



ANDY BESHEAR
GOVERNOR

REBECCA W. GOODMAN
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
MADISONVILLE STATE OFFICE BUILDING
MADISONVILLE KY 42431-1683

ANTHONY R. HATTON
COMMISSIONER

September 29, 2020

Electronic Mail – shaynes@shamrocktechnologies.com
Confirmation Email Requested

Attn: Ms. Susan Haynes, EHS Manager
Shamrock Technologies
301 Community Dr
Henderson, KY 42420

Re: Notice of Violation
AI ID: 46709
AI Name: Shamrock Technologies
Activity ID: ENV20200001
Permit No.:
Henderson County, KY

Dear Ms. Haynes:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility during an investigation conducted on June 5, 2020. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 270-245-7159 or 270-825-7512.

Sincerely,

Jennifer Miller,
Environmental Scientist IV
Madisonville Regional Office
Division of Water

Enclosure

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: Shamrock Technologies
301 Community Dr
Henderson, KY 42420

AI Name: Shamrock Technologies **AI ID:** 46709 **Activity ID:** ENV20200001
Discovery ID: CIV20200001 **County:** Henderson
Enforcement Case ID:
Date(s) Violation(s) Observed: 06/05/2020

This is to advise that you are in violation of the provisions cited below:

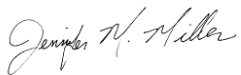
1	Violation Description for Subject Item AIOO0000046709():
	Any person who discharges or proposes to discharge pollutants and who does not have an effective permit shall submit a complete application, which shall include a BMP program. [401 KAR 5:060 Section 2(2)(a)]
	Description of Non Compliance:
	The responsible party has failed to apply for a General Stormwater KPDES permit for its activities in a timely manner.
	The remedial measure(s), and date(s) to be completed by are as follows:
	The responsible party shall apply for and obtain the necessary approvals/permits from the Division of Water (DOW) prior to commencement of activities. Within thirty (30) days of the receipt of this notice, the responsible party shall complete and submit an application for the proper KPDES permit to the Kentucky Division of Water's Surface Water Permits Branch, and provide documentation of this submittal to the undersigned. Failure to comply with these remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:060 Section 2(2)(a)]
2	Violation Description for Subject Item AIOO0000046709():
	Discharges composed entirely of storm water shall be required to obtain a KPDES permit if they are discharges associated with industrial activity; discharges from MS4s; discharges associated with small construction activity; discharges that the cabinet or the EPA Regional Administrator determines to need storm water controls based on waste load allocations that are part of total maximum daily loads (TMDLs) that address the pollutant(s) of concern; or discharges that the cabinet or the EPA Regional Administrator determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the Commonwealth. [401 KAR 5:060 Section 8] as in [40 C.F.R. 122.26]
	Description of Non Compliance:
	The responsible party has failed to obtain a KPDES permit from the Division of Water for its activities at the site.
	The remedial measure(s), and date(s) to be completed by are as follows:
	Within thirty (30) days from the receipt of this notice, the responsible party shall complete and submit an application for the proper KPDES permit to the Kentucky Division of Water. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:060 Section 8]


3	Violation Description for Subject Item AIOO0000046709():
	Any person possessing or controlling a hazardous substance, pollutant, or contaminant which is released to the environment, or any person who caused a release to the environment of a hazardous substance, pollutant, or contaminant, shall characterize the extent of the release as necessary to determine the effect of the release on the environment, and shall take actions necessary to correct the effect of the release on the environment. Any person required to take action under this subsection shall have the following options: (a) Demonstrating that no action is necessary to protect human health, safety, and the environment; (b) Managing the release in a manner that controls and minimizes the harmful effects of the release and protects human health, safety, and the environment, provided that the management may include any existing or proposed engineering or institutional controls and the maintenance of those controls; (c) Restoring the environment through the removal of the hazardous substance, pollutant, or contaminant; or (d) Any combination of paragraphs (a) to (c) of this subsection. [KRS 224.1-400(18)]
	Description of Non Compliance:
	The facility has failed to take proper precautions to control a hazardous substance, pollutant, or contaminant from being released to the environment.
	The remedial measure(s), and date(s) to be completed by are as follows:
	Within thirty (30) days from the receipt of this notice, the responsible party shall complete and submit a site characterization plan to characterize the extent of the release as necessary to determine the effect of the release on the environment and shall take actions necessary to correct the effect of the release on the environment. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.1-400(18)]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Water
Madisonville Regional Office
625 Hospital Dr
Madisonville, KY 42431-1683
270-825-7512 (8:00 AM – 4:30 PM)
Jennifer Miller, Environmental Scientist IV

Issued By: 
Jennifer Miller, Environmental Scientist IV
Date: September 29, 2020
Signed By: Jennifer Miller

Issued By: 
Randy Thomas, Environmental Control Supervisor
Date: September 29, 2020
Signed By: Randy Thomas

How Delivered: Electronic Mail Confirmation Email Requested