrock submitted a Tank Closure Plan, dated March 21, 2019, which was approved by KDEP by letter dated April 2, 2019. The tank removal project was completed on May 8, 2019. The tank closure implementation letter report was submitted to KDEP on June 6, 2019. The report has been reviewed and approved by KDEP.
- g. At KDEP's direction, Shamrock submitted an Atmospheric Deposition Modeling Protocol for agency review on April 26, 2019. KDEP provided comments by letter dated June 10, 2019 which were accepted by Shamrock. The deposition modeling was completed and the Atmospheric Deposition Modeling Assessment Report was submitted to KDEP on September 10, 2019. The report has been reviewed and approved by KDEP.
- h. Since December 2018, Shamrock has implemented a number of projects to reduce potential PFAS sources including the following: (1) improved housekeeping standards, (2) installation of filters on wall fans at the Community and McKinley facilities, (3) installation of dust containment measures for four mills at the Community facility, (4) addition of explosion proof vacuums to improve fugitive dust cleanup at the Community and McKinley facilities, and (5) installation of roof and scrubber water collection tanks inside the Community facility.

10. Pursuant to KRS 224.1-400(18), the Cabinet directed Shamrock to characterize the nature and extent, as necessary to make corrective action proposals, of identified release(s)

of hazardous substances, pollutants, and contaminants impacting environmental media and to take necessary remedial actions. The Cabinet acknowledges that Shamrock has satisfied any applicable reporting obligations.

11. The following short-term actions have been completed to date:
 - a. As requested by KDEP, Shamrock submitted an On-Site Characterization Field Sampling and Analysis Plan (“On-Site SCP”) on May 6, 2019 for KDEP review. The scope of the SCP was to gather analytical and other data from each of the three Shamrock properties identified above related to potential impacts of PFAS compounds on environmental media, specifically related to soil, groundwater and surface water impacts. The SCP was approved by KDEP in a letter dated May 21, 2019. In accordance with the approved schedule, site mobilization to commence the SCP began on June 17, 2019.
 - b. Representatives of Shamrock met with KDEP on September 25, 2019 to present the results of implementation of the On-Site SCP.
 - c. The On-Site Site Characterization Report (On-Site SCR) is currently being reviewed by KDEP.

12. Shamrock denies that PFAS are classified as hazardous substances, pollutants or contaminants under KRS 224.1-010 and KRS 224.1-400. Further, Shamrock denies any violation of law, regulation or permit and entry into this Agreed Order does not constitute an admission of any factual assertions contained in this Agreed Order, noncompliance or wrongdoing.

NOW, THEREFORE, in the interest of settling all civil claims and controversies involving alleged violations and deficiencies, the parties hereby consent to the entry of this Agreed Order and agree as follows:

REMEDIAL MEASURES

Site characterization activities, including the characterization activities and data generated from the early actions already completed in Paragraphs 9a through 9g and 11 above, shall be used to develop a Conceptual Site Model (“CSM”) and to support the identification and selection of any necessary corrective actions. The characterization efforts, both on-site and off-site, shall identify (1) the potential sources of the release of PFAS compounds, (2) the exposure pathway(s), which is the route that PFAS compounds may travel from the source, and (3) how a receptor may come into contact with the PFAS compounds.

On-Site Characterization

13. The Cabinet shall review the On-Site SCR and determine if the characterization was conducted and report prepared in accordance with the requirements of the approved SCP. The Cabinet shall respond in writing to Shamrock, either approving the SCR, issuing a Notice of Deficiency (“NOD”) if necessary, or a determination that additional work is necessary to comply with the approved SCP.

14. Shamrock shall respond to an NOD within sixty (60) days of receipt. The Cabinet shall review the response to the NOD and respond to Shamrock in writing either approving the On-Site SCR or issuing an NOD. Shamrock shall have sixty (60) days to respond in writing to the NOD or request a final determination which shall be subject to review under KRS 224.10-420(2).

15. Within sixty (60) days of receipt of any Cabinet determination that additional work is necessary, a Supplemental On-Site SCP shall be submitted to the Cabinet for review. The Cabinet shall review the Supplemental On-Site SCP and respond in writing to Shamrock either approving the plan or issuing an NOD.

16. Shamrock shall respond to an NOD within sixty (60) days of receipt. The Cabinet shall review the NOD response and respond to Shamrock in writing either approving or disapproving the Supplemental On-Site SCP or issuing an NOD. If the Cabinet disapproves the Supplemental On-Site SCP, Shamrock reserves its right to seek review of the Cabinet's determination pursuant to KRS 224.10-420(2). If the Cabinet issues an NOD, Shamrock shall have sixty (60) days to respond in writing to the NOD or request a final determination which shall be subject to review under KRS 224.10-420(2)

17. Any approved Supplemental On-Site SCP shall be implemented according to the schedule contained therein.

18. Within sixty (60) days of completion of any Supplemental On-Site SCP Shamrock shall submit an Amended On-Site SCR to the Cabinet for approval. The Cabinet shall review the Amended On-Site SCR and respond in writing to Shamrock by issuing an NOD if needed, approving the Amended SCR, or determining that additional work is necessary to comply with the Supplemental Characterization Workplan.

19. Shamrock shall respond to an NOD within sixty (60) days of receipt of the NOD. The Cabinet shall review the response to the NOD and respond to Shamrock in writing either approving the Amended On-Site SCR or issuing an NOD. Shamrock shall have sixty (60) days to respond in writing to the NOD or request a final determination which shall be subject to review under KRS 224.10-420(2).

20. If the Cabinet determines that additional work is needed, Shamrock reserves its right to seek review of the Cabinet's determination pursuant to KRS 224.10-420(2).

Off-Site Characterization

21. Within ninety (90) days of entry of this Agreed Order, Shamrock shall submit an Off-Site Characterization Workplan ("Off-Site SCP"). In addition to other information, the Off-Site SCP shall address the results of the Atmospheric Deposition Modeling Assessment Report previously submitted under Paragraph 9.g. The Cabinet shall review the Off-Site SCP and determine if it is consistent with the requirement to determine the nature and extent of contamination from the Shamrock Facilities to develop the CSM and to support the identification and selection of any necessary corrective actions. The Cabinet shall respond in writing to Shamrock, either approving the Off-Site SCP or issuing an NOD.

22. Shamrock shall respond to the NOD within sixty (60) days of receipt. The Cabinet shall review the response to the NOD, including any amendment to the Off-Site SCP, and respond in writing to Shamrock either approving the Off-Site SCP as amended or issuing an NOD. Shamrock shall have sixty (60) days to respond in writing to the NOD including any amendment to the OSCP. If the Cabinet disapproves the OSCP as amended, Shamrock reserves its right to seek review of the Cabinet's determination pursuant to KRS 224.10-420(2).

23. An approved Off-Site SCP shall be implemented in accordance with the schedule contained therein. Upon completion of the work, Shamrock shall submit an Off-Site Characterization Report ("Off-Site SCR") to KDEP.

24. The Cabinet shall review the Off-Site SCR and determine if the characterization was conducted and report prepared in accordance with the requirements of the approved Off-

Site SCP. The Cabinet shall respond in writing to Shamrock, either approving the Off-Site SCR, issuing an NOD, or a determination that additional work is necessary to comply with the approved Off-Site SCP.

25. Shamrock shall respond to an NOD within sixty (60) days of receipt. The Cabinet shall review the response to the NOD and respond to Shamrock in writing either approving the Off-Site SCP or issuing an NOD. Shamrock shall have sixty (60) days to respond in writing to the NOD or request a final determination which shall be subject to review under KRS 224.10-420(2).

26. Within sixty (60) days of receipt of any Cabinet determination that additional work is necessary, a Supplemental Off-Site SCP shall be submitted to the Cabinet for review. The Cabinet shall review the Supplemental Off-Site SCP and respond in writing to Shamrock either approving the Supplemental OSCP or issuing an NOD if needed.

27. Shamrock shall respond to an NOD within sixty (60) days of receipt. The Cabinet shall review the response to the NOD and respond to Shamrock in writing either approving or disapproving the Supplemental Off-Site SCP or issuing an NOD. If the Cabinet disapproves the Supplemental Off-Site SCP, Shamrock reserves the right to seek review of the Cabinet's determination pursuant to KRS 224.10-420(2). If the Cabinet issues an NOD, Shamrock shall have sixty (60) days to respond in writing to the NOD or request a final determination which shall be subject to review under KRS 224.10-420(2)

28. An approved Supplemental Off-Site SCP shall be implemented according to the schedule contained therein.

29. Within sixty (60) days of completion of any Supplemental Off-Site SCP, Shamrock shall submit an Amended Off-Site SCR to the Cabinet for approval. The Cabinet

shall review the Amended Off-Site SCR and respond in writing to Shamrock by issuing an NOD if needed, approving the Amended Off-Site SCR, or determining that additional work is necessary to comply with the Supplemental Off-Site SCP.

30. Shamrock shall respond to an NOD within sixty (60) days of receipt of the NOD. The Cabinet shall review the response to the NOD and respond to Shamrock in writing either approving the Amended Off-Site SCR or issuing an NOD. Shamrock shall have sixty (60) days to respond in writing to the NOD or request a final determination which shall be subject to review under KRS 224.10-420(2)

31. If the Cabinet determines that additional work is needed, Shamrock reserves its right to seek review of the Cabinet's determination pursuant to KRS 224.10-420(2).

CORRECTIVE ACTION

32. Shamrock shall develop a Conceptual Site Model (CSM) based on the results from the approved On-Site and Off-Site Characterization Reports.

33. The CSM shall include preliminary corrective action recommendations.

34. Cabinet shall review and evaluate the CSM to determine if sufficient information is available to determine what Corrective Actions are necessary and notify Shamrock in writing whether a Corrective Action Plan ("CAP") is required.

35. Within ninety (90) days of receipt of any Cabinet determination that additional information is necessary for the CSM, Shamrock shall submit a Supplemental Work Plan to develop the additional information. If the Cabinet disapproves the Supplemental Work Plan, Shamrock reserves its right to seek review of the Cabinet's determination pursuant to KRS 224.10-420(2).

36. Within one hundred and eighty (180) days of receiving notification that a CAP is required, Shamrock shall submit a CAP to the Cabinet which complies with the requirements of KRS 224.1-400 and 401 KAR 100:030.

37. The CAP shall propose to KDEP corrective actions to protect human health and the environment from releases of PFAS compounds from the identified Shamrock sources.

The CAP shall identify specific activities proposed, potentially including:

- a. The CAP shall be consistent with the corrective action options required in 401 KAR 100:030 Section 8(3).
- b. A plan to eliminate, reduce, or mitigate secondary sources that are continuing sources to on-site groundwater and surface water as applicable.
- c. A plan to eliminate, reduce or mitigate the release of PFAS compounds through air emissions that may impact human health and the environment which would be implemented through an application to the Division for Air Quality.
- d. Shamrock may conduct and prepare an area-specific human health risk assessment in accordance with 401 KAR 100:030 to support the corrective actions it proposes.

38. The CAP shall include a schedule for implementation and completion.

39. Cabinet shall review and evaluate the CAP to determine if it complies with KRS 224.1-400 and this Agreed Order. The Cabinet shall respond in writing to Shamrock either approving the CAP or issuing an NOD.

40. Shamrock shall respond to an NOD within sixty (60) days of receipt. The Cabinet shall review the response to the NOD, including any amendment to the CAP, and respond in writing to Shamrock either approving the CAP or issuing an NOD.

41. Shamrock shall have sixty (60) days to respond in writing to the NOD or request a final determination which shall be subject to review under KRS 224.10-420(2).

42. Shamrock shall implement the corrective actions in accordance with the schedule of implementation contained in the approved CAP and any amendment thereto.

43. Within ninety (90) days of completion of implementation of the CAP, Shamrock shall submit a Correction Action Completion Report (“CAR”) in accordance with KRS 224.1-400.

44. The Cabinet shall review the CAR and determine if the CAP has been fully implemented and the report meets the requirements of KRS 224.1-400 and the provisions of this Agreed Order. The Cabinet shall respond in writing to Shamrock, either approving the CAR or issuing an NOD. Shamrock shall respond to the NOD within sixty (60) days of receipt.

45. The Cabinet shall review the response to an NOD, including any amendment to the CAR, and respond in writing to Shamrock either approving the CAR or issuing an NOD. Shamrock shall have sixty (60) days to respond in writing to the NOD or request a final determination which shall be subject to review under KRS 224.10-420(2).

46. If upon review of the CAR and any amendments thereto, the Cabinet determines that no further remediation is required under the CAP and any supplemental CAP, the Cabinet shall notify Shamrock in writing.

47. All submittals required by the terms of this Agreed Order shall be submitted to: Director, Division of Waste Management, 300 Sower Blvd., Frankfort, Kentucky 40601.

FORCE MAJEURE

48. Shamrock shall complete all remedial measures within the time limits set forth in this Agreed Order or as approved by the Cabinet unless the performance is prevented or delayed solely by events which constitute a force majeure.

49. A force majeure event is defined as an event arising from causes not reasonably foreseeable and beyond the control of Shamrock or its consultants or engineers or contractors, which could not be overcome by Shamrock's due diligence and which delays or prevents performance as required by this Agreed Order.

50. Force majeure events do not include unanticipated or increased costs of performance, changed economic or financial circumstances, normal precipitation events, or failure of a contractor to perform or failure of a supplier to deliver.

51. Shamrock shall notify the Director of the Division of Waste Management, by the end of the next business day and in writing within ten (10) business days after it becomes aware of events, which it knows or should reasonably know, may constitute a force majeure. The notice shall provide an estimate of the anticipated length of delay, including any necessary period of time for demobilization and remobilization of contractors or equipment; a description of the cause of delay; and a description of measures taken or to be taken to minimize delay, including a timetable for implementing these measures. The Director of the Division of Waste Management will respond in writing to any written notice received.

52. Failure to comply with the notice provisions shall be grounds for the Cabinet to deny granting an extension of time.

53. If Shamrock successfully demonstrates to the Cabinet that the delay has been or will be caused by a force majeure event, the Cabinet may grant an extension of the time. In such cases, Shamrock will be granted a period of time at least equal to the length of delay.

54. All force majeure extensions shall be accomplished through a written amendment of this Agreed Order.

55. If a dispute arises over the occurrence or impact of a force majeure event and cannot be resolved, the Cabinet reserves the right to deny the applicable plan or report and Shamrock reserves the right to request a hearing pursuant to KRS 224.10-420(2).

MISCELLANEOUS PROVISIONS

56. This Agreed Order only resolves the alleged circumstances specifically described above. Other than those matters resolved by entry of this Agreed Order, nothing contained herein shall be construed to waive or to limit any remedy or cause of action by the Cabinet based on statutes or regulations under its jurisdiction and Shamrock reserves its defenses thereto. The Cabinet expressly reserves its right at any time to issue administrative orders and to take any other action it deems necessary that is not inconsistent with this Agreed Order, including the right to order all necessary remedial measures, assess penalties for violations, or recover all response costs incurred, and Shamrock reserves its defenses thereto.

57. This Agreed Order shall not prevent the Cabinet from issuing, reissuing, renewing, modifying, revoking, suspending, denying, terminating, or reopening any permit to Shamrock. Shamrock reserves its defenses thereto, except that Shamrock shall not use this Agreed Order as a defense to those permitting actions.

58. Shamrock waives its right to any hearing on the matters admitted herein. However, failure by Shamrock to comply strictly with any or all of the terms of this Agreed Order shall be

grounds for the Cabinet to seek enforcement of this Agreed Order in Franklin Circuit Court and to pursue any other appropriate administrative or judicial action under KRS Chapter 224 and the regulations promulgated pursuant thereto.

59. The Agreed Order may not be amended except by a written order of the Cabinet's Secretary or his designee. Shamrock may request an amendment by writing the Director of the Division of Enforcement at 300 Sower Blvd., Frankfort, Kentucky 40601, and stating the reasons for the request. If granted, the amended Agreed Order shall not affect any provision of this Agreed Order unless expressly provided in the amended Agreed Order.

60. The Cabinet does not, by its consent to the entry of this Agreed Order, warrant or aver in any manner that Shamrock's complete compliance with this Agreed Order will result in compliance with the provisions of KRS Chapter 224 and the regulations promulgated pursuant thereto. Notwithstanding the Cabinet's review and approval of any plans formulated pursuant to this Agreed Order, Shamrock shall remain solely responsible for compliance with the terms of KRS Chapter 224 and the regulations promulgated thereto, this Agreed Order, and any permit and compliance schedule requirements.

61. Shamrock shall give notice of this Agreed Order to any purchaser, lessee or successor in interest prior to the transfer of ownership and/or operation of any part of the facility occurring prior to termination of this Agreed Order, shall notify the Cabinet that such notice has been given, and shall follow all statutory requirements for a transfer. Whether or not a transfer takes place, Shamrock shall remain fully responsible for payment of all civil penalties and for performance of all remedial measures identified in this Agreed Order.

62. The Cabinet agrees to allow the performance of the above listed remedial measures by Shamrock to satisfy Shamrock's obligations to the Cabinet generated by the alleged circumstances described above.


63. The Cabinet and Shamrock agree that the remedial measures agreed to herein are facility-specific and designed to comply with the statutes and regulations cited herein. This Agreed Order applies specifically and exclusively to the unique facility referenced herein and is inapplicable to any other site or facility.

64. This Agreed Order shall be of no force and effect unless and until it is entered by the Secretary or his designee as evidenced by his signature thereon. If this Agreed Order contains any date by which Shamrock is to take any action or cease any activity, and the Secretary enters the Agreed Order after that date, then Shamrock is nonetheless obligated to have taken the action or ceased the activity by the date contained in this Agreed Order.

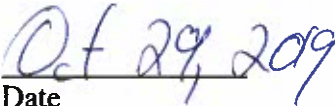
TERMINATION

65. This Agreed Order shall terminate upon Shamrock's completion of all requirements described in this Agreed Order. Shamrock may submit written notice to the Cabinet when it believes all requirements have been performed. The Cabinet will notify Shamrock in writing of whether it intends to agree with or object to termination. The Cabinet reserves its right to enforce the Agreed Order, and Shamrock reserves its right to file a petition for hearing pursuant to KRS 224.10-420(2) contesting the Cabinet's determination.

AGREED TO BY:




William B. Neuberg, President
Shamrock Technologies, Inc.



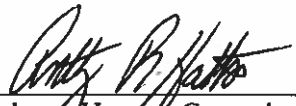
Date

HAVE SEEN:




Carolyn M. Brown
Dinsmore & Shohl LLP
Counsel for Shamrock Technologies, Inc.

APPROVAL RECOMMENDED BY:



Anthony Hutton, Commissioner
Department for Environmental Protection

10/31/2019
Date



John G. Horne, II, Executive Director
Office of General Counsel

10/31/19
Date

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Energy and Environment Cabinet this 1st day of November, 2019.

ENERGY AND ENVIRONMENT CABINET

A handwritten signature in black ink, appearing to read 'R. Bruce Scott', written over a horizontal line.

R. Bruce Scott, Deputy Secretary

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **AGREED ORDER** was mailed, postage prepaid, to the following this 1st day of November, 2019.

William B. Neuberg, President
Shamrock Technologies, Inc.
Foot of Pacific Street
Newark, NJ 07114

Carolyn M. Brown
Dinsmore & Shohl LLP
100 West Main Street
Suite 900
Lexington, KY 40507

And mailed, messenger to:

Anthony Hatton, Commissioner
Department of Environmental Protection
300 Sower Boulevard
2nd Floor
Frankfort, KY 40601

John G. Horne, II, Executive Director
Office of General Counsel
300 Sower Blvd.
Frankfort, KY 40601



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